

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/CS/SB 1742

INTRODUCER: Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; Senators Bradley and Pizzo

SUBJECT: Condominium and Cooperative Associations

DATE: April 22, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Oxamendi</u>	<u>Yeatman</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1742 relates to the governance of condominium and cooperative associations, and the regulation of the community association managers (CAMs) who manage those communities.

Relating to CAMs, the bill:

- Revises the conflict-of-interest disclosure requirements for CAMs to:
 - Revise the circumstances that may be presumed to be a conflict of interest by defining the term “compensation” to mean any referral fee or other monetary benefit derived from a person, as defined in s. 1.01(3), F.S., providing products or services to the association and any ownership interests or profit-sharing arrangements with product or service providers recommended to, or used by, the association;
 - Exempt conflicts of interest that are disclosed in the management contract from the requirements in current law for the association to obtain multiple bids;
 - Provide additional notice requirements to the unit owners for the meeting of the association’s board in which the management contract with conflict of interest will be considered; and
 - Delete a provision authorizing the association to cancel, with the consent of at least 20 percent of the voting interests of the association, a management contract in which a conflict of interest has not been disclosed;

- Prohibits persons who have had their CAM license revoked from having an indirect or direct ownership interest in a CAM firm, or being an employee, partner, officer, director, or trustee of a CAM firm and may not reapply for 10 years;
- Requires CAMS to maintain and update an online account with the Department of Business and Professional Regulation (DBPR or department) in which they must indicate if they are providing services for a condominium, cooperative, or homeowners' association;
- Requires all CAM contracts to include a statement that they will abide by professional standards and the applicable community association recordkeeping requirements, if the contract includes recordkeeping services; and
- Requires the Division of Condominiums, Timeshares, and Mobile Homes (division) to give written notice to the CAM firm and the community association for which the manager performs community management services when a CAM's license is suspended or revoked.

Relating to the milestone inspection requirement for condominium and cooperative associations with buildings that are three or more stories in height, the bill:

- Requires local enforcement agencies, on or before October 1, 2025, to report to the department specified information regarding the inspections, including the number of buildings inspected, and a list of buildings that have been deemed unsafe or uninhabitable;
- Requires the department to contract with the University of Florida (UF) to create a report that provides comprehensive data, evaluation, and analysis of the milestone inspections that have been performed, and the report to be submitted to the Governor and the presiding officers of the Legislature;
- For the 2025-2026 fiscal year, appropriates the recurring sum of \$150,000 and the nonrecurring sum of \$100,000 to the department to contract with UF to implement the study; and
- Requires the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to schedule or commence repairs within 365 days after a phase two report is received.

Relating to insurance requirements for condominium associations:

- Provides that every condominium association must provide adequate property insurance;
- Provides that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or update of a previous appraisal; and
- Clarifies that the association's insurance coverage may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

Relating to the official maintenance of official records by condominium associations, the bill requires associations to keep as official records :

- Recordings of videoconference meetings;
- All bank statements and ledgers as official records;
- All affidavits required by ch. 718, F.S., including on the association's website;

- All recordings of videoconference meetings for at least one year after the date the video recording is posted on the association's website if there are approved minutes for a meeting held by video conference;
- All investment policy statements and all financial statements related to the association's investment of funds to be maintained as an official record, including on the association's website;
- On the association's website, the video recording or a hyperlink to the video recording for all meetings that are conducted by videoconference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months;
- All approved minutes of the board over the preceding 12 months on the association's website.

The bill requires associations to update the association's website within 30 days of any change.

The bill also revises the existing criminal provisions related to denying access to the official records to provide consistent terminology by providing that the violations must be performed "willfully and knowingly or intentionally."

Relating to the annual financial statement in condominium associations, the bill:

- Increases from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
- Provides that the association must deliver to unit owners either a copy of the financial report or a notice that a copy of the annual financial report will be provided in the manner requested by the unit owner via the mail, hand delivery, or electronically delivered via the Internet;
- Requires that an officer or director of the association sign an affidavit evidencing compliance with the requirements for delivery of the annual financial statement; and
- Requires the approval of a majority of all the voting interest to reduce the type of financial reporting, instead of a majority of the unit owners present at the meeting.

Relating to the conduct of the meetings in condominium associations, the bill:

- Allows condominium association to conduct meetings by video conferencing, including board meetings, budget meetings, and unit member meetings.
- Allows board members who appear by videoconference to vote, but their presence may not count towards a quorum;
- Requires meetings conducted by videoconference to be recorded and the recordings to be kept as official records;
- Requires that the notice for a meeting that is to be conducted by video conference must include a hyperlink to the videoconference and the address for the physical location of the meeting;
- Deletes requirements related to the posting of meeting notices on condominium property as an alternative to 14-day notice requirements;
- Deletes requirements related to the broadcasting of meeting notices; and
- Requires the division to adopt rules for the conduct of meetings by videoconference.

Relating to the budgeting process in condominium associations, the bill:

- Requires associations to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year;
- Requires that the substitute budget must be presented to the unit owners for approval before a budget can be adopted, instead of the current requirement that the unit owners must petition for consideration of a substitute budget after the budget is approved; and
- Revises the expenses that an association can exclude when determining whether assessments exceed 115 percent of the assessment of the preceding year by:
 - Removing “assessments for the betterment of the community” from the calculation;
 - Limiting the exclusion of anticipated expenses which the board does not expect to be incurred on a regular or annual basis to only those expenses related to the SIRS inspection items.

Relating to the maintenance of reserves by condominium and cooperative associations, the bill:

- Revises the term “alternative funding method” to allow all multicondominiums to use the method, which is currently limited to multicondominiums with 25 or more condominiums, and to allow the division to adopt additional funding methods for reserves by rule;
- Provides requirements and procedures for associations to invest reserve funds;
- Increases the monetary threshold for reserve items from \$10,000 to \$25,000;
- Adjusts for inflation the minimum threshold amount in the bill for deferred maintenance expense or replacement costs that exceed \$25,000;
- Allows associations to fund reserves by special assessments, regular assessments, lines of credit, and loans;
- Allows an association that is required to have a structural integrity reserve study (SIRS) may, with the approval of a majority of the voting interests of the association, secure a line of credit or a loan;
- Allows condominium boards to pause reserve funding without unit owner approval when the condominium building is declared uninhabitable by the local building official. Current law requires a vote of the members to pause reserves if the building has been declared uninhabitable;
- For a budget adopted on or before December 31, 2028, allows unit-owner controlled associations to temporarily pause or reduce reserve contributions for no more than the two consecutive annual budgets following a milestone inspection, upon a vote of a majority of the total voting interests, in order to fund needed repairs recommended by the milestone inspection. If an association pauses or reduces reserve funding, it must perform a SIRS before continuing reserve contribution in order to determine the association’s reserve funding needs and to recommend a reserve funding plan; and
- Provides that a board may change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Regarding SIRS requirements for condominium and cooperative associations, the bill:

- Extends the deadline by which for associations must complete a required SIRS from December 31, 2024, to December 31, 2025;
- Requires design professionals, e.g., architects and engineers, and licensed contractors bidding on a SIRS to disclose in writing if they intend to bid on maintenance, repair, or replacement

work related to the SIRS. They cannot have a direct or indirect interest in the firm conducting the study or be related to someone with such an interest unless disclosed to the association in writing. Failure to disclose makes the contract voidable and may result in professional discipline;

- Requires that the SIRS, at minimum, include a reserve “baseline” funding plan that ensures that the reserve cash balance stays above zero. It may suggest alternative funding schedules if such funding schedules meet the association’s maintenance obligations;
- Requires that the SIRS must differentiate between mandatory reserve items and other reserve items;
- Allows associations that have completed a required milestone inspection to delay the SIRS for up to two budget years to prioritize funding for repairs and maintenance as required by the milestone inspection;
- Requires officers and directors of associations to sign an affidavit acknowledging receipt of a completed SIRS; and
- Requires the division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission (commission).

Regarding presale disclosure for condominium and cooperative associations, the bill:

- Revises the pre-sale notice requirements that sellers of a unit must provide a copy of the most recent year-end-financial statement and annual budget.
- Extends the three-day rescission period for condominium sales by nondeveloper unit owners to seven days. The current rescission period for developer sales is 15 days.

The bill expands the condominium jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections and repairs;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds;
- Board member education requirements; and
- Reporting requirements related to SIRS.

The bill requires condominium and cooperative associations to create an online account with the division on or before December 31, 2025, and provide specified information requested by the division. The bill limits the division to requesting information only once per year, except for updates to the contact information, and requires the division to give at least a 45-day notice for any request for information. The information that may be requested by the division is limited to the types of information specified in the bill, which includes:

- Contact information for the association, its members of the board, and its CAM; and
- Information about the association, such as the number of units, age of buildings, and assessments, including the purpose for the assessments.

The bill revises the term “official investigation” to include official investigations by the division for alleged violations of ss. 914.22 and 914.23, F.S., which relate to the criminal prohibitions against tampering with, harassing, or retaliating against a witness, victim, or informant.

