

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Regulatory Reform &
 2 Economic Development Subcommittee
 3 Representative Lopez, V. offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (3) is added to section 468.4334,
 8 Florida Statutes, to read:

9 468.4334 Professional practice standards; liability.—

10 (3) A community association manager or a community
 11 association management firm shall return all community
 12 association official records within its possession to the
 13 community association within 20 business days after termination
 14 of a contractual agreement to provide community association
 15 management services to the community association or receipt of a
 16 written request for return of the official records, whichever

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17 occurs first. The notice of termination must be sent by
18 certified mail, return receipt requested, or in the manner
19 required under the management contract. Such community
20 association manager or community association management firm may
21 retain, for up to 20 business days, those records necessary to
22 complete an ending financial statement or report. Failure of
23 association to provide access or retention of accounting records
24 to prepare the statement or report shall relieve such community
25 association manager or community association management firm of
26 any further responsibility or liability for preparation of the
27 statement or report. Failure of a community association manager
28 or a community association management firm to timely return all
29 of the official records within its possession to the community
30 association creates a rebuttable presumption that the community
31 association manager or community association management firm
32 willfully failed to comply with this subsection. A community
33 association manager or a community association management firm
34 that fails to timely return community association records is
35 subject to suspension of its license under s. 468.436, and a
36 civil penalty of \$1,000 per day for up to business 10 days,
37 assessed beginning on the 21st business day after termination of
38 a contractual agreement to provide community association
39 management services to the community association or receipt of a
40 written request from the association for return of the records,
41 whichever occurs first.

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42 Section 2. Section 468.4335, Florida Statutes, is created
43 to read:

44 468.4335 Conflicts of interest.-

45 (1) A community association manager or a community
46 association management firm, including directors, officers,
47 persons with a financial interest in a community association
48 management firm, or a relative of such persons, must disclose to
49 the board of a community association any activity that may
50 reasonably be construed to be a conflict of interest. A
51 rebuttable presumption of a conflict of interest exists if any
52 of the following occurs without prior notice:

53 (a) A community association manager or a community
54 association management firm, including directors, officers,
55 persons with a financial interest in a community association
56 management firm, or a relative of such persons, enters into a
57 contract for goods or services with the association.

58 (b) A community association manager or a community
59 association management firm, including directors, officers,
60 persons with a financial interest in a community association
61 management firm, or the relative of such persons, holds an
62 interest in or receives compensation or anything of value from a
63 corporation, limited liability corporation, partnership, limited
64 liability partnership, or other business entity that conducts
65 business with the association or proposes to enter into a
66 contract or other transaction with the association.

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67 (2) If the association receives and considers a bid to
68 provide a good or service, other than community association
69 management services, from a community association manager or a
70 community association management firm, including directors,
71 officers, persons with a financial interest in a community
72 association management firm, or a relative of such persons, the
73 association must also solicit and consider at least three bids
74 from other third-party providers of such good or service.

75 (3) If a community association manager or a community
76 association management firm, including directors, officers,
77 persons with a financial interest in a community association
78 management firm, or a relative of such persons, proposes to
79 engage in an activity that is a conflict of interest as
80 described in subsection (1), the proposed activity must be
81 listed on, and all contracts and transactional documents related
82 to the proposed activity must be attached to, the meeting agenda
83 of the next board of administration meeting. The disclosures of
84 a possible conflict of interest must be entered into the written
85 minutes of the meeting. Approval of the contract or other
86 transaction requires an affirmative vote of two-thirds of all
87 other directors present. At the next regular or special meeting
88 of the members, the existence of the contract or other
89 transaction must be disclosed to the members.

90 (4) If the board finds that a community association
91 manager or a community association management firm, including

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92 directors, officers, persons with a financial interest in a
93 community association management firm, and the relatives of such
94 persons, has violated this section, the association may cancel
95 its community association management contract with the community
96 association manager or the community association management
97 firm. If the contract is canceled, the association is liable
98 only for the reasonable value of the management services
99 provided up to the time of cancellation and is not liable for
100 any termination fees, liquidated damages, or other form of
101 penalty for such cancellation.

102 (5) If an association enters into a contract with a
103 community association manager or a community association
104 management firm, including directors, officers, persons with a
105 financial interest in a community association management firm,
106 or a relative of such persons, which is a party to or has an
107 interest in an activity that is a possible conflict of interest
108 as described in subsection (1) and such activity has not been
109 properly disclosed as a conflict of interest or potential
110 conflict of interest as required by this section, the contract
111 is voidable and terminates upon the association filing a written
112 notice terminating the contract with its board of directors
113 which contains the consent of at least 20 percent of the voting
114 interests of the association.

