

By Senator Bradley

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A bill to be entitled

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

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

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

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Statutes, is amended to read:

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

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

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

718.112 Bylaws.—

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

(g) *Structural integrity reserve study*.—

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

a. Roof.

b. Structure, including load-bearing walls and other

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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175 31, 2025, for each building on the condominium property that is  
176 three habitable stories or higher in height. An association that  
177 is required to complete a milestone inspection in accordance  
178 with s. 553.899 on or before December 31, 2026, may complete the  
179 structural integrity reserve study simultaneously with the  
180 milestone inspection. In no event may the structural integrity  
181 reserve study be completed after December 31, 2026.

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

188 9. If the association completes a milestone inspection  
189 required by s. 553.899, or an inspection completed for a similar  
190 local requirement, the association may delay performance of a  
191 required structural integrity reserve study for no more than the  
192 2 consecutive budget years immediately following the milestone  
193 inspection in order to allow the association to focus its  
194 financial resources on completing the repair and maintenance  
195 recommendations of the milestone inspection.

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

203 11. Within 45 days after receiving the structural integrity

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

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

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

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

228 718.128 Electronic voting.—The association may conduct  
229 elections and other unit owner votes through an Internet-based  
230 online voting system if a unit owner consents, electronically or  
231 in writing, to online voting and if the following requirements  
232 are met:



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

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

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

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

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

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

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

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

268  
269 (d) A unit owner must transmit his or her completed ballot  
270 to the e-mail address, independent website, application, or  
271 Internet web portal designated by the association no later than  
272 the scheduled date and time of the meeting during which the  
273 matter is being voted on.

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

281 Section 4. Paragraph (k) of subsection (1) of section  
282 719.106, Florida Statutes, is amended to read:

283 719.106 Bylaws; cooperative ownership.—

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

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

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

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

- a. Roof.
- b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.
- c. Fireproofing and fire protection systems.
- d. Plumbing.
- e. Electrical systems.
- f. Waterproofing and exterior painting.
- g. Windows and exterior doors.
- h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph (j)6., whichever is greater, and the failure to replace or maintain such item negatively affects the items listed in subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

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

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

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

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

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

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

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

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

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

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

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~~three stories or higher in height.~~

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

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

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

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

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

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

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

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

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