Regarding the creation of condominiums within a portion of a building or within a multiple parcel building, the bill revises the provision in s. 31 of ch. 2024-244, Laws of Florida, which

provides that the provisions in that act related to condominiums within a portion of a building or within a multiple parcel building are intended to clarify existing law and shall apply retroactively, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after October 1, 2024.

The bill has a significant negative fiscal impact on state expenditures. For the 2025-2026 fiscal year, the bill appropriates \$150,000 in recurring and \$100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the DBPR for the purpose of implementing the provisions of this bill. See Section V., Fiscal Impact Statement.

Except as otherwise expressly provided, the bill takes effect July 1, 2025.

II. Present Situation:

Milestone Inspections

Section 553.899, F.S., requires residential condominium and cooperative buildings that are three stories or more in height, as determined by the Florida Building Code, to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency¹ will provide written notice of the required inspection to the association.²

Local enforcement agencies that are responsible with enforcing the milestone inspection requirements may set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater.³ Local enforcement agencies may also extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the buildings have entered into a contract with an architect or engineer to perform the milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline.⁴

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

The milestone inspection requirement applies to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings. Consequently, all owners of a mixed-ownership building in which portions of the building are

¹ Section 553.71(5), F.S., defines the term "local enforcement agency" to mean "an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities."

² Section 553.899(3), F.S.

³ Section 553.899(3)(b), F.S.

⁴ Section 553.899(3)(c), F.S.

subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection.

The purpose of a milestone inspection is to determine the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determine the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building.⁵ The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.⁶ The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.⁷

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

- Requires that a phase one milestone inspection must commence within 180 days after an association receives a written notice from the local enforcement agency.
- Requires that a phase two milestone inspection must be performed if any substantial deterioration is identified during phase one.⁸
- Provides the minimum contents of a milestone inspection report.
- Requires inspection report results to be provided to local building officials and the affected association.
- Requires that the contract between an association that is subject to the milestone inspection requirement and a community association manager (CAM) or CAM firm must require compliance with those requirements as directed by the board.
- Requires the local enforcement agency to review and determine if a building is safe for human occupancy if an association fails to submit proof that repairs for substantial deterioration have been scheduled or begun within at least 365 days after the local enforcement agency receives a phase two inspection report.

Within 45 days after receiving a milestone inspection report, the condominium or cooperative association must distribute a copy of an inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner. The inspector-prepared summary must be provided to unit owners, regardless of the findings or recommendations in the report, by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under ch. 718, F.S., or ch. 719, F.S., as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission. The association must also post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative

⁵ Section 553.899(2)(a), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 553.899(2)(b), F.S., defines “substantial structural deterioration” to mean “substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.”

property and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

Condominium and Cooperative Associations

Chapters 718 and 719, F.S.

Chapter 718, F.S., relating to condominiums, and ch. 719, F.S., relating to cooperatives, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,⁹ recordkeeping requirements, including which records are accessible to the members of the association,¹⁰ and financial reporting.¹¹ Timeshare condominiums are generally governed by ch. 721, F.S., the “Florida Vacation Plan and Timesharing Act.”

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

Condominiums

A condominium is a “form of ownership of real property created under ch. 718, F.S.”¹² the “Condominium Act.” Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.¹³ For unit owners, membership in the association is an unalienable right and required condition of unit ownership.¹⁴

A condominium association is administered by a board of directors referred to as a “board of administration.”¹⁵ The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.¹⁶

Cooperatives

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

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

⁹ See ss. 718.112(2) and 719.106(2)(c), F.S., for condominium and cooperative associations, respectively.

¹⁰ See ss. 718.111(12) and 719.104(2), F.S., for condominium and cooperative associations, respectively.

¹¹ See ss. 718.111(13) and 719.104(4), F.S., for condominium and cooperative associations, respectively.

¹² Section 718.103(11), F.S.

¹³ See s. 718.103, F.S., for the terms used in the Condominium Act.

¹⁴ *Id.*

¹⁵ Section 718.103(4), F.S.

¹⁶ Section 718.103(2), F.S.

possession granted by the association as the owner of all the cooperative property.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative owner receives an exclusive right to occupy the unit based on their ownership interest in the cooperative entity as a whole. A cooperative owner is either a stockholder or member of a cooperative apartment corporation who is entitled, solely by reason of ownership of stock or membership in the corporation, to occupy an apartment in a building owned by the corporation.¹⁷ The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.¹⁸

Additional Issues

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

III. Effect of Proposed Changes:

Milestone Inspections

Present Situation

Section 553.899(11), F.S., provides that boards of county commissioners or municipal governing bodies may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to the milestone inspection requirement schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. The local enforcement agency must review and determine if the building is unsafe for human occupancy in the event an owner of the building fails to submit proof that repairs have been scheduled or have commenced within the required timeframe.

Current law does not require local enforcement agencies to submit a report to the Department of Business and Professional Regulation (DBPR or department) with information about the milestone inspections conducted within their jurisdiction.

Effect of Proposed Changes

The bill creates s. 553.899(3)(e), F.S., to require local enforcement agencies to report, on or before October 1, 2025, and on or before each December 31 thereafter, to the local enforcement agency, in an electronic format determined by the department, information that may include, but is not limited to:

¹⁷ See *Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3d DCA 2019), review dismissed 2020 WL 3442763 (Fla. 2020).

¹⁸ See ss. 719.106(1)(g) and 719.107, F.S.

- The number of buildings required to have a milestone inspection within the agency's jurisdiction.
- The number of buildings for which a phase one milestone inspection has been completed.
- The number of buildings granted an extension under s. 553.899(3)(c), F.S.
- The number of buildings required to perform a phase two milestone inspection.
- The number of buildings for which a phase two milestone inspection has been completed.
- The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.
- A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.
- The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

The bill creates s. 553.899(3)(f), F.S., to require, if funds are appropriated, the DBPR to contract with the University of Florida (UF) for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the department.

Under the bill, all local enforcement agencies that are responsible for milestone inspections must provide UF with a copy of any phase one or phase two milestone inspection report by the date specified by the commission in a manner prescribed by UF, which may request any additional information from a local enforcement agency which the university requires to complete this report.

The bill requires UF to compile the report and the department to transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill amends s. 553.899(11), F.S., to require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

Community Association Managers

Present Situation

Community association managers (CAMs) are licensed and regulated by the Regulatory Council of Community Association Managers within the department pursuant to part VIII of ch. 468, F.S.

Section 468.431(2), F.S., defines "community association management" to mean:

any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating

maintenance for the residential development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community association and do not assist in any of the management services.¹⁹

Sections 468.436 and 455.227(1), F.S., provide the grounds for suspending, revoking, or denying a CAM license, which include violations of part VIII of ch. 468, F.S, ch. 718, F.S., relating to condominium associations, ch. 719, F.S., relating to cooperative associations, and ch. 720, F.S., relating to homeowners' associations. An applicant for a CAM license may also have a license denied because of a previous license revocation.²⁰

Section 468.4334(1)(a), F.S., requires CAMs and CAM firms under a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, F.S., to comply with that section as directed by the board of the association.

Section 468.4335, F.S., provides conflict-of-interest disclosure requirements and a process for associations to follow when approving contracts with CAMs and CAM firms, or with a relative of such persons, that may present a conflict of interest. A CAM or CAM firm, including the directors, officers, persons with a financial interest in the CAM firm and relatives of such persons, must disclose any activity which may reasonably be construed by the board to be a conflict of interest. Additionally, s. 468.4335, F.S.:

- Creates a rebuttable presumption of an existing conflict of interest if a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or the relative of such persons:
 - Enters into a contract for goods or services with the association, other than community association management services.
 - Holds an interest in or receives compensation or any thing of value from a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.
- Provides that, if the association receives and considers a bid to provide a good or service that exceeds \$2,500, other than community association management services, from a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or a relative of such persons, the association must also solicit multiple bids from other third-party providers of such good or service.
- Defines the term “relative” to mean a relative within the third degree of consanguinity by blood or marriage of a board member or officer.
- Requires that the proposed activity that may be a conflict of interest must be listed on, and all contracts and transactional documents related to the proposed activity, must be attached to, the board’s meeting agenda and entered into the written minutes of the meeting.
- Requires the board must approve the contracts with a potential conflict of interest, and all management contracts, by an affirmative vote of two-thirds of all directors present.

¹⁹ Section 468.431(2), F.S.

²⁰ Section 455.227(1)(f), F.S.

If the contract is canceled because the board finds that the CAM or CAM firm has violated the disclosure requirements, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

If the activity has not been properly disclosed as a conflict of interest or potential conflict of interest, the contract is voidable and terminates upon the association filing a written notice terminating the contract with the consent of at least 20 percent of the voting interests of the association for the written notice terminating the management services contract.

CAM's are not required to maintain an online licensure account with the Division of Condominiums, Timeshares, and Mobile Homes (division) within the department.

Effect of Proposed Changes

The bill amends s. 468.432(2), F.S., to provide that a person who has had his or her CAM license revoked may not have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm during the 10-year period after the effective date of the revocation. In addition, such person is ineligible to reapply for certification or registration for a period of 10 years after the effective date of a revocation.

