

By Senator Jones

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1 A bill to be entitled
2 An act relating to the official records of condominium
3 associations, residential cooperative associations,
4 and homeowners' associations; amending s. 718.103,
5 F.S.; defining the term "audio conference"; amending
6 s. 718.111, F.S.; revising the list of official
7 records that a condominium association is required to
8 maintain to include audio conference recordings;
9 amending s. 718.112, F.S.; revising association
10 meeting requirements and authorizing associations to
11 use audioconferencing, in addition to
12 videoconferencing, or to use both; amending s.
13 718.1265, F.S.; revising the emergency powers of a
14 condominium association to include the power to
15 conduct meetings and elections via audioconferencing;
16 amending s. 719.106, F.S.; revising the quorum
17 requirements for residential cooperative association
18 meetings to include audioconferencing; amending ss.
19 719.128 and 720.316, F.S.; revising the emergency
20 powers of a residential cooperative association and a
21 homeowners' association, respectively, to include the
22 power to conduct meetings and elections via
23 audioconferencing; reenacting and amending s. 718.501,
24 F.S.; conforming a provision to changes made by the
25 act; amending s. 718.503, F.S.; conforming cross-
26 references; reenacting s. 723.0791, F.S., relating to
27 mobile home cooperative homeowners' associations
28 elections, to incorporate the amendment made to s.
29 719.106, F.S., in a reference thereto; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Present subsections (5) through (35) of section
35 718.103, Florida Statutes, are redesignated as subsections (6)
36 through (36), respectively, and a new subsection (5) is added to
37 that section, to read:

38 718.103 Definitions.—As used in this chapter, the term:
39 (5) "Audio conference" means a real-time, audio-based
40 meeting between two or more people in different locations using
41 an audio-enabled device.

42 Section 2. Paragraphs (a) and (g) of subsection (12) of
43 section 718.111, Florida Statutes, are amended to read:

44 718.111 The association.—

45 (12) OFFICIAL RECORDS.—

46 (a) From the inception of the association, the association
47 shall maintain each of the following items, if applicable, which
48 constitutes the official records of the association:

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

51 2. A copy of the recorded declaration of condominium of
52 each condominium operated by the association and each amendment
53 to each declaration.

54 3. A copy of the recorded bylaws of the association and
55 each amendment to the bylaws.

56 4. A certified copy of the articles of incorporation of the
57 association, or other documents creating the association, and
58 each amendment thereto.

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- 59 5. A copy of the current rules of the association.
- 60 6. A book or books or electronic records that contain the
61 minutes of all meetings of the association, the board of
62 administration, any committee, and the unit owners, and a
63 recording of all such meetings ~~that are~~ conducted by audio
64 conference or video conference, or both. If there are approved
65 minutes for a meeting held by audio conference or video
66 conference, or both, recordings of meetings ~~that are~~ conducted
67 by audio conference or video conference, or both, must be
68 maintained for at least 1 year after the date the audio or video
69 recording is posted as required under paragraph (g).
- 70 7. A current roster of all unit owners and their mailing
71 addresses, unit identifications, voting certifications, and, if
72 known, telephone numbers. The association shall also maintain
73 the e-mail addresses and facsimile numbers of unit owners
74 consenting to receive notice by electronic transmission. In
75 accordance with sub-subparagraph (c)5.e., the e-mail addresses
76 and facsimile numbers are only accessible to unit owners if
77 consent to receive notice by electronic transmission is
78 provided, or if the unit owner has expressly indicated that such
79 personal information can be shared with other unit owners and
80 the unit owner has not provided the association with a request
81 to opt out of such dissemination with other unit owners. An
82 association must ensure that the e-mail addresses and facsimile
83 numbers are only used for the business operation of the
84 association and may not be sold or shared with outside third
85 parties. If such personal information is included in documents
86 that are released to third parties, other than unit owners, the
87 association must redact such personal information before the

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88 document is disseminated. However, the association is not liable
89 for an inadvertent disclosure of the e-mail address or facsimile
90 number for receiving electronic transmission of notices unless
91 such disclosure was made with a knowing or intentional disregard
92 of the protected nature of such information.

93 8. All current insurance policies of the association and
94 condominiums operated by the association.

95 9. A current copy of any management agreement, lease, or
96 other contract to which the association is a party or under
97 which the association or the unit owners have an obligation or
98 responsibility.

99 10. Bills of sale or transfer for all property owned by the
100 association.

101 11. Accounting records for the association and separate
102 accounting records for each condominium that the association
103 operates. Any person who knowingly or intentionally defaces or
104 destroys such records, or who knowingly or intentionally fails
105 to create or maintain such records, with the intent of causing
106 harm to the association or one or more of its members, is
107 personally subject to a civil penalty pursuant to s.

108 718.501(1)(e). The accounting records must include, but are not
109 limited to:

110 a. Accurate, itemized, and detailed records of all receipts
111 and expenditures, including all bank statements and ledgers.

112 b. All invoices, transaction receipts, or deposit slips
113 that substantiate any receipt or expenditure of funds by the
114 association.

115 c. A current account and a monthly, bimonthly, or quarterly
116 statement of the account for each unit designating the name of

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117 the unit owner, the due date and amount of each assessment, the
118 amount paid on the account, and the balance due.

119 d. All audits, reviews, accounting statements, structural
120 integrity reserve studies, and financial reports of the
121 association or condominium. Structural integrity reserve studies
122 must be maintained for at least 15 years after the study is
123 completed.

124 e. All contracts for work to be performed. Bids for work to
125 be performed are also considered official records and must be
126 maintained by the association for at least 1 year after receipt
127 of the bid.

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

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

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

137 15. A copy of the inspection reports described in ss.
138 553.899 and 718.301(4) (p) and any other inspection report
139 relating to a structural or life safety inspection of
140 condominium property. Such record must be maintained by the
141 association for 15 years after receipt of the report.

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

143 17. All affirmative acknowledgments made pursuant to s.
144 718.121(4) (c).

145 18. A copy of all building permits.

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146 19. A copy of all satisfactorily completed board member
147 educational certificates.

148 20. A copy of all affidavits required by this chapter.

149 21. All other written records of the association not
150 specifically included in the foregoing which are related to the
151 operation of the association.

152 (g)1. An association managing a condominium with 25 or more
153 units which does not contain timeshare units shall post digital
154 copies of the documents specified in subparagraph 2. on its
155 website or make such documents available through an application
156 that can be downloaded on a mobile device. Unless a shorter
157 period is otherwise required, a document must be made available
158 on the association's website or made available for download
159 through an application on a mobile device within 30 days after
160 the association receives or creates an official record specified
161 in subparagraph 2.