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

118 Section 3. Paragraph (b) of subsection (2) of section
119 468.436, Florida Statutes, is amended, and subsection (4) of
120 that section is reenacted, to read:

121 468.436 Disciplinary proceedings.—

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

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

125 2. Violation of any lawful order or rule rendered or
126 adopted by the department or the council.

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

129 4. Obtaining a license or certification or any other
130 order, ruling, or authorization by means of fraud,
131 misrepresentation, or concealment of material facts.

132 5. Committing acts of gross misconduct or gross negligence
133 in connection with the profession.

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

137 7. Failing to disclose any conflict of interest as
138 required by s. 468.4335.

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139 ~~8.7.~~ Violating ~~any provision of~~ chapter 718, chapter 719,
140 or chapter 720 during the course of performing community
141 association management services pursuant to a contract with a
142 community association as defined in s. 468.431(1).

143 (4) When the department finds any community association
144 manager or firm guilty of any of the grounds set forth in
145 subsection (2), it may enter an order imposing one or more of
146 the following penalties:

147 (a) Denial of an application for licensure.

148 (b) Revocation or suspension of a license.

149 (c) Imposition of an administrative fine not to exceed
150 \$5,000 for each count or separate offense.

151 (d) Issuance of a reprimand.

152 (e) Placement of the community association manager on
153 probation for a period of time and subject to such conditions as
154 the department specifies.

155 (f) Restriction of the authorized scope of practice by the
156 community association manager.

157 Section 4. Subsections (19) through (32) of section
158 718.103, Florida Statutes, are renumbered as subsections (20)
159 through (33), respectively, subsection (1) is amended, and a new
160 subsection (19) is added to that section, to read:

161 718.103 Definitions.—As used in this chapter, the term:

162 (1) "Alternative funding method" means a method approved
163 by the division for funding the capital expenditures and

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164 deferred maintenance obligations for a multicondominium
165 association operating at least 25 condominiums which may
166 reasonably be expected to fully satisfy the association's
167 reserve funding obligations by the allocation of funds in the
168 annual operating budget.

169 (19) "Hurricane protection" means hurricane shutters,
170 impact glass, code-compliant windows or doors, and other code-
171 compliant hurricane protection products used to preserve and
172 protect the condominium property or association property.

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

175 718.104 Creation of condominiums; contents of
176 declaration.—Every condominium created in this state shall be
177 created pursuant to this chapter.

178 (4) The declaration must contain or provide for the
179 following matters:

180 (p) For both residential condominiums and mixed-use
181 condominiums, a statement that specifies whether the unit owner
182 or the association is responsible for the installation,
183 maintenance, repair, or replacement of hurricane protection that
184 is for the preservation and protection of the condominium
185 property and association property.

186 Section 6. Paragraph (a) of subsection (1) and subsections
187 (12), (13), and (15) of section 718.111, Florida Statutes, are
188 amended to read:

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189 718.111 The association.—
190 (1) CORPORATE ENTITY.—
191 (a) The operation of the condominium shall be by the
192 association, which must be a Florida corporation for profit or a
193 Florida corporation not for profit. However, any association
194 which was in existence on January 1, 1977, need not be
195 incorporated. The owners of units shall be shareholders or
196 members of the association. The officers and directors of the
197 association have a fiduciary relationship to the unit owners. It
198 is the intent of the Legislature that nothing in this paragraph
199 shall be construed as providing for or removing a requirement of
200 a fiduciary relationship between any manager employed by the
201 association and the unit owners. An officer, director, or
202 manager may not solicit, offer to accept, or accept any thing or
203 service of value or kickback for which consideration has not
204 been provided for his or her own benefit or that of his or her
205 immediate family, from any person providing or proposing to
206 provide goods or services to the association. Any such officer,
207 director, or manager who knowingly so solicits, offers to
208 accept, or accepts any thing or service of value or kickback
209 commits a felony of the third degree, punishable as provided in
210 s. 775.082, s. 775.083, or s. 775.084, and shall be deemed
211 removed from office and a vacancy declared, and is subject to a
212 civil penalty pursuant to s. 718.501(1)(d) and, if applicable, a
213 ~~criminal penalty as provided in paragraph (d).~~ However, this

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214 paragraph does not prohibit an officer, director, or manager
215 from accepting services or items received in connection with
216 trade fairs or education programs. An association may operate
217 more than one condominium.

218 (12) OFFICIAL RECORDS.—

219 (a) From the inception of the association, the association
220 shall maintain each of the following items, if applicable, which
221 constitutes the official records of the association:

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

224 2. A photocopy of the recorded declaration of condominium
225 of each condominium operated by the association and each
226 amendment to each declaration.