The bill creates s. 468.432(3), F.S., to require CAM licensees to create and maintain an online licensure account with the department. A CAM licensee must identify on their online licensure account each community association for which the CAM provides community association management services and whether the community association is a condominium association under ch. 718, F.S., a cooperative association under ch. 719, F.S., or a homeowners' association under ch. 720, F.S. A CAM licensee must update his or her online licensure account within 30 days after any change to the required information.

Under the bill, if a CAM has his or her license suspended or revoked, the division is required to give written notice of a suspension or revocation to the CAM firm and the community association for which the manager performs community management services.

The bill amends s. 468.4334(1)(a), F.S., to prohibit a CAM or a CAM firm from knowingly performing any act directed by the community association if such act violates any state or federal law.

The bill amends s. 468.4334(1)(b), F.S., to require CAMs and CAM firms under a contract with a community association that is subject to the structural integrity reserve study requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., to comply with those sections as directed by the board of the association.

The bill creates s. 468.4334(1)(c), F.S., to require that each contract between a community association and a CAM or CAM firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

The bill creates s. 468.4334(1)(d), F.S., to require that a contract between a CAM or CAM firm and a community association may not waive or limit the professional practice standards required pursuant to part VIII of ch. 468, F.S.

The bill amends s. 468.4334(3), F.S., to change the term “homeowners’ association” to “community association.”

The bill also limits the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.

The bill amends s. 468.4335, F.S., to revise the conflict-of-interest disclosure requirements for CAMs to:

- Revise the circumstances that may be presumed to be a conflict of interest by defining the term “compensation” to mean any referral fee or other monetary benefit derived from a person, as defined in s. 1.01(3), F.S., providing products or services to the association and any ownership interests or profit-sharing arrangements with product or service providers recommended to, or used by, the association;
- Exempt conflicts of interest that are disclosed in the management contract from the requirements in current law for the association to obtain multiple bids;
- Provide additional notice requirements to the unit owners for the meeting of the association’s board in which the management contract with conflict of interest will be considered;
- Delete the requirement for the existence of the contract with a conflict of interest to be disclosed to the members at the next regular or special meeting; and
- Delete a provision authorizing the association to cancel, with the consent of at least 20 percent of the voting interests of the association, a management contract in which a conflict of interest has not been disclosed.

The bill creates s. 718.111(3)(g), F.S., to provide that, if an association contracts with a CAM or CAM firm, the CAM or CAM firm must possess all applicable licenses required by part VIII of ch. 468, F.S. The bill provides that board members or officers of an association that contracts with a CAM or CAM firm have a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract.

The bill creates s. 718.111(3)(h) and (i), F.S., to provide that, if a CAM or CAM firm has a license suspended or revoked during the term of a contract with the association, the association has no further contractual obligations to the CAM or CAM firm whose license has been revoked or suspended effective on the date which the community association manager or community association management firm became unlicensed.

Insurance – Condominiums

Present Situation

Section 718.111(11), F.S., provides that, in order to protect the safety, health, and welfare of the people of the state and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It further provides that it is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in that subsection.

Section 718.111(11)(a), F.S., provides that adequate property insurance, regardless of any requirement in the declaration of condominium for coverage by the association for full insurable value, replacement cost, or similar coverage, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal. The replacement cost must be determined at least once every 36 months.

Condominium associations or a group of associations may provide adequate property insurance through a self-insurance fund that complies with the requirements of ss. 624.460-624.488, F.S. Condominium associations may also provide adequate property insurance coverage for a group of at least three communities created and operating under ch. 718, ch. 719, F.S., relating to cooperative associations, ch. 720, F.S., relating to homeowners' associations, or ch. 721, F.S., relating to timeshares, by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

Effect of Proposed Changes

The bill amends s. 718.111(11), F.S., to revise the insurance requirements for condominium associations to:

- Require every condominium association to provide adequate property insurance;
- Provide that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or update of a previous appraisal; and
- Clarify that the association's insurance coverage may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

Official Records – Condominiums

Present Situation

Section 718.111(12)(a), F.S., requires a condominium association to maintain various records, including but not limited to, the association's recorded bylaws and amendments to those bylaws, articles of incorporation and amendments to those articles, bills of sale or transfer for association-owned property, accounting records, voting ballots, contracts for work to be performed, and bids.

Section 718.112(12)(a)7., F.S., provides, in pertinent part, that email addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with s. 718.112(12)(c)5.e., F.S., which provides for unit owners to consent in writing to the disclosure of contact information.

An association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.²¹

Section 718.111(12)(b), F.S., requires that some of these records (e.g., bylaws and articles of incorporation) must be permanently maintained from the inception of the association. All other official records must be maintained within the state for at least seven years, unless otherwise provided by general law.²² The records must be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. An association may comply with this requirement by having a copy of the records available for inspection or copying by a unit owner on the condominium property or association property or offering the option of making the records available electronically via the Internet or allowing the records to be viewed in electronic format on a computer screen and printed upon request.

Section 718.111(12)(c)1., F.S., provides that official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times.²³ A renter of a unit has a right to inspect and copy the association's bylaws and rules. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with these requirements. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages of \$50 per calendar day for up to 10 days for the association's willful failure to comply. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

Making the records available on the association's website or for download via an application on a mobile device satisfies these access requirements.

Section 718.111(12)(g), F.S., provides that by January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units must post digital copies of specified records on its website or by an application on a mobile device. However, effective January 1, 2026, the threshold number of units for the website requirement decreases to 25 units.²⁴

The documents that must be posted include, but are not limited to: the recorded declaration of condominium of each condominium operated by the association and each amendment to each

²¹ Section 718.112(12)(a)7., F.S.

²² Section 718.111(12)(b), F.S.

²³ The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.

²⁴ Section 8, ch. 2024-244, Laws of Fla.

declaration, the recorded association bylaws and amendments to those bylaws, articles of incorporation of the association and amendments to those articles, the annual and proposed budget, and various contracts, including any contract or document regarding a conflict of interest or possible conflict of interest. The failure of the association to post required information is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Current law requires an association to maintain as official records the book or books that contain the minutes of meeting of the board of administration, but that requirement does not specify minutes that are maintained as an electronic record.

Section 718.112(12)(c), F.S., provides the following criminal penalties related to access to violations of official records requirements:

- Second degree misdemeanor for any director or member of the board, association, or CAM to knowingly, willfully, and "repeatedly" violate (defined as two or more violations within a 12-month period) any requirements relating to inspection and copying of official records of an association;
- First degree misdemeanor for knowingly or intentionally defacing or destroying required accounting records or knowingly and intentionally failing to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members; and
- Third degree felony to willfully and knowingly refuse to release or otherwise produce association records, with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape.

Effect of Proposed Changes

The bill amends the official records requirements for condominium associations.

Section 718.111(12)(a), F.S., is amended by the bill to include the following additional items that an association must maintain as an official record:

- Electronic records that contain the minutes of meetings, including minutes of the board of administration and any committee;
- Recordings of meetings that are conducted by videoconference;
- All bank statements and ledgers;
- All recordings of video conference meetings for at least one year after the date the video recording is posted on the association's website if there are approved minutes for a meeting held by video conference;
- All investment policy statements and all financial statements related to the association's investment of funds; and
- All the affidavits required under ch. 718, F.S.

The bill also amends s. 718.111(12)(c)5., F.S., to require that associations maintain an adequate number of copies of the most recent annual financial statement and annual budget, instead of year-end financial information, on the condominium property to ensure their availability to unit owners and prospective purchasers.

The bill also amends s. 718.111(12)(c), F.S., to revise the existing criminal provisions related to denying access to the official records to provide consistent terminology by providing that the violations must be performed “willfully and knowingly or intentionally.”

The bill amends s. 718.111(12)(g), F.S., to require that the association’s website or mobile application must be updated within 30 days of any change, unless a shorter period is otherwise required, and include:

- Affidavits required under ch. 718, F.S.;
- The video recording or a hyperlink to the video recording for all meetings that are conducted by video conference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months;
- All investment policy statements and all financial statements related to the association’s investment of funds; and
- Approved minutes of all meetings of the board of administration over the preceding 12 months.

Effective January 1, 2026, the bill amends section 8, ch. 2024-244, Laws of Fla., which amends s. 718.111(12)(g), F.S., reducing the threshold for the website requirement to associations with 25 or more units effective January 1, 2026, to conform to the changes made by the bill to s. 718.111(12)(g), F.S.

Financial Reporting

Present Situation

Section 718.111(13), F.S., provides the financial reporting requirements for condominium associations. Within 90 days following the end of the fiscal year, or annually on such date as provided in the association’s bylaws, the governing board of the association must complete, or contract with a third party to complete, the financial report. Within 21 days after the financial report is completed by the board or received from the third party, but no later than 120 days after the end of the fiscal year, the board must provide each member of the association a copy of the financial report or a notice that it is available at no charge upon a written request.

The association must deliver the financial report to each unit owner, by United States mail or personal delivery to the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association’s notice requirements. In addition, the association must also provide a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner.

The type of financial reporting that an association must perform differs based on the association’s total annual revenue. From the least stringent to the most stringent, an association that has a total annual revenue of:

- Less than \$150,000 must prepare a report of cash receipts and expenditures.

