

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Nix offered the following:

Amendment (with title amendment)

Remove lines 40-191 and insert:

(4) Notwithstanding the insurance requirements of ss. 718.111, 719.106, and 720.3033, before contracting with a condominium association, cooperative association, or homeowners' association with annual revenues of \$750,000 or more, a community association manager or community association management firm must obtain professional liability insurance coverage with limits of not less than \$1 million per occurrence and crime coverage with third party protection of not less than \$1 million per occurrence, separate from any insurance coverage

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14 provided by the association. The contracted licensee must update
15 his, her, or its online licensure account with the department
16 under s. 468.432(3) with proof of the insurance coverage. As a
17 condition of licensure, a licensee with an existing contract
18 with an association with an annual revenue of \$750,000 or more
19 effective before January 1, 2027, shall obtain the insurance
20 coverage required by this section by January 1, 2027.

21 **Section 2. Subsection (6) is added to section 468.436,**
22 **Florida Statutes, to read:**

23 468.436 Disciplinary proceedings.—

24 (6) If a community association manager is convicted of, or
25 enters a plea of guilty or nolo contendere, regardless of
26 adjudication, in any jurisdiction, to a felony of the first
27 degree, a capital felony, a felony involving money laundering,
28 or a felony involving theft or embezzlement, the department must
29 immediately revoke the community association manager's license
30 issued under this part and the community association manager is
31 permanently barred from future licensure under this part.

32 **Section 3. Paragraph (g) of subsection (3) of section**
33 **718.111, Florida Statutes, is amended to read:**

34 718.111 The association.—

35 (3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,
36 SUE, AND BE SUED; CONFLICT OF INTEREST.—

37 (g) If an association contracts with a community
38 association manager or a community association management firm,

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39 the community association manager or community association
40 management firm must possess all applicable licenses required by
41 part VIII of chapter 468. An association with total annual
42 revenues of \$750,000 or more must contract with a community
43 association manager or community association management firm.
44 Each board member or officer ~~All board members or officers~~ of an
45 association that contracts with a community association manager
46 or a community association management firm has ~~have~~ a duty to
47 ensure that the community association manager or community
48 association management firm is properly licensed before entering
49 into a contract.

50 **Section 4. Subsection (6) is added to section 718.405,**
51 **Florida Statutes, to read:**

52 718.405 Multicondominiums; multicondominium associations.—

53 (6) An association operating a multicondominium must
54 contract with a community association manager or community
55 association management firm. The community association manager
56 or community association management firm must possess all
57 applicable licenses required by part VIII of chapter 468. Each
58 board member or officer of an association that contracts with a
59 community association manager or a community association
60 management firm has a duty to ensure that the community
61 association manager or community association management firm is
62 properly licensed before entering into a contract.

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63 **Section 5. Paragraph (a) of subsection (1) of section**
64 **719.106, Florida Statutes, is amended to read:**

65 719.106 Bylaws; cooperative ownership.—

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

69 (a) Administration.—

70 1. The form of administration of the association shall be
71 described, indicating the titles of the officers and board of
72 administration and specifying the powers, duties, manner of
73 selection and removal, and compensation, if any, of officers and
74 board members. In the absence of such a provision, the board of
75 administration shall be composed of five members, unless the
76 cooperative has five or fewer units. The board shall consist of
77 not fewer than three members in cooperatives with five or fewer
78 units that are not-for-profit corporations. In a residential
79 cooperative association of more than 10 units, co-owners of a
80 unit may not serve as members of the board of directors at the
81 same time unless the co-owners own more than one unit or unless
82 there are not enough eligible candidates to fill the vacancies
83 on the board at the time of the vacancy. In the absence of
84 provisions to the contrary, the board of administration shall
85 have a president, a secretary, and a treasurer, who shall
86 perform the duties of those offices customarily performed by
87 officers of corporations. Unless prohibited in the bylaws, the

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88 board of administration may appoint other officers and grant
89 them those duties it deems appropriate. Unless otherwise
90 provided in the bylaws, the officers shall serve without
91 compensation and at the pleasure of the board. Unless otherwise
92 provided in the bylaws, the members of the board shall serve
93 without compensation.