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

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

165 (II) A website, application, or web portal operated by a
166 third-party provider with whom the association owns, leases,
167 rents, or otherwise obtains the right to operate a web page,
168 subpage, web portal, collection of subpages or web portals, or
169 an application which is dedicated to the association's
170 activities and on which required notices, records, and documents
171 may be posted or made available by the association.

172 b. The association's website or application must be
173 accessible through the Internet and must contain a subpage, web
174 portal, or other protected electronic location that is

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175 inaccessible to the general public and accessible only to unit
176 owners and employees of the association.

177 c. Upon a unit owner's written request, the association
178 must provide the unit owner with a username and password and
179 access to the protected sections of the association's website or
180 application which contain any notices, records, or documents
181 that must be electronically provided.

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

184 a. The recorded declaration of condominium of each
185 condominium operated by the association and each amendment to
186 each declaration.

187 b. The recorded bylaws of the association and each
188 amendment to the bylaws.

189 c. The articles of incorporation of the association, or
190 other documents creating the association, and each amendment to
191 the articles of incorporation or other documents. The copy
192 posted pursuant to this sub-subparagraph must be a copy of the
193 articles of incorporation filed with the Department of State.

194 d. The rules of the association.

195 e. The approved minutes of all board of administration
196 meetings over the preceding 12 months.

197 f. The audio or video recording or a hyperlink to the audio
198 or video recording for all meetings of the association, the
199 board of administration, any committee, and the unit owners
200 which were ~~are~~ conducted by audio conference or video
201 conference, or both, over the preceding 12 months.

202 g. A list of all executory contracts or documents to which
203 the association is a party or under which the association or the

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204 unit owners have an obligation or responsibility and, after
205 bidding for the related materials, equipment, or services has
206 closed, a list of bids received by the association within the
207 past year. Summaries of bids for materials, equipment, or
208 services which exceed \$500 must be maintained on the website or
209 application for 1 year. In lieu of summaries, complete copies of
210 the bids may be posted.

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

213 i. The financial report required by subsection (13) and any
214 monthly income or expense statement to be considered at a
215 meeting.

216 j. The certification of each director required by s.
217 718.112(2)(d)4.b.

218 k. All contracts or transactions between the association
219 and any director, officer, corporation, firm, or association
220 that is not an affiliated condominium association or any other
221 entity in which an association director is also a director or
222 officer and financially interested.

223 l. Any contract or document regarding a conflict of
224 interest or possible conflict of interest as provided in ss.
225 468.4335, 468.436(2)(b)6., and 718.3027(3).

226 m. The notice of any unit owner meeting and the agenda for
227 the meeting, as required by s. 718.112(2)(d)3., no later than 14
228 days before the meeting. The notice must be posted in plain view
229 on the front page of the website or application, or on a
230 separate subpage of the website or application labeled "Notices"
231 which is conspicuously visible and linked from the front page.
232 The association must also post on its website or application any

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233 document to be considered and voted on by the owners during the
234 meeting or any document listed on the agenda at least 7 days
235 before the meeting at which the document or the information
236 within the document will be considered.

237 n. Notice of any board meeting, the agenda, and any other
238 document required for the meeting as required by s.
239 718.112(2)(c), which must be posted no later than the date
240 required for notice under s. 718.112(2)(c).

241 o. The inspection reports described in ss. 553.899 and
242 718.301(4)(p) and any other inspection report relating to a
243 structural or life safety inspection of condominium property.

244 p. The association's most recent structural integrity
245 reserve study, if applicable.

246 q. Copies of all building permits issued for ongoing or
247 planned construction.

248 r. A copy of all affidavits required by this chapter.

249 3. The association shall ensure that the information and
250 records described in paragraph (c), which are not allowed to be
251 accessible to unit owners, are not posted on the association's
252 website or application. If protected information or information
253 restricted from being accessible to unit owners is included in
254 documents that are required to be posted on the association's
255 website or application, the association shall ensure the
256 information is redacted before posting the documents.

257 Notwithstanding the foregoing, the association or its agent is
258 not liable for disclosing information that is protected or
259 restricted under this paragraph unless such disclosure was made
260 with a knowing or intentional disregard of the protected or
261 restricted nature of such information.

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262 4. The failure of the association to post information
263 required under subparagraph 2. is not in and of itself
264 sufficient to invalidate any action or decision of the
265 association's board or its committees.

266 Section 3. Paragraphs (b) through (e) of subsection (2) of
267 section 718.112, Florida Statutes, are amended to read:

268 718.112 Bylaws.—

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

272 (b) *Quorum; voting requirements; proxies.*—

273 1. Unless a lower number is provided in the bylaws, the
274 percentage of voting interests required to constitute a quorum
275 at a meeting of the members is a majority of the voting
276 interests. Unless otherwise provided in this chapter or in the
277 declaration, articles of incorporation, or bylaws, and except as
278 provided in subparagraph (d)4., decisions shall be made by a
279 majority of the voting interests represented at a meeting at
280 which a quorum is present.

281 2. Except as specifically otherwise provided herein, unit
282 owners in a residential condominium may not vote by general
283 proxy, but may vote by limited proxies substantially conforming
284 to a limited proxy form adopted by the division. A voting
285 interest or consent right allocated to a unit owned by the
286 association may not be exercised or considered for any purpose,
287 whether for a quorum, an election, or otherwise. Limited proxies
288 and general proxies may be used to establish a quorum. Limited
289 proxies shall be used for votes taken to waive or reduce
290 reserves in accordance with subparagraph (f)2.; for votes taken

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291 to waive the financial reporting requirements of s. 718.111(13);
292 for votes taken to amend the declaration pursuant to s. 718.110;
293 for votes taken to amend the articles of incorporation or bylaws
294 pursuant to this section; and for any other matter for which
295 this chapter requires or permits a vote of the unit owners.
296 Except as provided in paragraph (d), a proxy, limited or
297 general, may not be used in the election of board members in a
298 residential condominium. General proxies may be used for other
299 matters for which limited proxies are not required, and may be
300 used in voting for nonsubstantive changes to items for which a
301 limited proxy is required and given. Notwithstanding this
302 subparagraph, unit owners may vote in person at unit owner
303 meetings. This subparagraph does not limit the use of general
304 proxies or require the use of limited proxies for any agenda
305 item or election at any meeting of a timeshare condominium
306 association or a nonresidential condominium association.