- At least \$150,000 but less than \$300,000 must prepare *compiled* financial statements.²⁵
- At least \$300,000 but less than \$500,000 must prepare *reviewed* financial statements.²⁶
- \$500,000 or more must prepare *audited* financial statements.²⁷

An association may prepare a more or less stringent type financial report if approved by vote of the majority of the voting interest present at a properly called meeting of the association.²⁸ An approval to provide a less stringent type of financial report is effective only for the year in which the vote is taken.²⁹

Effect of Proposed Changes

The bill amends s. 718.111(13), F.S., to:

- Increase from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
- Provide that the association may deliver to unit owners either a copy of the financial report or a notice that a copy of the annual financial report may be provided upon request;
- Provide that the financial report or the notice advising that a unit owner may request a copy of the financial statement may be delivered by the means requested by the unit owner, which may be by United States mail, hand delivery, or electronic delivery via the Internet;
- Require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection; and
- Require the approval of a majority of all the voting interest to reduce the type of financial reporting, instead of a majority of the unit owners present at the meeting.

Investing Funds – Condominiums and Cooperatives

Present Situation

Reserve Funds

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance.³⁰

²⁵ A compiled financial statement is an accounting service based on information provided by the entity that is the subject of the financial statement. A compiled financial statement is made without a Certified Public Accountant's (CPA) assurance as to conformity with generally accepted accounting principles (GAAP). Compiled financial statements must conform to the American Institute of Certified Public Accountants (AICPA) Statements on Standards for Accounting and Review Services. J.G. Siegel and J.K. Shim, *Barron's Business Guides, Dictionary of Accounting Terms*, 3rd ed. (Barron's 2000).

²⁶ A reviewed financial statement is an accounting service that provides a board of directors and interested parties some assurance as to the reliability of financial data without the CPA conducting an examination in accordance with GAAP. Reviewed financial statements must comply with AICPA auditing and review standards for public companies or the AICPA review standards for non-public businesses. *Id.*

²⁷ An audited financial statement by a CPA verifies the accuracy and completeness of the audited entities records in accordance with GAAP. *Id.*

²⁸ See s. 718.111(13)(c) and (d), F.S.

²⁹ See s. 718.111(13)(d), F.S.

³⁰ Section 718. 112(2)(f)2., F.S.

Commingling of Funds and Investing

Section 718.111(14), F.S., requires all funds collected by an association to be maintained separately in the association's name. Operating funds and reserve funds must be accounted for separately, and a commingled account cannot, at any time, be less than the amount identified as reserve funds. However, reserve funds may be commingled with operating funds of the association for investment purposes only.

Section 719.104(8), F.S., provides that reserve and operating funds of the association shall not be commingled unless combined for investment purposes, and this provision is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association. However, such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account.

Investment Advisers

Investment advisers are defined as “a person, other than an associated person of an investment adviser or a federal covered adviser, that receives compensation, directly or indirectly, and engages for all or part of the person's time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities”³¹

The term “investment adviser” does not include:

- Any licensed practicing attorney whose performance of such services is solely incidental to the practice of her or his profession;
- Any licensed certified public accountant whose performance of such services is solely incidental to the practice of her or his profession;
- Any bank authorized to do business in this state;
- Any bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state;
- Any trust company having trust powers which it is authorized to exercise in the state, which trust company renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers;
- Any person who renders investment advice exclusively to insurance or investment companies;
- Any person who does not hold herself or himself out to the general public as an investment adviser and has no more than 15 clients within 12 consecutive months in this state;
- Any person whose transactions in this state are limited to those transactions described in s. 222(d) of the Investment Advisers Act of 1940; or
- A federal covered adviser.³²

An investment adviser must be registered with the Office of Financial Regulation (OFR) within the Financial Services Commission³³ to “sell or offer for sale any securities in or from offices in

³¹ Section 517.021(16)(a), F.S.

³² Section 517.021(16)(b), F.S.

³³ Section 517.021(8), F.S.

this state, or sell securities to persons in this state from offices outside this state, by mail or otherwise, unless the person has been registered with the [OFR] pursuant to the provisions of this section. The [OFR] shall not register any person as an associated person of a dealer unless the dealer with which the applicant seeks registration is lawfully registered with the [OFR] pursuant to [ch. 517, F.S.]”³⁴

Effect of Proposed Changes

The bill creates ss. 718.111(16) and 719.104(13), F.S., to authorize condominium and cooperative associations, respectively, including multicondominium associations, to invest reserve funds. The bill provides procedures and requirements an association must follow when investing reserve funds, including limits on the types of permissible investments, recordkeeping requirements, and requiring the use of an independent investment adviser. The bill:

- Requires the board to use its best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds;
- Permits reserve funds to be invested in one or any combination of certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union;
- Requires a majority vote of the voting interests before funds can be invested in investments other than in certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union; and
- Permits only reserve funds identified as reserve funds may be invested even if the declaration permits operating funds to be invested.

If an association elects to invest reserve funds in an investment other than certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, the bill:

- Requires the board to create an investment committee composed of at least two board members and two unit owners who are not board members, to adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager’s performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association;
- Specifies the issues that the investment policy must address, including requiring that projected reserve expenditures within, at minimum, the next 24 months be held in cash or cash equivalents, requiring projected expenditures relating to the milestone inspection, and protocols for proxy response;
- Requires the investment committee to recommend investment advisers to the board;
- Requires such investment advisers to be registered or have a notice filed under s. 517.12, F.S., with the OFR. The investment advisor, representative, or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member;

³⁴ Section 517.12(1), F.S.

- Requires the investment adviser to comply with the prudent investor rule in s. 518.11, F.S.,³⁵ and to act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974;
- Requires that the association, at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, if available, and the financial reports prepared pursuant to subsection s. 718.111(13), F.S.;
- Requires the investment adviser to:
 - Annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements;
 - Prepare a funding projection for each reserve component, including any of the component's redundancies;
 - Annually provide the association with a written certification of compliance with these respective sections and a list of stocks, securities, and other obligations that are prohibited from being in an association portfolio; and
 - Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with ch. 517, F.S., relating to the regulation of investment advisers;
- Requires that there be a minimum of 24 months of projected reserves in cash or cash equivalents available to the association at all times;
- Prohibits investment in stocks, securities, or other obligations that the State Board of Administration or state agencies are prohibited from investing in under ss. 215.471, 215.4725, 215.472, and 215.473, F.S., as determined by the investment adviser;³⁶
- Permits the investment adviser to withdraw investment fees, expenses, and commissions from invested funds;
- Requires that any principal, earnings, or interest must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request; and
- Requires unallocated income earned on reserve fund investments to be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus must be managed as common expenses and surpluses under s. 718.115, F.S.

³⁵ Section 518.11, F.S., sets forth the prudent investor rule. Generally, a fiduciary has a duty to invest and manage investment assets as a prudent investor would considering the purposes, terms, distribution requirements, and other circumstances of the trust.

³⁶ These provisions deal with investments in stocks, securities, or other obligations of companies doing business with Cuba or Venezuela, that boycott Israel or engage in a boycott of Israel, or that conduct certain business operations with [North] Sudan and Iran.

Videoconferences and Condominium Association Meetings

Present Situation

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

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

Section 718.112(c)2., F.S., allows broadcast notice to be used in lieu of a notice physically posted on condominium property. If the notice is made by broadcast, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.

Effect of Proposed Changes

The bill creates s. 718.103(33), F.S., to define the term “videoconference” to mean a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices.

Under the bill any notice for any meeting that will be conducted by videoconference must have a hyperlink and call-in phone conference telephone number for unit owners to attend the meeting. In addition, the meeting must have a physical location where unit owners can attend the meeting in-person. The bill requires all meetings conducted by videoconference to be recorded and the recording must be maintained as an official record of the association.

The bill amends s. 718.112(2)(b), F.S., relating to meeting quorums and voting, to provide that a board meeting may be conducted in-person or by videoconference.

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

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

The bill also provides that, if the meeting is conducted via videoconference, it must be recorded and the recording must be maintained as an official record.

The bill amends s. 718.112(c)2., F.S., to delete the requirements for broadcasting notices. The bill also deletes requirements related to the posting of meeting notices on condominium property as an alternative to 14-day notice requirements.

For meetings of the unit owners, the bill amends s. 718.112(2)(d), F.S., to provide that, if a unit owner meeting is conducted via videoconference:

- A unit owner may vote electronically in the manner provided in s. 718.128, F.S.;
- A quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting; and
- The location of the meeting must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property.

The bill amends s. 718.112(2)(e), F.S., relating to budget meetings, to:

- Provide that budget meetings may be conducted by videoconference; and
- Require a sound transmitting device must be used so that the conversation of the members may be heard by the board or committee members attending in-person, as well as any unit owners present at the meeting.

The bill amends ss. 718.112(2)(b), (c), (d), and (e), F.S., to require the division to adopt rules for the conduct of board and committee meetings, board of administration meetings, unit owner meetings, and budget meetings, respectively.

Substitute Budget Process – Condominiums

Present Situation

Section 718.112(2)(e)1., F.S., provides for the adoption of a condominium association's annual budget. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners is required to be open to all unit owners. Unit owners must be given notice of the meeting at least 14 days before the meeting.