227 3. A photocopy of the recorded bylaws of the association
228 and each amendment to the bylaws.

229 4. A certified copy of the articles of incorporation of
230 the association, or other documents creating the association,
231 and each amendment thereto.

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

233 6. A book or books that contain the minutes of all
234 meetings of the association, the board of administration, and
235 the unit owners.

236 7. A current roster of all unit owners and their mailing
237 addresses, unit identifications, voting certifications, and, if
238 known, telephone numbers. The association shall also maintain

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239 the e-mail addresses and facsimile numbers of unit owners
240 consenting to receive notice by electronic transmission. ~~The e-~~
241 ~~mail addresses and facsimile numbers are not accessible to unit~~
242 ~~owners if consent to receive notice by electronic transmission~~
243 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e., the
244 e-mail addresses and facsimile numbers are only accessible to
245 unit owners if consent to receive notice by electronic
246 transmission is provided ~~(c)3.e.~~ However, the association is not
247 liable for an inadvertent disclosure of the e-mail address or
248 facsimile number for receiving electronic transmission of
249 notices.

250 8. All current insurance policies of the association and
251 condominiums operated by the association.

252 9. A current copy of any management agreement, lease, or
253 other contract to which the association is a party or under
254 which the association or the unit owners have an obligation or
255 responsibility.

256 10. Bills of sale or transfer for all property owned by
257 the association.

258 11. Accounting records for the association and separate
259 accounting records for each condominium that the association
260 operates. Any person who knowingly or intentionally defaces or
261 destroys such records, or who knowingly or intentionally fails
262 to create or maintain such records, with the intent of causing
263 harm to the association or one or more of its members, is

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264 personally subject to a civil penalty pursuant to s.
265 718.501(1)(d). The accounting records must include, but are not
266 limited to:

267 a. Accurate, itemized, and detailed records of all
268 receipts and expenditures.

269 b. All invoices, transaction receipts, or deposit slips,
270 that substantiate any receipt or expenditure of funds by the
271 association.

272 ~~c.b.~~ A current account and a monthly, bimonthly, or
273 quarterly statement of the account for each unit designating the
274 name of the unit owner, the due date and amount of each
275 assessment, the amount paid on the account, and the balance due.

276 ~~d.e.~~ All audits, reviews, accounting statements,
277 structural integrity reserve studies, and financial reports of
278 the association or condominium. Structural integrity reserve
279 studies must be maintained for at least 15 years after the study
280 is completed.

281 ~~e.d.~~ All contracts for work to be performed. Bids for work
282 to be performed are also considered official records and must be
283 maintained by the association for at least 1 year after receipt
284 of the bid.

285 12. Ballots, sign-in sheets, voting proxies, and all other
286 papers and electronic records relating to voting by unit owners,
287 which must be maintained for 1 year from the date of the

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288 election, vote, or meeting to which the document relates,
289 notwithstanding paragraph (b).

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

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

294 15. A copy of the inspection reports described in ss.
295 553.899 and 718.301(4) (p) and any other inspection report
296 relating to a structural or life safety inspection of
297 condominium property. Such record must be maintained by the
298 association for 15 years after receipt of the report.

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

300 17. All affirmative acknowledgments made pursuant to s.
301 718.121(4) (c).

302 18. A copy of all building permits issued for ongoing or
303 planned construction.

304 ~~19.18.~~ All other written records of the association not
305 specifically included in the foregoing which are related to the
306 operation of the association.

307 (b) The official records specified in subparagraphs (a)1.-
308 6. must be permanently maintained from the inception of the
309 association. Bids for work to be performed or for materials,
310 equipment, or services must be maintained for at least 1 year
311 after receipt of the bid. All other official records must be
312 maintained within the state for at least 7 years, unless

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313 otherwise provided by general law. The official records must be
314 maintained in an organized manner that facilitates inspection of
315 the records by a unit owner. In the event that the records are
316 lost, destroyed, or otherwise unavailable, the obligation to
317 maintain official records includes a good faith obligation to
318 obtain and recreate those records to the fullest extent
319 possible. The records of the association shall be made available
320 to a unit owner within 45 miles of the condominium property or
321 within the county in which the condominium property is located
322 within 10 working days after receipt of a written request by the
323 board or its designee. However, such distance requirement does
324 not apply to an association governing a timeshare condominium.
325 This paragraph and paragraph (c) may be complied with by having
326 a copy of the official records of the association available for
327 inspection or copying on the condominium property or association
328 property, or the association may offer the option of making the
329 records available to a unit owner electronically via the
330 Internet as provided under paragraph (g) or by allowing the
331 records to be viewed in electronic format on a computer screen
332 and printed upon request. The association is not responsible for
333 the use or misuse of the information provided to an association
334 member or his or her authorized representative in compliance
335 with this chapter unless the association has an affirmative duty
336 not to disclose such information under this chapter.