307 3. A proxy given is effective only for the specific meeting
308 for which originally given and any lawfully adjourned meetings
309 thereof. A proxy is not valid longer than 90 days after the date
310 of the first meeting for which it was given. Each proxy is
311 revocable at any time at the pleasure of the unit owner
312 executing it.

313 4. A member of the board of administration or a committee
314 may submit in writing his or her agreement or disagreement with
315 any action taken at a meeting that the member did not attend.
316 This agreement or disagreement may not be used as a vote for or
317 against the action taken or to create a quorum.

318 5. A board meeting may be conducted in person or by audio
319 conference or video conference, or both. A board or committee

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320 member's participation in a meeting via telephone, real-time
321 audioconferencing or videoconferencing, or similar real-time
322 electronic, audio, or video communication counts toward a
323 quorum, and such member may vote as if physically present. A
324 speaker must be used so that the conversation of such members
325 may be heard by the board or committee members attending in
326 person as well as by any unit owners present at a meeting. The
327 division shall adopt rules pursuant to ss. 120.536 and 120.54
328 governing the requirements for meetings.

329 (c) *Board of administration meetings.*—In a residential
330 condominium association of more than 10 units, the board of
331 administration shall meet at least once each quarter. At least
332 four times each year, the meeting agenda must include an
333 opportunity for members to ask questions of the board. Meetings
334 of the board of administration at which a quorum of the members
335 is present are open to all unit owners. Members of the board of
336 administration may use e-mail as a means of communication but
337 may not cast a vote on an association matter via e-mail. A unit
338 owner may tape record or videotape the meetings. The right to
339 attend such meetings includes the right to speak at such
340 meetings with reference to all designated agenda items and the
341 right to ask questions relating to reports on the status of
342 construction or repair projects, the status of revenues and
343 expenditures during the current fiscal year, and other issues
344 affecting the condominium. The division shall adopt reasonable
345 rules governing the tape recording and videotaping of the
346 meeting. The association may adopt written reasonable rules
347 governing the frequency, duration, and manner of unit owner
348 statements.

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349 1. Adequate notice of all board meetings, which must
350 specifically identify all agenda items, must be posted
351 conspicuously on the condominium property at least 48 continuous
352 hours before the meeting except in an emergency. If the board
353 meeting is to be conducted via audio conference or video
354 conference, or both, the notice must state that such meeting
355 will be via audio conference or video conference, or both, and
356 must include a hyperlink and a conference telephone number for
357 unit owners to attend the meeting via video conference, as well
358 as the address of the physical location where the unit owners
359 can attend the meeting in person. If the meeting is conducted
360 via audio conference or video conference, or both, it must be
361 recorded and such recording must be maintained as an official
362 record of the association. If 20 percent of the voting interests
363 petition the board to address an item of business, the board,
364 within 60 days after receipt of the petition, must ~~shall~~ place
365 the item on the agenda at its next regular board meeting or at a
366 special meeting called for that purpose. An item not included on
367 the notice may be taken up on an emergency basis by a vote of at
368 least a majority plus one of the board members. Such emergency
369 action must be noticed and ratified at the next regular board
370 meeting. Written notice of a meeting at which a nonemergency
371 special assessment or an amendment to rules regarding unit use
372 will be considered must be mailed, delivered, or electronically
373 transmitted to the unit owners and posted conspicuously on the
374 condominium property at least 14 days before the meeting.
375 Evidence of compliance with this 14-day notice requirement must
376 be made by an affidavit executed by the person providing the
377 notice and filed with the official records of the association.

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378 2. Upon notice to the unit owners, the board shall, by duly
379 adopted rule, designate a specific location on the condominium
380 property at which all notices of board meetings must be posted.
381 If there is no condominium property at which notices can be
382 posted, notices must ~~shall~~ be mailed, delivered, or
383 electronically transmitted to each unit owner at least 14 days
384 before the meeting. In lieu of or in addition to the physical
385 posting of the notice on the condominium property, the
386 association may, by reasonable rule, adopt a procedure for
387 conspicuously posting and repeatedly broadcasting the notice and
388 the agenda on a closed-circuit cable television system serving
389 the condominium association. However, if broadcast notice is
390 used in lieu of a notice physically posted on condominium
391 property, the notice and agenda must be broadcast at least four
392 times every broadcast hour of each day that a posted notice is
393 otherwise required under this section. If broadcast notice is
394 provided, the notice and agenda must be broadcast in a manner
395 and for a sufficient continuous length of time so as to allow an
396 average reader to observe the notice and read and comprehend the
397 entire content of the notice and the agenda. In addition to any
398 of the authorized means of providing notice of a meeting of the
399 board, the association may, by rule, adopt a procedure for
400 conspicuously posting the meeting notice and the agenda on a
401 website serving the condominium association for at least the
402 minimum period of time for which a notice of a meeting is also
403 required to be physically posted on the condominium property.
404 Any rule adopted must ~~shall~~, in addition to other matters,
405 include a requirement that the association send an electronic
406 notice in the same manner as a notice for a meeting of the

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407 members, which must include a hyperlink to the website at which
408 the notice is posted, to unit owners whose e-mail addresses are
409 included in the association's official records.

410 3. Notice of any meeting in which regular or special
411 assessments against unit owners are to be considered must
412 specifically state that assessments will be considered and
413 provide the estimated cost and description of the purposes for
414 such assessments. If an agenda item relates to the approval of a
415 contract for goods or services, a copy of the contract must be
416 provided with the notice and be made available for inspection
417 and copying upon a written request from a unit owner or made
418 available on the association's website or through an application
419 that can be downloaded on a mobile device.

420 4. Meetings of a committee to take final action on behalf
421 of the board or make recommendations to the board regarding the
422 association budget are subject to this paragraph. Meetings of a
423 committee that does not take final action on behalf of the board
424 or make recommendations to the board regarding the association
425 budget are subject to this section, unless those meetings are
426 exempted from this section by the bylaws of the association.

427 5. Notwithstanding any other law, the requirement that
428 board meetings and committee meetings be open to the unit owners
429 does not apply to:

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

434 b. Board meetings held for the purpose of discussing
435 personnel matters.

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436 (d) *Unit owner meetings.*—

437 1. An annual meeting of the unit owners must be held at the
438 location provided in the association bylaws and, if the bylaws
439 are silent as to the location, the meeting must be held within
440 15 miles of the condominium property or within the same county
441 as the condominium property. However, such distance requirement
442 does not apply to an association governing a timeshare
443 condominium. If a unit owner meeting is conducted via audio
444 conference or video conference, or both, a unit owner may vote
445 electronically in the manner provided in s. 718.128.