If a board adopts an annual budget which requires assessments against unit owners exceeding 115 percent of assessments for the preceding fiscal year, the unit owners may petition the board for a special meeting to consider a substitute budget. The unit owners' petition for a special meeting to consider a substitute budget must come from at least 10 percent of all voting interests of the association and must be received by the board within 15 days of the board's adoption of the annual budget.³⁷

The special meeting must be conducted within 60 days after adoption of the annual budget. The board must give unit owners a notice of the special meeting at least 14 days before the meeting. The board must deliver a notice of the special meeting to each unit owner by hand delivery or mail to each unit owner at the address last furnished to the association.³⁸

³⁷ Section 718.112(2)(e)2.a., F.S.

³⁸ *Id.*

Unit owners may consider and adopt a substitute budget at the special meeting by the approval of a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board takes effect as scheduled.

The determination of whether assessments exceed 115 percent of assessments for the prior fiscal year must be determined by excluding:³⁹

- Any authorized provision for reasonable reserves for repair or replacement of the condominium property;
- Anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis;
- Insurance premiums; or
- Assessments for betterments to the condominium property.

If the board is controlled by a developer, assessments may not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.⁴⁰

Effect of Proposed Changes

The bill amends s. 718.112(e), F.S., relating to the requirements for adoption of annual budgets in a condominium association when the assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year, to:

- Require the board to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year.
- Require that the substitute budget must be presented to the unit owners for approval before a budget can be adopted.

The bill also revises the expenses that associations can exclude when determining whether assessments exceed 115 percent of the assessments of the preceding year by:

- Removing “assessments for the betterment of the community” as an expense that can be excluded from the calculation; and
- Limiting the exclusion of anticipated expenses which the board does not expect to be incurred on a regular or annual basis to only those expenses related to the SIRS inspection items.

Reserves and Structural Integrity Reserve Studies – Condominiums and Cooperatives

Present Situation

Alternative Funding Method

Section 718.103(1), F.S., defines the term “alternative funding method” to mean:

a method approved by the division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association

³⁹ Section 718.112(2)(e)2.b., F.S.

⁴⁰ Section 718.112(2)(e)2.c., F.S.

operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget.

Budgets and Reserves

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. Reserve accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000.⁴¹

Reserve accounts were first required in 1979, but there was no minimum threshold for required reserves at that time.⁴² The current \$10,000 reserve threshold has applied since 1990.⁴³

The amount to be reserved must be computed using a formula based upon the estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. Replacement reserve assessments may be adjusted annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.⁴⁴

Members of unit-owner-controlled associations may waive reserves upon a majority vote of the total voting interests of the association. However, for a budget adopted on or after December 31, 2024, unit-owner-controlled condominium and cooperative associations that must obtain a structural integrity reserve study (SIRS) may not waive reserves. Associations that are required to obtain a SIRS also may not opt to provide less reserves or no reserves than are required for the structural integrity items. Nor may those reserves be used for any other purpose than their intended purpose.⁴⁵

A SIRS is a study of the reserve funds required for future major repairs and replacement of the common elements based on a visual inspection. A SIRS is required for condominium buildings that are three or more stories in height.⁴⁶

Before turnover of control to the unit owners, ss. 718.301(4)(p) and 719.301(4)(p), F.S., require the developer to perform a turnover inspection performed by a licensed professional engineer or architect, or a reserve specialist or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, this provision does not require that the inspection comply with the SIRS requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively.

⁴¹ See s. 718.112(2)(f) and 719.106(1)(j), F.S., relating to reserves requirements for condominium and cooperative associations, respectively.

⁴² Section 6, ch. 79-314, Laws of Fla.

⁴³ Section 7, ch. 90-151, Laws of Fla.

⁴⁴ *Id.*

⁴⁵ Sections 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively.

⁴⁶ See ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively

A condominium association may temporarily pause reserve funding or reduce reserve funding if the entire condominium building is uninhabitable, as determined by the local building official, due to a natural emergency, as defined in s. 252.34, F.S., upon the approval of a majority of the members. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building and its structures are habitable, the association must immediately resume contributing funds to its reserves.⁴⁷ Cooperative associations do not have a comparable provision for pausing or reducing reserve funding if a building is uninhabitable.

Structural Integrity Reserve Studies

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

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

- Require condominium associations and cooperative associations to complete a structural integrity reserve study every 10 years for each building in an association that is three stories or higher in height, as determined by the Florida Building Code.
- Require associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, to have a SIRS completed by December 31, 2024. An association that completes a milestone inspection by December 31, 2026, may complete the SIRS at the same time.
- Require that the study include a visual inspection and state the estimated remaining useful life and the estimated replacement cost of the following items (structural integrity items): roof, structure, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing, windows and exterior doors, and any item with a deferred maintenance or replacement cost that exceeds \$10,000.
- Require the visual inspection be performed or verified by a person licensed as an engineer, an architect, reserve specialist, or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, any qualified person or entity may perform the other components of a SIRS.
- Provide that the SIRS may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost or deferred maintenance expense cannot be determined or for which the estimate of useful life is greater than 25 years, but the study may recommend a deferred maintenance amount for such items.
- Exempt from the SIRS requirement are:
 - Buildings less than three stories in height;
 - Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; and
 - Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.

⁴⁷ Section 718.112(2)(f)2.a., F.S.

Within 45 days of completion of a SIRS, condominium and cooperative associations must provide unit owners with a notice that the study is available for inspection and copying. The notice may be provided electronically.⁴⁸

Effect of Proposed Changes

Alternative Funding Methods

The bill amends s. 718.103(1), F.S., revising the term “alternative funding method” to mean a method for funding the capital expenditures and deferred maintenance obligations of the association, including:

- The allocation of funds in the annual operating budget of a multicondominium; or
- Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association’s reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

Budgets and Reserves

The bill amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., relating to budgets in condominium and cooperative associations, respectively, and ss. 718.112(2)(g), and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively, to increase the minimum threshold amount from \$10,000 to \$25,000 for items whose deferred maintenance and replacements requires these associations to have reserves for such items.

The bill also amends ss. 718.112(2)(f)5., and 719.106(1)(j)4., F.S., relating to budgets in condominium and cooperative associations, respectively, to require the division to annually adjust for inflation, based on the Consumer Price Index of All Urban Consumers released in January of each year, the minimum \$25,000 threshold amount for required reserves. Under the bill, by February 1 of each year, and annually thereafter, the division must post on its website the inflation adjusted minimum threshold amount for required reserves.

Under the bill, associations must maintain reserves items whose deferred maintenance expense and replacement costs exceed \$25,000 or the inflation-adjusted amount determined by the division, whichever is greater.

The bill amends s. 718.112(2)(f)2.a., F.S., to provide that, if an association votes to terminate the condominium in accordance with s. 718.117, F.S., the members may vote to waive the maintenance of reserves recommended by the association’s most recent structural integrity reserve study.

The bill creates ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., to provide that reserves for SIRS items may be funded by regular assessments, special assessments, lines of credit, or loans.

The bill authorizes unit-owner-controlled condominium and cooperative associations that must have a SIRS to secure a line of credit or a loan to fund capital expenses required by a milestone inspection or a SIRS. A majority of the total voting interests of the association must approve the

⁴⁸ Sections 718.112(2)(g)10. and 719.106(1)(k)10., F.S., relating to condominium and cooperative associations, respectively.

line of credit or loan. The line of credit must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the required reserves and the SIRS. Funding from the line of credit or loan must be immediately available for access by the board to fund the required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit or loan must be included in the association's annual financial report. Under the bill associations that are controlled by a developer, as defined in s. 718.103, F.S.,⁴⁹ or one or more bulk assignees⁵⁰ or bulk buyers,⁵¹ as defined s. 718.703, F.S., are exempt from this provision.

The bill amends s. 718.112(2)(f)2.d., F.S., to remove the requirement for the approval of a majority of the members of a condominium association before that association may temporarily pause the funding of reserves or reduce the amount of reserve funding if the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, F.S., as determined by the local enforcement agency.

The bill creates s. 719.106(1)(j)2.d., F.S., to allow cooperative associations to temporarily pause the funding of reserves or reduce the amount of reserve funding in a manner that is identical to that provided for condominium associations in s. 718.112(2)(f)2.d., F.S.

The bill creates ss. 718.112(2)(f)2.e., and 719.106(1)(j)2.f., F.S., to allow the boards of condominium or cooperative associations that have completed a milestone inspection pursuant to s. 553.899, F.S., within the previous two calendar years to temporarily pause reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection if approved by a majority of the total voting interests of the association. The temporary pause must be for a period of no more than two consecutive annual budgets immediately following completion of a milestone inspection. Associations may only temporarily pause reserve funding under this provision for budgets adopted on or before

⁴⁹ Section 718.103(17) F.S., defines the term "developer" to mean "a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business." The term does not include: an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy; a cooperative association that creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners are the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion, a bulk assignee or bulk buyer as defined in s. 718.703, F.S., or a state, county, or municipal entity acting as a lessor and not otherwise named as a developer in the declaration of condominium.