94 2. A person who has been suspended or removed by the
95 division under this chapter, or who is delinquent in the payment
96 of any monetary obligation due to the association, is not
97 eligible to be a candidate for board membership and may not be
98 listed on the ballot. A director or officer charged by
99 information or indictment with a felony theft or embezzlement
100 offense involving the association's funds or property is
101 suspended from office. The board shall fill the vacancy
102 according to general law until the end of the period of the
103 suspension or the end of the director's term of office,
104 whichever occurs first. However, if the charges are resolved
105 without a finding of guilt or without acceptance of a plea of
106 guilty or nolo contendere, the director or officer shall be
107 reinstated for any remainder of his or her term of office. A
108 member who has such criminal charges pending may not be
109 appointed or elected to a position as a director or officer. A
110 person who has been convicted of any felony in this state or in
111 any United States District Court, or who has been convicted of
112 any offense in another jurisdiction which would be considered a

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113 felony if committed in this state, is not eligible for board
114 membership unless such felon's civil rights have been restored
115 for at least 5 years as of the date such person seeks election
116 to the board. The validity of an action by the board is not
117 affected if it is later determined that a board member is
118 ineligible for board membership due to having been convicted of
119 a felony.

120 3. When a unit owner files a written inquiry by certified
121 mail with the board of administration, the board shall respond
122 in writing to the unit owner within 30 days of receipt of the
123 inquiry. The board's response shall either give a substantive
124 response to the inquirer, notify the inquirer that a legal
125 opinion has been requested, or notify the inquirer that advice
126 has been requested from the division. If the board requests
127 advice from the division, the board shall, within 10 days of its
128 receipt of the advice, provide in writing a substantive response
129 to the inquirer. If a legal opinion is requested, the board
130 shall, within 60 days after the receipt of the inquiry, provide
131 in writing a substantive response to the inquirer. The failure
132 to provide a substantive response to the inquirer as provided
133 herein precludes the board from recovering attorney's fees and
134 costs in any subsequent litigation, administrative proceeding,
135 or arbitration arising out of the inquiry. The association may,
136 through its board of administration, adopt reasonable rules and
137 regulations regarding the frequency and manner of responding to

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138 the unit owners' inquiries, one of which may be that the
139 association is obligated to respond to only one written inquiry
140 per unit in any given 30-day period. In such case, any
141 additional inquiry or inquiries must be responded to in the
142 subsequent 30-day period, or periods, as applicable.

143 4. An association with total annual revenues of \$750,000
144 or more must contract with a community association manager or
145 community association management firm. The community association
146 manager or community association management firm must possess
147 all applicable licenses required by part VIII of chapter 468.

148 5. Each board member or officer of an association that
149 contracts with a community association manager or a community
150 association management firm has a duty to ensure that the
151 community association manager or community association
152 management firm is properly licensed before entering into a
153 contract.

154 **Section 6. Subsection (1) of section 720.303, Florida**
155 **Statutes, is amended to read:**

156 720.303 Association powers and duties; meetings of board;
157 official records; budgets; financial reporting; association
158 funds; recalls.—

159 (1) POWERS AND DUTIES.—An association that operates a
160 community as defined in s. 720.301 must be operated by an
161 association that is a Florida corporation. After October 1,
162 1995, the association must be incorporated and the initial

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163 governing documents must be recorded in the official records of
 164 the county in which the community is located. An association may
 165 operate more than one community. An association with total
 166 annual revenues of \$750,000 or more must contract with a
 167 community association manager or community association
 168 management firm. The community association manager or community
 169 association management firm must possess all applicable licenses
 170 required by

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173 **T I T L E A M E N D M E N T**

174 Remove lines 6-14 and insert:
 175 from insurance provided by an association; providing
 176 applicability; amending s. 468.436, F.S.; providing
 177 for the revocation of a community association
 178 manager's license under certain circumstances; barring
 179 a community association manager from being licensed
 180 under certain circumstances; amending ss. 718.111,
 181 718.405, 719.106, and 720.303, F.S.; requiring certain
 182 community associations to contract with a community
 183 association manager or community association
 184 management firm; requiring the community association
 185 manager or community association firm to possess

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