446 2. Unit owner meetings, including the annual meeting of the
447 unit owners, may be conducted in person or via audio conference
448 or video conference, or both. If the annual meeting of the unit
449 owners is conducted via audio conference or video conference, or
450 both, a quorum of the members of the board of administration
451 must be physically present at the physical location where unit
452 owners can attend the meeting. The location must be provided in
453 the association bylaws and, if the bylaws are silent as to the
454 location, the meeting must be held within 15 miles of the
455 condominium property or within the same county as the
456 condominium property. If the unit owner meeting is conducted via
457 audio or video conference, or both, the audio conference or
458 video conference, or both, must be recorded and such recording
459 must be maintained as an official record of the association. The
460 division shall adopt rules pursuant to ss. 120.536 and 120.54
461 governing the requirements for meetings.

462 3. Unless the bylaws provide otherwise, a vacancy on the
463 board caused by the expiration of a director's term must be
464 filled by electing a new board member, and the election must be

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465 by secret ballot. An election is not required if the number of
466 vacancies equals or exceeds the number of candidates. For
467 purposes of this paragraph, the term "candidate" means an
468 eligible person who has timely submitted the written notice, as
469 described in sub-subparagraph 4.a., of his or her intention to
470 become a candidate. Except in a timeshare or nonresidential
471 condominium, or if the staggered term of a board member does not
472 expire until a later annual meeting, or if all members' terms
473 would otherwise expire but there are no candidates, the terms of
474 all board members expire at the annual meeting, and such members
475 may stand for reelection unless prohibited by the bylaws. Board
476 members may serve terms longer than 1 year if permitted by the
477 bylaws or articles of incorporation. A board member may not
478 serve more than 8 consecutive years unless approved by an
479 affirmative vote of unit owners representing two-thirds of all
480 votes cast in the election or unless there are not enough
481 eligible candidates to fill the vacancies on the board at the
482 time of the vacancy. Only board service that occurs on or after
483 July 1, 2018, may be used when calculating a board member's term
484 limit. If the number of board members whose terms expire at the
485 annual meeting equals or exceeds the number of candidates, the
486 candidates become members of the board effective upon the
487 adjournment of the annual meeting. Unless the bylaws provide
488 otherwise, any remaining vacancies shall be filled by the
489 affirmative vote of the majority of the directors making up the
490 newly constituted board even if the directors constitute less
491 than a quorum or there is only one director. In a residential
492 condominium association of more than 10 units or in a
493 residential condominium association that does not include

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494 timeshare units or timeshare interests, co-owners of a unit may
495 not serve as members of the board of directors at the same time
496 unless they own more than one unit or unless there are not
497 enough eligible candidates to fill the vacancies on the board at
498 the time of the vacancy. A unit owner in a residential
499 condominium desiring to be a candidate for board membership must
500 comply with sub-subparagraph 4.a. and must be eligible to be a
501 candidate to serve on the board of directors at the time of the
502 deadline for submitting a notice of intent to run in order to
503 have his or her name listed as a proper candidate on the ballot
504 or to serve on the board. A person who has been suspended or
505 removed by the division under this chapter, or who is delinquent
506 in the payment of any assessment due to the association, is not
507 eligible to be a candidate for board membership and may not be
508 listed on the ballot. For purposes of this paragraph, a person
509 is delinquent if a payment is not made by the due date as
510 specifically identified in the declaration of condominium,
511 bylaws, or articles of incorporation. If a due date is not
512 specifically identified in the declaration of condominium,
513 bylaws, or articles of incorporation, the due date is the first
514 day of the assessment period. A person who has been convicted of
515 any felony in this state or in a United States District or
516 Territorial Court, or who has been convicted of any offense in
517 another jurisdiction which would be considered a felony if
518 committed in this state, is not eligible for board membership
519 unless such felon's civil rights have been restored for at least
520 5 years as of the date such person seeks election to the board.
521 The validity of an action by the board is not affected if it is
522 later determined that a board member is ineligible for board

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523 membership due to having been convicted of a felony. This
524 subparagraph does not limit the term of a member of the board of
525 a nonresidential or timeshare condominium.

526 4. The bylaws must provide the method of calling meetings
527 of unit owners, including annual meetings. Written notice of an
528 annual meeting must include an agenda; be mailed, hand
529 delivered, or electronically transmitted to each unit owner at
530 least 14 days before the annual meeting; and be posted in a
531 conspicuous place on the condominium property or association
532 property at least 14 continuous days before the annual meeting.
533 Written notice of a meeting other than an annual meeting must
534 include an agenda; be mailed, hand delivered, or electronically
535 transmitted to each unit owner; and be posted in a conspicuous
536 place on the condominium property or association property within
537 the timeframe specified in the bylaws. If the bylaws do not
538 specify a timeframe for written notice of a meeting other than
539 an annual meeting, notice must be provided at least 14
540 continuous days before the meeting. Upon notice to the unit
541 owners, the board shall, by duly adopted rule, designate a
542 specific location on the condominium property or association
543 property at which all notices of unit owner meetings must be
544 posted. This requirement does not apply if there is no
545 condominium property for posting notices. In addition to the
546 physical posting of meeting notices, the association may, by
547 reasonable rule, adopt a procedure for conspicuously posting and
548 repeatedly broadcasting the notice and the agenda on a closed-
549 circuit cable television system serving the condominium
550 association. If broadcast notice is provided, the notice and
551 agenda must be broadcast in a manner and for a sufficient

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552 continuous length of time so as to allow an average reader to
553 observe the notice and read and comprehend the entire content of
554 the notice and the agenda. In addition to any of the authorized
555 means of providing notice of a meeting of the board, the
556 association may, by rule, adopt a procedure for conspicuously
557 posting the meeting notice and the agenda on a website serving
558 the condominium association for at least the minimum period of
559 time for which a notice of a meeting is also required to be
560 physically posted on the condominium property. Any rule adopted
561 shall, in addition to other matters, include a requirement that
562 the association send an electronic notice in the same manner as
563 a notice for a meeting of the members, which must include a
564 hyperlink to the website at which the notice is posted, to unit
565 owners whose e-mail addresses are included in the association's
566 official records. Unless a unit owner waives in writing the
567 right to receive notice of the annual meeting, such notice must
568 be hand delivered, mailed, or electronically transmitted to each
569 unit owner. Notice for meetings and notice for all other
570 purposes must be mailed to each unit owner at the address last
571 furnished to the association by the unit owner, or hand
572 delivered to each unit owner. However, if a unit is owned by
573 more than one person, the association must provide notice to the
574 address that the developer identifies for that purpose and
575 thereafter as one or more of the owners of the unit advise the
576 association in writing, or if no address is given or the owners
577 of the unit do not agree, to the address provided on the deed of
578 record. An officer of the association, or the manager or other
579 person providing notice of the association meeting, must provide
580 an affidavit or United States Postal Service certificate of

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581 mailing, to be included in the official records of the
582 association affirming that the notice was mailed or hand
583 delivered in accordance with this provision.