⁵⁰ Section 718.703(1), F.S., defines the term "bulk assignee" to mean: a person who is not a bulk buyer and who acquires more than seven condominium parcels in a single condominium as set forth in s. 718.707, F.S.; and receives an assignment of any of the developer rights, other than or in addition to the rights that may be received by a bulk buyer, as set forth in the declaration of condominium or ch. 718, F.S., by a written instrument recorded as part of or as an exhibit to the deed, by a separate instrument recorded in the public records of the county in which the condominium is located, or pursuant to a final judgment or certificate of title issued in favor of a purchaser at a foreclosure sale.

⁵¹ Section 718.703(1), F.S., defines the term "bulk buyer" to mean a person who acquires more than seven condominium parcels in a single condominium as set forth in s. 718.707, F.S., but who does not receive an assignment of any developer rights, or receives only some or all of the following rights:

- The right to conduct sales, leasing, and marketing activities within the condominium;
- The right to be exempt from the payment of working capital contributions to the condominium association arising out of, or in connection with, the bulk buyer's acquisition of the units; and
- The right to be exempt from any rights of first refusal which may be held by the condominium association and would otherwise be applicable to subsequent transfers of title from the bulk buyer to a third-party purchaser concerning one or more units.

December 31, 2028. In addition, a developer-controlled association, an association in which the non-developer unit owners have been in control for less than one year, and an association controlled by one or more bulk assignees or bulk buyers may not pause reserve funding under this provision. An association that has paused reserve contributions must have a SIRS performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

The bill amends ss. 718.112(2)(f)3., and 719.106(1)(j)3., F.S., to allow the boards of condominium or cooperative associations to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Structural Integrity Reserve Studies

The bill amends ss. 718.112(2)(g)(1)7., to extend the deadline by which associations must complete a required SIRS from December 31, 2024, to December 31, 2025.

The bill creates ss. 718.112(2)(g)3.b., and 719.106(1)(k)3.b., F.S., to provide conflict of interest provisions for persons performing the SIRS and the persons performing maintenance, repair, and replacement services recommended by SIRS for condominium and cooperative associations, respectively. Under the bill, any design professional, as defined in s. 558.002(7), F.S.,⁵² or contractor licensed under ch. 489, F.S., who bids to perform a SIRS must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the SIRS.

Additionally, any design professional or licensed contractor who submits a bid to the association for performing any services recommended by the SIRS may not have an interest, directly or indirectly, in the firm or entity providing the association's SIRS or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. The bill defines the term "relative" to mean a relative within the third degree of consanguinity by blood or marriage.

The bill provides that a contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the required written disclosure of the relationship. It also provides that a design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the required written disclosure of the relationship.

The bill amends ss. 718.112(2)(g)4.a., and 719.106(1)(k)4.a., F.S., to require that the SIRS for condominium and cooperative associations, at a minimum, must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year for deferred maintenance, repair, and replacement of reserve items are sufficient to maintain the reserve cash balance above zero. Under the bill, the study may recommend other types of reserve funding schedules if the recommended schedules are sufficient to meet the association's maintenance obligation.

⁵² Section 558.002(7), F.S., defines the term "design professional" to mean a person, as defined in s. 1.01, F.S., who is licensed in this state as an architect, a landscape architect, an engineer, a surveyor, or a geologist or who is a registered interior designer, as defined in s. 481.203, F.S.

The bill amends ss. 718.112(2)(g)4.b., and 719.106(1)(k)4.b., F.S., to provide that if a SIRS for a condominium or cooperative association recommends reserves for any item for which reserves are not required, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required.

The bill creates ss. 718.112(2)(g)4.c., and 719.106(1)(k)4.c., F.S., to require the SIRS to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. Under the bill, if the SIRS is performed before the association has approved a special assessment or secured a line of credit or a loan, the SIRS must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The SIRS may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. Additionally, the association must obtain an updated SIRS before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

The bill creates ss. 718.112(2)(g)9., and 719.106(1)(k)9., F.S., to allow condominium and cooperative associations that have completed a milestone inspection required by s. 553.899, F.S., or an inspection completed for a similar local requirement, to delay performance of a required SIRS for no more than two budget years to permit the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

The bill amends ss. 718.112(2)(g)10., and 719.106(1)(k)10., F.S., to require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS.

The bill creates ss. 718.112(2)(g)13., and 719.106(1)(k)13., F.S., to require the Division of Condominiums, Timeshares, and Mobile Homes to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Jurisdiction of the Division – Condominiums

Present Situation

Section 718.501, F.S., provides the investigative and enforcement authority of the division. The division may enforce and ensure compliance with ch. 718, F.S., and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899, F.S. The division may investigate complaints and enforce compliance with ch. 718, F.S., for associations that are still under developer control, including investigating complaints against developers involving improper turnover or failure to transfer control to the association.⁵³ After control of the condominium is transferred from the developer to the unit owners, the division only has jurisdiction to investigate complaints related to:⁵⁴

⁵³ Section 718.501(1), F.S.

⁵⁴ Section 718.501(1)(a), F.S.

- Procedures and records related to financial issues, including annual financial reporting under s. 718.111(13), F.S., assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14), F.S., use of debit cards for other than intended purposes under s. 718.111(15), F.S., the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f), F.S., financial records under s. 718.111(12)(a)11, F.S., and any other record necessary to determine the revenues and expenses of the association;
- Elections, including election and voting requirements under s. 718.112(2)(b) and (d), F.S., recall of board members under s. 718.112(2)(l), F.S., electronic voting under s. 718.128, F.S., and elections that occur during an emergency under s. 718.1265(1)(a), F.S.;
- The maintenance of and unit owner access to association records under s. 718.111(12), F.S.;
- Allegations of criminal violations under ch. 718, F.S.;
- The procedural aspects of meetings, such as unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2), F.S.;
- Disclosure of conflicts of interest under s. 718.111(1)(a), F.S., and s. 718.3027, F.S., including limitations contained in s. 718.111(3)(f), F.S.;
- Removal of a board director or officer under s. 718.111(1)(a) and (15), F.S., and s. 718.112(2)(p) and (q), F.S.;
- The procedural completion of SIRS under s. 718.112(2)(g), F.S.; and
- Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2., F.S.

Effect of Proposed Changes

The bill amends s. 718.501(1)(a), F.S., to expand the jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections;
- Procedural compliance with the milestone inspection requirements in s. 533.899, F.S.;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds under s. 718.111(11)(h), F.S.;
- Board member education requirements under s. 718.112(2)(d)5.b., F.S.; and
- Reporting requirements for SIRS.

Reporting Requirement for Condominiums and Cooperatives

Present Situation

Sections 718.501(3)(a) and 719.501(3)(a), F.S., require condominium and cooperative associations, respectively, existing on or before July 1, 2022, to provide specified information to the division on or before January 1, 2023. The associations may provide the information in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website. The following information must be provided:

- The number of buildings on the condominium property that are three stories or higher in height;
- The total number of units in all such buildings;
- The addresses of all such buildings; and

- The counties in which all such buildings are located.

Sections 718.501(3)(b) and 719.501(3)(b), F.S., require the division to compile a list of the number of buildings on condominium and cooperative property, respectively, that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. The list compiled by the division must include the following information:

- The name of each association with buildings on the condominium property that are three stories or higher in height;
- The number of such buildings on each association's property;
- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Associations must provide an update in writing to the division if there are any changes to the information required for the list compiled by the division within six months after the change.⁵⁵

Effect of Proposed Changes

The bill creates ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to create an online account with the division.

The bill amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to:

- Create and maintain an online account with the division on or before October 1, 2025;
- Provide that the information must be provided in an electronic format as determined by the division;
- Require the division to adopt rules to implement this provision;
- Limit the division to requesting information only once per year, except for updates to the contact information; and
- Require the division to give associations at least a 45-day notice for any request for information.
- The information must be updated within 30 days after any change. The information that must be provided to the division may include, but not be limited to:
 - The contact information for the association that includes all of the following:
 - The name of the association;
 - The physical address of the association;
 - The mailing address and county of the association;
 - The e-mail address and telephone number for the association;
 - The name and board title for each member of the association's board;
 - The name and contact information of the association's community association manager or community association management firm, if applicable;
 - The name and contact information of the community association manager or community association management firm, if applicable ; and
 - The hyperlink or website address to the association's website, if applicable.
- The total number of buildings and for each building within the association:

⁵⁵ Sections 718.501(3)(c) and 719.501(3)(c), F.S., relating to condominium and cooperative associations, respectively.

- The total number of stories of each building, including both habitable and uninhabitable stories;
- The total number of units;
- The age of each building based on the certificate of occupancy; and
- Any construction commenced within the common elements within the previous calendar year.
- The association's assessments, including the:
 - Amount of assessment or special assessment by unit type, including reserves;
 - Purpose of the assessment or special assessment; and
 - Name of the financial institution or institutions with which the association maintains accounts.

In addition, the associations must provide a copy of any SIRS and any associated materials requested by the department within five business days after a request in a manner prescribed by the department.

Pre-sale Disclosures - Condominium and Cooperative Associations

Present Situation

Developers and non-developer owners of condominium or cooperative units must give certain documents to a prospective buyer or lessee before the execution of a contract for the sale of a residential unit, including a copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4), F.S., and a copy of the most recent SIRS, or a statement that the association has not completed a SIRS or that a SIRS is not required.⁵⁶

The developer may not close for 15 days following the execution of a purchase contract, or execution of a lease of a residential unit for an unexpired term of more than five years, and the delivery of the required documents to the buyer, including the documents creating the association, the bylaws, and the estimated operating budget of the association. A prospective purchaser may void the contract within 15 days of his or her receipt of all the required documents.⁵⁷

A non-developer unit owner must provide the prospective buyer or lessee certain information, including the articles of incorporation, bylaws and rules, a copy of the most recent financial information, and a "Frequently Asked Questions and Answers" document.⁵⁸ These documents must be provided more than three days, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract, or the sales contract is voidable by the prospective purchaser. These disclosures do not apply to the leasing of a residential unit by a non-developer owner.⁵⁹

Each contract for sale of a residential unit by a developer or non-developer must contain in conspicuous type a statement acknowledging that the purchaser has received the document and

⁵⁶ Sections 718.503(1) and 719.503(1), F.S.

⁵⁷ Sections 718.503(1) and 719.503(1), F.S., providing the developer disclosures before the sale or lease of a residential condominium or cooperative unit, respectively.

⁵⁸ See ss. 718.503(2) and 719.503(2), F.S., providing the non-developer disclosures before the sale of a residential condominium or cooperative unit, respectively.

⁵⁹ *Id.*

his or her right to void the contract if the required documents are not provided more than three days in the case of a non-developer sale or 15 days in the case of a developer sale, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract.

These disclosures for developers and the non-developers also require that the prospective purchaser must be given a copy of the most recent financial statement and annual budget. However, the term “recent financial statement and annual budget” is not uniformly used throughout these requirements and instead uses the broader term “financial information.”

Effect of Proposed Changes

The bill amends ss.718.503(1) and (2) and 719.503(1) and (2), F.S., to replace the term “financial information” with the terms “recent financial statement and annual budget.”

The bill also extends a three-day rescission period for condominium sales by non-developer unit owners to 15 days.

Condominiums within a Portion of a Building or within a Multiple Parcel Building

Present Situation

In a recent decision by the Florida Third District Court of Appeals (3rd DCA), the court held that the declaration of condominium had impermissibly divested a unit of its undivided share of the common elements by designating certain portions of the condominium property as “shared facilities.”⁶⁰

In *IconBrickell*, the condominium is a mixed-use condominium consisting of residential condominium units and a luxury hotel. The declaration of condominium designated a wide variety of specific portions of the common elements as “shared facilities” under the exclusive ownership and control of the hotel unit owner. The “shared facilities” include the balconies, lobby, elevators, and the infrastructure for utilities, such as wires and pipes. The term “shared facilities” is not defined in ch. 718, F.S.

Even though the residential unit owners did not have a common ownership interest in the “shared facilities,” the declaration burdened the residential unit owners, and not the owner of the hotel, with expenses incurred by the owner of the hotel for the maintenance, repair, replacement, improvement, management, and operation of the shared facilities. The court held that the “recharacterization, and the resultant expropriation of undivided common ownership, indubitably contravenes the edict of the [Condominium] Act.”⁶¹

Revised by s. 5, ch. 2024-244, Laws of Fla., the term “condominium property” in s. 718.103(14), F.S., means “the lands, leaseholds, improvements, any personal property, and all easements and rights appurtenant thereto, regardless of whether contiguous, which are subjected to condominium ownership.”

⁶⁰ *IconBrickell Condominium No. three Association, Inc. v. New Media Consulting, L.L.C.*, 310 So.3rd 477 (Fla. 3rd DCA 2020).

⁶¹ *IconBrickell* at 481.

Section 718.104(4)(b), F.S., relating to the creation of condominiums, was revised by s. 6, ch. 2024-244, Laws of Fla., to provide that condominiums created within a portion of a building or within a multiple parcel building must include the name by which the condominium is to be identified and be followed by “a condominium within a portion of a building or within a multiple parcel building.”

Effective October 1, 2024, s. 718.407, F.S., which was created by s. 20, ch. 2024-244, Laws of Fla., provides conditions, including disclosure requirements in sales contracts, for the creation of condominiums within a portion of a building or within a multiple parcel building. The bill provides that the declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, or any other recorded instrument applicable (creating document) must specify the following:

- The portions of the building which are included in the condominium and the portions of the building that are excluded.
- The party responsible for maintaining and operating those portions of the building which are shared facilities, and which may include, among other things, the roof, the exterior of the building, windows, balconies, elevators, the building lobby, corridors, recreational amenities, and utilities.
- The manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned:
 - An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association for the portion of the building submitted to the condominium form of ownership, must approve any increase in the apportionment of expenses to such portion of the building.
 - The apportionment of expenses for the maintenance and operation of the shared facilities may be based on any of the specified criteria or any combination thereof.
 - An alternative method of apportionment of expenses may be provided if the apportionment method is stated in the creating document.
- The party responsible for collecting shared expenses.
- The rights and remedies available to enforce payment of shared expenses.

The association of a condominium created within a portion of a building or within a multiple parcel building has the right to inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

A disclosure summary must be included, in conspicuous type, in every contract for the sale of any condominium created under s. 718.407, F.S. The disclosure summary informs the prospective purchaser of a condominium unit that:

- The condominium is created within a portion of a building or within a multiple parcel building.
- The common elements of the condominium consist only of the portions of the building submitted to the condominium.

The disclosure summary also includes the buyer’s acknowledgment that:

- The condominium may have minimal or no common elements.
- Portions of the building that are not included in the condominium are (or will be) governed by a separate recorded instrument that contains important provisions and rights.
- The party that controls the maintenance and operation of the portions of the building that are not included in the condominium determines the budget for the operation and maintenance of such portions; however, the association and unit owners are still responsible for their share of such expenses.
- The allocation between the owners of the costs to maintain and operate the building can be found in the declaration of condominium or other recorded instruments.

Section 718.407(6), F.S., provides that the creation of a multiple parcel building is not a subdivision of the land upon which such building is situated, provided the land itself is not subdivided.

Section 31 of ch. 2024-244, Laws of Fla., provided that the amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), F.S., are intended to clarify existing law and apply retroactively. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Effect of Proposed Changes

The bill revises the provision in section 31 of ch. 2024-244, Laws of Florida, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after July 1, 2025.

Law Enforcement

Present Situation

Section 914.21(3), F.S., defines the term “official investigation,” as the term is used in ss. 914.22 to 914.24, F.S., to mean any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics.

Section 914.22, F.S., prohibits tampering with or harassing a witness, victim, or informant and provides criminal penalties. Section 914.23, F.S., prohibits retaliation against a witness, victim, or informant and provides criminal penalties. Section 914.24, F.S., provides requirements for civil actions to restrain harassment of a victim or witness.

Effect of Proposed Changes

The bill amends s. 914.21(3), F.S., revising the definition of the term “official investigation”; providing appropriations to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S., relating to the criminal prohibitions against tampering with, harassing, or retaliation against a witness, victim, or informant.

Appropriation

For the 2025-2026 fiscal year, the bill appropriates the recurring sum of \$150,000 and the nonrecurring sum of \$100,000 from the Professional Regulation Trust Fund to the DBPR to

contract with the University of Florida to implement the study required under s. 553.899(3)(f), F.S., as provided by this bill. Under the bill, the unexpended balance of nonrecurring funds shall revert and are appropriated for the same purpose for the 2026-2027 fiscal year.

Additional Provisions

The bill reenacts the following provisions:

- Section 468.436(2), F.S., relating to disciplinary provisions for CAMs, to incorporate the amendment made to s. 468.4335, F.S.;
- Section 721.13(3)(e), F.S., relating to timeshare management, to incorporate the amendment made to s. 718.111, F.S.;
- Sections 718.504(7)(a) and (21)(c), and 718.618(1)(d), F.S., relating to prospectus or offering circulars; and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S.;
- Section 718.706(1) and (3), F.S., relating to specific provisions pertaining to the offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S.; and
- Sections 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S.

Effective Date

Except as otherwise expressly provided, the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may reduce the impact of assessments against unit owners that are related to reserve requirements arising from structural integrity reserve studies (SIRS), such as, by authorizing the increase of the reserve threshold for reserve items from \$10,000 to \$25,000, authorizing the use of lines of credit in lieu of reserves, authorizing the temporary stay of reserve funding under the limited conditions in the bill, and requiring that a SIRS must, at minimum, recommend a baseline funding plan.

C. Government Sector Impact:

For the 2025-2026 fiscal year, the bill appropriates \$150,000 in recurring and \$100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the Florida Department of Business and Professional Regulation (department) to contract with the University of Florida for the purpose of creating a specified report on milestone inspections performed in Florida during each calendar year. The bill directs the unexpended balance of nonrecurring funds to revert and to be appropriated for the same purpose for the 2026-2027 fiscal year.