584 5. The members of the board of a residential condominium
585 shall be elected by written ballot or voting machine. Proxies
586 may not be used in electing the board in general elections or
587 elections to fill vacancies caused by recall, resignation, or
588 otherwise, unless otherwise provided in this chapter. This
589 subparagraph does not apply to an association governing a
590 timeshare condominium.

591 a. At least 60 days before a scheduled election, the
592 association shall mail, deliver, or electronically transmit, by
593 separate association mailing or included in another association
594 mailing, delivery, or transmission, including regularly
595 published newsletters, to each unit owner entitled to a vote, a
596 first notice of the date of the election. A unit owner or other
597 eligible person desiring to be a candidate for the board must
598 give written notice of his or her intent to be a candidate to
599 the association at least 40 days before a scheduled election.
600 Together with the written notice and agenda as set forth in
601 subparagraph 3., the association shall mail, deliver, or
602 electronically transmit a second notice of the election to all
603 unit owners entitled to vote, together with a ballot that lists
604 all candidates not less than 14 days or more than 34 days before
605 the date of the election. Upon request of a candidate, an
606 information sheet, no larger than 8 1/2 inches by 11 inches,
607 which must be furnished by the candidate at least 35 days before
608 the election, must be included with the mailing, delivery, or
609 transmission of the ballot, with the costs of mailing, delivery,

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610 or electronic transmission and copying to be borne by the
611 association. The association is not liable for the contents of
612 the information sheets prepared by the candidates. In order to
613 reduce costs, the association may print or duplicate the
614 information sheets on both sides of the paper. The division
615 shall by rule establish voting procedures consistent with this
616 sub-subparagraph, including rules establishing procedures for
617 giving notice by electronic transmission and rules providing for
618 the secrecy of ballots. Elections are ~~shall be~~ decided by a
619 plurality of ballots cast. There is no quorum requirement;
620 however, at least 20 percent of the eligible voters must cast a
621 ballot in order to have a valid election. A unit owner may not
622 authorize any other person to vote his or her ballot, and any
623 ballots improperly cast are invalid. A unit owner who violates
624 this provision may be fined by the association in accordance
625 with s. 718.303. A unit owner who needs assistance in casting
626 the ballot for the reasons stated in s. 101.051 may obtain such
627 assistance. The regular election must occur on the date of the
628 annual meeting. Notwithstanding this sub-subparagraph, an
629 election is not required unless more candidates file notices of
630 intent to run or are nominated than board vacancies exist.

631 b. A director of a board of an association of a residential
632 condominium shall:

633 (I) Certify in writing to the secretary of the association
634 that he or she has read the association's declaration of
635 condominium, articles of incorporation, bylaws, and current
636 written policies; that he or she will work to uphold such
637 documents and policies to the best of his or her ability; and
638 that he or she will faithfully discharge his or her fiduciary

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639 responsibility to the association's members.

640 (II) Submit to the secretary of the association a
641 certificate of having satisfactorily completed the educational
642 curriculum administered by the division or a division-approved
643 condominium education provider. The educational curriculum must
644 be at least 4 hours long and include instruction on milestone
645 inspections, structural integrity reserve studies, elections,
646 recordkeeping, financial literacy and transparency, levying of
647 fines, and notice and meeting requirements.

648

649 Each newly elected or appointed director must submit to the
650 secretary of the association the written certification and
651 educational certificate within 1 year before being elected or
652 appointed or 90 days after the date of election or appointment.
653 A director of an association of a residential condominium who
654 was elected or appointed before July 1, 2024, must comply with
655 the written certification and educational certificate
656 requirements in this sub-subparagraph by June 30, 2025. The
657 written certification and educational certificate is valid for 7
658 years after the date of issuance and does not have to be
659 resubmitted as long as the director serves on the board without
660 interruption during the 7-year period. A director who is
661 appointed by the developer may satisfy the educational
662 certificate requirement in sub-sub-subparagraph (II) for any
663 subsequent appointment to a board by a developer within 7 years
664 after the date of issuance of the most recent educational
665 certificate, including any interruption of service on a board or
666 appointment to a board in another association within that 7-year
667 period. One year after submission of the most recent written

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668 certification and educational certificate, and annually
669 thereafter, a director of an association of a residential
670 condominium must submit to the secretary of the association a
671 certificate of having satisfactorily completed at least 1 hour
672 of continuing education administered by the division, or a
673 division-approved condominium education provider, relating to
674 any recent changes to this chapter and the related
675 administrative rules during the past year. A director of an
676 association of a residential condominium who fails to timely
677 file the written certification and educational certificate is
678 suspended from service on the board until he or she complies
679 with this sub-subparagraph. The board may temporarily fill the
680 vacancy during the period of suspension. The secretary shall
681 cause the association to retain a director's written
682 certification and educational certificate for inspection by the
683 members for 7 years after a director's election or the duration
684 of the director's uninterrupted tenure, whichever is longer.
685 Failure to have such written certification and educational
686 certificate on file does not affect the validity of any board
687 action.

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

690 6. Any approval by unit owners called for by this chapter
691 or the applicable declaration or bylaws, including, but not
692 limited to, the approval requirement in s. 718.111(8), must be
693 made at a duly noticed meeting of unit owners and is subject to
694 all requirements of this chapter or the applicable condominium
695 documents relating to unit owner decisionmaking, except that
696 unit owners may take action by written agreement, without

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697 meetings, on matters for which action by written agreement
698 without meetings is expressly allowed by the applicable bylaws
699 or declaration or any law that provides for such action.