The department may incur an indeterminate increase in workload costs related to implementing provisions in the bill; however, it's expected that any costs could be handled with existing resources. To date, no analysis by the department of the impact of the bill on its operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.432, 468.4334, 468.4335, 553.899, 718.103, 718.111, 718.112, 718.501, 718.503, 719.104, 719.106, 719.501, 719.503, and 914.21.

This bill substantially amends sections 8 and 31 of chapter 2024-244 of the Laws of Florida.

This bill reenacts the following sections of the Florida Statutes: 468.436, 718.504, 718.618, 718.706, 719.103, 719.504, and 721.13.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS/CS/CS by Rules on April 21, 2025:

The committee substitute:

- Amends s. 468.4335, F.S., to revise the conflict-of-interest disclosure requirements for community association managers (CAMs).
- Amends s. 718.111(3)(h), F.S., to clarify that if a CAM has a contract with an association and the CAM has his or her license suspended or revoked, the association may cancel the contract.
- Amends s. 718.111(11), F.S., to revise the insurance requirements for condominium associations.
- Amends s. 718.111(12)(c), F.S., to revise the existing criminal provisions related to denying access to the official records to provide consistent terminology by providing that the violations must be performed “willfully and knowingly or intentionally.”
- Amends s. 718.111(12)(c)5., F.S., to require associations to maintain an adequate number of copies of the most recent annual financial statement and annual budget, instead of year-end financial information, on the condominium property to ensure their availability to unit owners and prospective purchasers.
- Amends ss. 718.112(2)(f)5., and 719.106(1)(j)4., F.S., to require the division to annually adjust for inflation, based on the Consumer Price Index of All Urban Consumers released in January of each year, the minimum \$25,000 threshold amount for required reserves, and to post on its website the inflation adjusted minimum threshold amount for required reserves by February 1 of each year, and annually thereafter.
- Amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., relating to budgets in condominium and cooperative associations, respectively, and ss. 718.112(2)(g), and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively, to provide that associations must maintain reserves items whose deferred maintenance expense and replacement costs exceed \$25,000 or the inflation-adjusted amount determined by the division, whichever is greater.
- Amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., authorizing associations to secure a line of credit or loan, with certain conditions, and ss. 718.112(2)(f)2.e., and 719.106(1)(j)2.f., F.S., authorizing associations to temporarily pause reserve funding, with certain conditions, for the purpose of funding repairs recommended by the milestone inspection, to exempt the application of these provisions to associations that are controlled by one or more bulk assignees or bulk buyers.

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:

The committee substitute:

- Amends s. 468.432, F.S., to:
 - Delete the requirement that community association managers (CAMs) and CAM firms report the communities for which they do work;

- Require CAMs to identify their CAM firm and the communities for which they are an on-site manager;
 - Require CAM firms to identify the CAMs that they employ;
 - Provide that the online account is with the Department of Business and Professional Regulation (department) and not the Division of Condominiums, timeshares, and Mobile Homes (division); and
 - Provide that a CAM or a CAM firm may not “knowingly” perform any act directed by the community association if such an act violates any state or federal law.
- Amends s. 468.4334, F.S., to revise the contract notice in the bill to only apply if the contract includes recordkeeping.
- Amends s. 553.899, F.S., to require the persons who perform milestone inspections to disclose conflicts of interest.
- Amends s. 718.111(12), F.S., to
 - Provide that, if there are approved minutes for a meeting held by video conference, recordings of meetings conducted by video conference must be maintained for at least one year after the date the video recording is posted on the association’s website;
 - Require all investment policy statements and all financial statements related to the association’s investment of funds to be maintained as an official record, including the association’s website; and
 - Require that the association’s website must include the video recording or a hyperlink to the video recording for all meetings that are conducted by video conference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months.
- Amends s. 718.111(13), F.S., to revise the financial reporting requirements to:
 - Increase from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
 - Allow associations to either deliver to unit owners a copy of the financial statement or a notice that the financial statement may be requested by the owners; and
 - Require the approval of a majority of all the voting interest to reduce the type of financial reporting.
- Amends s. 718.111(16), F.S., to prohibit the financial advisor from being related by affinity or consanguinity to a co-owner of a unit with a board member or investment committee member, instead of having such a relation to any unit owner.
- Amends s. 718.112(2)(b), F.S., to delete the provision prohibiting board members from participating in meetings by video conference more than two times in a calendar year, and to change the term “videoconference” to “video conference.”
- Amends s. 718.112(2)(d), F.S., to require unit owner meeting to be held within 15 miles of the condominium property or within the same county as the condominium property, instead of requiring that the meeting be held within 10 miles of the condominium property.
- Amends s. 718.112(2)(f)2.c., F.S., to:
 - Authorize reserves to be funded by special assessments;
 - Include loans in the requirements for this provision;

- Remove the provision limiting the provision to budgets adopted on or before December 31, 2028;
- Provide that a line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the required reserves and the SIRS; and
- Delete the provision that the line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserves.
- Creates ss. 718.112(2)(g)4.c., and 719.106(1)(k)4.c., F.S., to require the SIRS to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans, and to require the SIRS to be updated under specified circumstances.
- Amends ss. 718.501(3) and 719.501(3), F.S., relating to the reporting requirements condominium and cooperative associations, respectively, to:
 - Require the division to adopt rules;
 - Limit the division to requesting information only once per year, except for updates to the contact information;
 - Require the division to give at least a 45-day notice for any request for information;
 - Limit the types of information that can be requested to only the listed information;
 - Provide that the division may require associations to update contact information within 30 days after any change, instead of within 15 days of any change; and
 - Delete the requirement for associations to provide the email addresses for each board member and the name and contact information of every individual or community association management company responsible for remitting any payment to the division.
- Amends ss. 718.503 and 719.503, F.S., relating to condominiums and cooperative associations, to decrease the nondeveloper rescission period under the bill from 15 days to seven days.
- Revises the provision in section 31 of chapter 2024-244, Laws of Florida (CS/CS/CS/HB 1021), to provide that the provisions referenced in the section do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after October 1, 2024, instead of July 1, 2025.
- Provides that the appropriation for the University of Florida Study is to the department instead of to the Florida Building Commission.

CS by Regulated Industries on March 25, 2025:

The committee substitute:

- Amends s. 468.432, F.S., to:
 - Prohibit a person whose community association manager (CAM) license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for 10 years after the revocation or reapply for 10 years; and
 - Require a licensee to provide specific information on his or her licensure account, and that such information be updated.

- Amends s. 468.4334, F.S., to:
 - Revise the requirements for contracts between an association and CAMs or CAM firms;
 - Require a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or application;
 - Change the term “homeowners’ association” to “community association;” and
 - Limit the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.
- Amends s. 553.899, F.S., to:
 - Require local enforcement agencies, on or before October 1, 2025, to report to the Department of Business and Professional Regulation specified information regarding the inspections;
 - Require the Florida Building Commission to contract with the University of Florida to create a report related to milestone inspections;
 - Require submission of the report to the Governor and the presiding officers of the Legislature;
 - Require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.
- Amends s. 718.103(1), F.S., to revise the term “alternative funding method.”
- Creates s. 718.103(33), F.S., to define the term “videoconference.”
- Amends s. 718.111(3), F.S., to revise the requirements for contracts between CAM and CAM firms and associations.
- Amends s. 718.111(12), F.S., and section 8, ch. 2024-244, Laws of Fla., to revise the requirements for the official records that an association must maintain on its website or make available for download by an application on a mobile device.
- Amends s. 718.111(13), F.S., to require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection.
- Revises ss. 718.111(16) and 719.104(13), F.S., relating to the investing of reserves, to remove the requirement that deposited funds must be insured by the federal government, and to limit the procedures in these subsections to investments other than certificates of deposit and depository accounts at specified financial institutions.
- Amends s. 718.112(2)(b)-(d), F.S., to revise the requirements for the conduct of meetings by videoconference, and delete the requirements for broadcasting notice.
- Amends s. 718.112(2)(e), F.S., to revise the requirements for substitute budgets in circumstances in which assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year.
- Amends ss. 718.112(2)(f)2.c. and (g) and 719.106(1)(j)2.e. and (k), F.S. to increase the threshold amount for reserves from \$10,000 to \$25,000 in condominium and cooperative associations, respectively.
- Amends ss. 718.112(2)(f) and (g), and 719.106(1)(j) and (k), F.S., to limit the temporary pause of reserve funding for the purpose of making repairs required by a

milestone inspection to the two consecutive annual budgets immediately following completion of a milestone inspection; and require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS; and revise the meaning of baseline reserve funding.

- Amends s. 718.112(2)(f), F.S., to also allow the members of a condominium to waive reserves recommended by the SIRS if an association votes to terminate the condominium in accordance with s. 718.117, F.S.
- Amends s. 718.501(1), F.S., to revise the jurisdiction of the division.
- Amends ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to maintain an online account with the division.
- Amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to report specified information to the division, and amends those provisions to repeal the requirement for the division to compile a list with specified information.
- Amends s. 914.21(3), F.S., revising the definition of the term “official investigation” to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S.
- Appropriates \$250,000 from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida for the purpose of implementing s. 553.899(3)(f), F.S., as provided by this bill.

B. Amendments:

None.