700 7. Unit owners may waive notice of specific meetings if
701 allowed by the applicable bylaws or declaration or any law.
702 Notice of meetings of the board of administration; unit owner
703 meetings, except unit owner meetings called to recall board
704 members under paragraph (1); and committee meetings may be given
705 by electronic transmission to unit owners who consent to receive
706 notice by electronic transmission. A unit owner who consents to
707 receiving notices by electronic transmission is solely
708 responsible for removing or bypassing filters that block receipt
709 of mass e-mails sent to members on behalf of the association in
710 the course of giving electronic notices.

711 8. Unit owners have the right to participate in meetings of
712 unit owners with reference to all designated agenda items.
713 However, the association may adopt reasonable rules governing
714 the frequency, duration, and manner of unit owner participation.

715 9. A unit owner may tape record or videotape a meeting of
716 the unit owners subject to reasonable rules adopted by the
717 division.

718 10. Unless otherwise provided in the bylaws, any vacancy
719 occurring on the board before the expiration of a term may be
720 filled by the affirmative vote of the majority of the remaining
721 directors, even if the remaining directors constitute less than
722 a quorum, or by the sole remaining director. In the alternative,
723 a board may hold an election to fill the vacancy, in which case
724 the election procedures must conform to sub-subparagraph 4.a.
725 unless the association governs 10 units or fewer and has opted

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726 out of the statutory election process, in which case the bylaws
727 of the association control. Unless otherwise provided in the
728 bylaws, a board member appointed or elected under this section
729 shall fill the vacancy for the unexpired term of the seat being
730 filled. Filling vacancies created by recall is governed by
731 paragraph (1) and rules adopted by the division.

732 11. This chapter does not limit the use of general or
733 limited proxies, require the use of general or limited proxies,
734 or require the use of a written ballot or voting machine for any
735 agenda item or election at any meeting of a timeshare
736 condominium association or nonresidential condominium
737 association.

738
739 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
740 association of 10 or fewer units may, by affirmative vote of a
741 majority of the total voting interests, provide for different
742 voting and election procedures in its bylaws, which may be by a
743 proxy specifically delineating the different voting and election
744 procedures. The different voting and election procedures may
745 provide for elections to be conducted by limited or general
746 proxy.

747 (e) *Budget meeting.*—

748 1. Any meeting at which a proposed annual budget of an
749 association will be considered by the board or unit owners is
750 ~~shall be~~ open to all unit owners. A meeting of the board or unit
751 owners at which a proposed annual association budget will be
752 considered may be conducted by audio conference or video
753 conference, or both. The division shall adopt rules pursuant to
754 ss. 120.536 and 120.54 governing the requirements for such

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755 meetings. A sound transmitting device must be used so that the
756 conversation of such members may be heard by the board or
757 committee members attending in person, as well as any unit
758 owners present at the meeting. At least 14 days before such a
759 meeting, the board shall hand deliver to each unit owner, mail
760 to each unit owner at the address last furnished to the
761 association by the unit owner, or electronically transmit to the
762 location furnished by the unit owner for that purpose a notice
763 of such meeting and a copy of the proposed annual budget. An
764 officer or a manager of the association, or other person
765 providing notice of such meeting, shall execute an affidavit
766 evidencing compliance with such notice requirement, and such
767 affidavit shall be filed among the official records of the
768 association.

769 2.a. If a board proposes in any fiscal year an annual
770 budget which requires assessments against unit owners which
771 exceed 115 percent of assessments for the preceding fiscal year,
772 the board must ~~shall~~ simultaneously propose a substitute budget
773 that does not include any discretionary expenditures that are
774 not required to be in the budget. The substitute budget must be
775 proposed at the budget meeting before the adoption of the annual
776 budget. At least 14 days before such budget meeting in which a
777 substitute budget will be proposed, the board shall hand deliver
778 to each unit owner, or mail to each unit owner at the address
779 last furnished to the association, a notice of the meeting. An
780 officer or manager of the association, or other person providing
781 notice of such meeting shall execute an affidavit evidencing
782 compliance with this notice requirement, and such affidavit must
783 ~~shall~~ be filed among the official records of the association.

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784 Unit owners shall ~~must~~ consider and may adopt a substitute
785 budget at the meeting. A substitute budget is adopted if
786 approved by a majority of all voting interests unless the bylaws
787 require adoption by a greater percentage of voting interests. If
788 a substitute budget is not adopted, the annual budget previously
789 initially proposed by the board may be adopted.

790 b. Any determination of whether assessments exceed 115
791 percent of assessments for the previous ~~prior~~ fiscal year must
792 ~~shall~~ exclude any authorized provision for required reserves for
793 repair or replacement of the condominium property; anticipated
794 expenses of the association which the board does not expect to
795 be incurred on a regular or annual basis for the repair,
796 maintenance, or replacement of the items listed in paragraph
797 (g); and insurance premiums.

798 c. If the developer controls the board, assessments may not
799 exceed 115 percent of assessments for the prior fiscal year
800 unless approved by a majority of all voting interests.

801 Section 4. Paragraph (a) of subsection (1) of section
802 718.1265, Florida Statutes, is amended to read:

803 718.1265 Association emergency powers.—

804 (1) To the extent allowed by law, unless specifically
805 prohibited by the declaration of condominium, the articles, or
806 the bylaws of an association, and consistent with s. 617.0830,
807 the board of administration, in response to damage or injury
808 caused by or anticipated in connection with an emergency, as
809 defined in s. 252.34(4), for which a state of emergency is
810 declared pursuant to s. 252.36 in the locale in which the
811 condominium is located, may exercise the following powers:

812 (a) Conduct board meetings, committee meetings, elections,

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813 and membership meetings, in whole or in part, by telephone,
814 real-time audioconferencing or videoconferencing, or similar
815 real-time electronic audio or video communication with notice
816 given as is practicable. Such notice may be given in any
817 practicable manner, including publication, radio, United States
818 mail, the Internet, electronic transmission, public service
819 announcements, and conspicuous posting on the condominium
820 property or association property or any other means the board
821 deems reasonable under the circumstances. Notice of decisions
822 also may be communicated as provided in this paragraph.

823 Section 5. Paragraph (b) of subsection (1) of section
824 719.106, Florida Statutes, is amended to read:

825 719.106 Bylaws; cooperative ownership.—

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

829 (b) *Quorum; voting requirements; proxies.*—

830 1. Unless otherwise provided in the bylaws, the percentage
831 of voting interests required to constitute a quorum at a meeting
832 of the members shall be a majority of voting interests, and
833 decisions shall be made by owners of a majority of the voting
834 interests. Unless otherwise provided in this chapter, or in the
835 articles of incorporation, bylaws, or other cooperative
836 documents, and except as provided in subparagraph (d)1.,
837 decisions shall be made by owners of a majority of the voting
838 interests represented at a meeting at which a quorum is present.

839 2. Except as specifically otherwise provided herein, after
840 January 1, 1992, unit owners may not vote by general proxy, but
841 may vote by limited proxies substantially conforming to a

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842 limited proxy form adopted by the division. Limited proxies and
843 general proxies may be used to establish a quorum. Limited
844 proxies shall be used for votes taken to waive or reduce
845 reserves in accordance with subparagraph (j)2., for votes taken
846 to waive the financial reporting requirements of s.
847 719.104(4)(b), for votes taken to amend the articles of
848 incorporation or bylaws pursuant to this section, and for any
849 other matter for which this chapter requires or permits a vote
850 of the unit owners. Except as provided in paragraph (d), after
851 January 1, 1992, a ~~no~~ proxy, limited or general, may not shall
852 be used in the election of board members. General proxies may be
853 used for other matters for which limited proxies are not
854 required, and may also be used in voting for nonsubstantive
855 changes to items for which a limited proxy is required and
856 given. Notwithstanding ~~the provisions of~~ this section, unit
857 owners may vote in person at unit owner meetings. This section
858 does not ~~Nothing contained herein shall~~ limit the use of general
859 proxies or require the use of limited proxies or require the use
860 of limited proxies for any agenda item or election at any
861 meeting of a timeshare cooperative.

862 3. Any proxy given is ~~shall be~~ effective only for the
863 specific meeting for which originally given and any lawfully
864 adjourned meetings thereof. In no event shall any proxy be valid
865 for a period longer than 90 days after the date of the first
866 meeting for which it was given. Every proxy is ~~shall be~~
867 revocable at any time at the pleasure of the unit owner
868 executing it.

869 4. A member of the board of administration or a committee
870 may submit in writing his or her agreement or disagreement with

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871 any action taken at a meeting that the member did not attend.
872 This agreement or disagreement may not be used as a vote for or
873 against the action taken and may not be used for the purposes of
874 creating a quorum.

875 5. A board member or committee member participating in a
876 meeting via telephone, real-time audioconferencing or
877 videoconferencing, or similar real-time electronic audio or
878 video communication counts toward a quorum, and such member may
879 vote as if physically present. A speaker must be used so that
880 the conversation of such members may be heard by the board or
881 committee members attending in person, as well as by any unit
882 owners present at a meeting.

883 Section 6. Paragraph (a) of subsection (1) of section
884 719.128, Florida Statutes, is amended to read:

885 719.128 Association emergency powers.—

886 (1) To the extent allowed by law, unless specifically
887 prohibited by the cooperative documents, and consistent with s.
888 617.0830, the board of administration, in response to damage or
889 injury caused by or anticipated in connection with an emergency,
890 as defined in s. 252.34(4), for which a state of emergency is
891 declared pursuant to s. 252.36 in the area encompassed by the
892 cooperative, may exercise the following powers:

893 (a) Conduct board meetings, committee meetings, elections,
894 or membership meetings, in whole or in part, by telephone, real-
895 time audioconferencing or videoconferencing, or similar real-
896 time electronic audio or video communication after notice of the
897 meetings and board decisions is provided in as practicable a
898 manner as possible, including via publication, radio, United
899 States mail, the Internet, electronic transmission, public

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900 service announcements, conspicuous posting on the cooperative
901 property, or any other means the board deems appropriate under
902 the circumstances. Notice of decisions may also be communicated
903 as provided in this paragraph.

904 Section 7. Paragraph (a) of subsection (1) of section
905 720.316, Florida Statutes, is amended to read:

906 720.316 Association emergency powers.—

907 (1) To the extent allowed by law, unless specifically
908 prohibited by the declaration or other recorded governing
909 documents, and consistent with s. 617.0830, the board of
910 directors, in response to damage or injury caused by or
911 anticipated in connection with an emergency, as defined in s.
912 252.34(4), for which a state of emergency is declared pursuant
913 to s. 252.36 in the area encompassed by the association, may
914 exercise the following powers:

915 (a) Conduct board meetings, committee meetings, elections,
916 or membership meetings, in whole or in part, by telephone, real-
917 time audioconferencing or videoconferencing, or similar real-
918 time electronic audio or video communication after notice of the
919 meetings and board decisions is provided in as practicable a
920 manner as possible, including via publication, radio, United
921 States mail, the Internet, electronic transmission, public
922 service announcements, conspicuous posting on the common area,
923 or any other means the board deems appropriate under the
924 circumstances. Notice of decisions may also be communicated as
925 provided in this paragraph.

926 Section 8. Paragraph (a) of subsection (1) of section
927 718.501, Florida Statutes, is amended, and paragraph (u) of that
928 subsection is reenacted, to read:

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929 718.501 Authority, responsibility, and duties of Division
930 of Florida Condominiums, Timeshares, and Mobile Homes.—

931 (1) The division may enforce and ensure compliance with
932 this chapter and rules relating to the development,
933 construction, sale, lease, ownership, operation, and management
934 of residential condominium units and complaints. In performing
935 its duties, the division has complete jurisdiction to
936 investigate complaints and enforce compliance with respect to
937 associations that are still under developer control or the
938 control of a bulk assignee or bulk buyer pursuant to part VII of
939 this chapter and complaints against developers, bulk assignees,
940 or bulk buyers involving improper turnover or failure to
941 turnover, pursuant to s. 718.301. However, after turnover has
942 occurred, the division has jurisdiction to review records and
943 investigate complaints related only to:

944 (a)1. Procedural aspects and records relating to financial
945 issues, including annual financial reporting under s.
946 718.111(13); assessments for common expenses, fines, and
947 commingling of reserve and operating funds under s. 718.111(14);
948 use of debit cards for unintended purposes under s. 718.111(15);
949 the annual operating budget and the allocation of reserve funds
950 under s. 718.112(2)(f); financial records under s.
951 718.111(12)(a)11.; and any other record necessary to determine
952 the revenues and expenses of the association.

953 2. Elections, including election and voting requirements
954 under s. 718.112(2)(b) and (d), recall of board members under s.
955 718.112(2)(1), electronic voting under s. 718.128, and elections
956 that occur during an emergency under s. 718.1265(1)(a).

957 3. The maintenance of and unit owner access to association

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958 records under s. 718.111(12), including, but not limited to,
959 audio or video recordings.

960 4. The procedural aspects of meetings, including unit owner
961 meetings, quorums, voting requirements, proxies, board of
962 administration meetings, and budget meetings under s.
963 718.112(2).

964 5. The disclosure of conflicts of interest under ss.
965 718.111(1)(a) and 718.3027, including limitations contained in
966 s. 718.111(3)(f).

967 6. The removal of a board director or officer under ss.
968 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

969 7. The procedural completion of structural integrity
970 reserve studies under s. 718.112(2)(g) and the milestone
971 inspections under s. 553.899.

972 8. Completion of repairs required by a milestone inspection
973 under s. 553.899.

974 9. Any written inquiries by unit owners to the association
975 relating to such matters, including written inquiries under s.
976 718.112(2)(a)2.

977 10. The requirement for associations to maintain an
978 insurance policy or fidelity bonding for all persons who control
979 or disperse funds of the association under s. 718.111(11)(h).

980 11. Board member education requirements under s.
981 718.112(2)(d)5.b.

982 12. Reporting requirements for structural integrity reserve
983 studies under subsection (3) and under s. 718.112(2)(g)12.

984 (u) If the division receives a complaint regarding access
985 to official records on the association's website or through an
986 application that can be downloaded on a mobile device under s.

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987 718.111(12)(g), the division may request access to the
988 association's website or application and investigate. The
989 division may adopt rules to carry out this paragraph.

990 Section 9. Paragraph (d) of subsection (1) and paragraph
991 (e) of subsection (2) of section 718.503, Florida Statutes, are
992 amended to read:

993 718.503 Developer disclosure prior to sale; nondeveloper
994 unit owner disclosure prior to sale; voidability.—

995 (1) DEVELOPER DISCLOSURE.—

996 (d) *Milestone inspection, turnover inspection report, or*
997 *structural integrity reserve study.*—If the association is
998 required to have completed a milestone inspection as described
999 in s. 553.899, a turnover inspection report for a turnover
1000 inspection performed on or after July 1, 2023, or a structural
1001 integrity reserve study, and the association has not completed
1002 the milestone inspection, the turnover inspection report, or the
1003 structural integrity reserve study, each contract entered into
1004 after December 31, 2024, for the sale of a residential unit
1005 shall contain in conspicuous type a statement indicating that
1006 the association is required to have a milestone inspection, a
1007 turnover inspection report, or a structural integrity reserve
1008 study and has not completed such inspection, report, or study,
1009 as appropriate. If the association is not required to have a
1010 milestone inspection as described in s. 553.899 or a structural
1011 integrity reserve study, each contract entered into after
1012 December 31, 2024, for the sale of a residential unit shall
1013 contain in conspicuous type a statement indicating that the
1014 association is not required to have a milestone inspection or a
1015 structural integrity reserve study, as appropriate. If the

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1016 association has completed a milestone inspection as described in
1017 s. 553.899, a turnover inspection report for a turnover
1018 inspection performed on or after July 1, 2023, or a structural
1019 integrity reserve study, each contract entered into after
1020 December 31, 2024, for the sale of a residential unit shall
1021 contain in conspicuous type:

1022 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
1023 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1024 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1025 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
1026 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
1027 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
1028 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1029 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
1030 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
1031 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
1032 EXECUTION OF THIS CONTRACT; and

1033 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
1034 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
1035 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1036 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
1037 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
1038 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1039 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
1040 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
1041 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
1042 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1043 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
1044 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED

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1045 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
1046 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
1047 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
1048 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
1049 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
1050 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
1051 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
1052 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
1053 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
1054 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF
1055 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
1056 TERMINATE AT CLOSING.

1057
1058 A contract that does not conform to the requirements of this
1059 paragraph is voidable at the option of the purchaser before
1060 closing.

1061 (2) NONDEVELOPER DISCLOSURE.—

1062 (e) If the association is required to have completed a
1063 milestone inspection as described in s. 553.899, a turnover
1064 inspection report for a turnover inspection performed on or
1065 after July 1, 2023, or a structural integrity reserve study, and
1066 the association has not completed the milestone inspection, the
1067 turnover inspection report, or the structural integrity reserve
1068 study, each contract entered into after December 31, 2024, for
1069 the sale of a residential unit shall contain in conspicuous type
1070 a statement indicating that the association is required to have
1071 a milestone inspection, a turnover inspection report, or a
1072 structural integrity reserve study and has not completed such
1073 inspection, report, or study, as appropriate. If the association

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1074 is not required to have a milestone inspection as described in
1075 s. 553.899 or a structural integrity reserve study, each
1076 contract entered into after December 31, 2024, for the sale of a
1077 residential unit shall contain in conspicuous type a statement
1078 indicating that the association is not required to have a
1079 milestone inspection or a structural integrity reserve study, as
1080 appropriate. If the association has completed a milestone
1081 inspection as described in s. 553.899, a turnover inspection
1082 report for a turnover inspection performed on or after July 1,
1083 2023, or a structural integrity reserve study, each contract
1084 entered into after December 31, 2024, for the resale of a
1085 residential unit shall contain in conspicuous type:

1086 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
1087 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1088 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1089 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
1090 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
1091 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
1092 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1093 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
1094 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7
1095 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
1096 EXECUTION OF THIS CONTRACT; and

1097 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
1098 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
1099 CANCEL WITHIN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1100 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
1101 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
1102 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED

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1103 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 1104 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 1105 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 1106 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 1107 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
 1108 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 1109 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 1110 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
 1111 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 1112 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 1113 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 1114 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 1115 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
 1116 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 1117 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 1118 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF
 1119 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
 1120 TERMINATE AT CLOSING.

1121
 1122 A contract that does not conform to the requirements of this
 1123 paragraph is voidable at the option of the purchaser before
 1124 closing.

1125 Section 10. For the purpose of incorporating the amendment
 1126 made by this act to section 719.106, Florida Statutes, in a
 1127 reference thereto, section 723.0791, Florida Statutes, is
 1128 reenacted to read:

1129 723.0791 Mobile home cooperative homeowners' associations;
 1130 elections.—The provisions of s. 719.106(1) (b) notwithstanding,
 1131 the election of board members in a mobile home cooperative

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1132 homeowners' association may be carried out in the manner
1133 provided for in the bylaws of the association. A mobile home
1134 cooperative is a residential cooperative consisting of real
1135 property to which 10 or more mobile homes are located or are
1136 affixed.

1137 Section 11. This act shall take effect July 1, 2026.