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337 ~~(c)1.a.(e)1.~~ The official records of the association are
338 open to inspection by any association member and any person
339 authorized by an association member as a representative of such
340 member at all reasonable times. The right to inspect the records
341 includes the right to make or obtain copies, at the reasonable
342 expense, if any, of the member and of the person authorized by
343 the association member as a representative of such member. A
344 renter of a unit has a right to inspect and copy only the
345 declaration of condominium, the association's bylaws and rules,
346 and the inspection reports described in ss. 553.899 and
347 718.301(4)(p). The association may adopt reasonable rules
348 regarding the frequency, time, location, notice, and manner of
349 record inspections and copying but may not require a member to
350 demonstrate any purpose or state any reason for the inspection.
351 The failure of an association to provide the records within 10
352 working days after receipt of a written request creates a
353 rebuttable presumption that the association willfully failed to
354 comply with this paragraph. A unit owner who is denied access to
355 official records is entitled to the actual damages or minimum
356 damages for the association's willful failure to comply. Minimum
357 damages are \$50 per calendar day for up to 10 days, beginning on
358 the 11th working day after receipt of the written request. The
359 failure to permit inspection entitles any person prevailing in
360 an enforcement action to recover reasonable attorney fees from
361 the person in control of the records who, directly or

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362 indirectly, knowingly denied access to the records. If the
363 requested records are posted on an association's website, or are
364 available for download through an application on a mobile
365 device, the association may fulfill its obligations by directing
366 all persons authorized to request access to the website or the
367 application.

368 b. In response to a written request to inspect records,
369 the association must simultaneously provide to the requestor a
370 checklist of all records made available for inspection and
371 copying. The checklist must also identify any of the
372 association's official records that were not made available to
373 the requestor. An association must maintain a checklist provided
374 under this sub-subparagraph for 7 years. An association
375 delivering a checklist pursuant to this sub-subparagraph creates
376 a rebuttable presumption that the association has complied with
377 this paragraph.

378 2. A director or member of the board or association or a
379 community association manager who knowingly, willfully, and
380 repeatedly violates subparagraph 1. commits a misdemeanor of the
381 second degree, punishable as provided in s. 775.082 or s.
382 775.083, and shall be deemed removed from office and a
383 vacancy declared. For purposes of this subparagraph, the term
384 "repeatedly" means two or more violations within a 12-month
385 period.

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386 ~~3.2.~~ Any person who knowingly or intentionally defaces or
387 destroys accounting records that are required by this chapter to
388 be maintained during the period for which such records are
389 required to be maintained, or who knowingly or intentionally
390 fails to create or maintain accounting records that are required
391 to be created or maintained, with the intent of causing harm to
392 the association or one or more of its members, commits a
393 misdemeanor of the first degree, punishable as provided in s.
394 775.082 or 775.083, is personally subject to a civil penalty
395 pursuant to s. 718.501(1)(d), and shall be deemed removed from
396 office and a vacancy declared.

397 4. A person who willfully and knowingly refuses to release
398 or otherwise produce association records with the intent to
399 avoid or escape detection, arrest, trial, or punishment for the
400 commission of a crime, or to assist another person with such
401 avoidance or escape, commits a felony of the third degree,
402 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
403 and shall be deemed removed from office and a vacancy declared.

404 ~~5.3.~~ The association shall maintain an adequate number of
405 copies of the declaration, articles of incorporation, bylaws,
406 and rules, and all amendments to each of the foregoing, as well
407 as the question and answer sheet as described in s. 718.504 and
408 year-end financial information required under this section, on
409 the condominium property to ensure their availability to unit
410 owners and prospective purchasers, and may charge its actual

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411 costs for preparing and furnishing these documents to those
412 requesting the documents. An association shall allow a member or
413 his or her authorized representative to use a portable device,
414 including a smartphone, tablet, portable scanner, or any other
415 technology capable of scanning or taking photographs, to make an
416 electronic copy of the official records in lieu of the
417 association's providing the member or his or her authorized
418 representative with a copy of such records. The association may
419 not charge a member or his or her authorized representative for
420 the use of a portable device. Notwithstanding this paragraph,
421 the following records are not accessible to unit owners:

422 a. Any record protected by the lawyer-client privilege as
423 described in s. 90.502 and any record protected by the work-
424 product privilege, including a record prepared by an association
425 attorney or prepared at the attorney's express direction, which
426 reflects a mental impression, conclusion, litigation strategy,
427 or legal theory of the attorney or the association, and which
428 was prepared exclusively for civil or criminal litigation or for
429 adversarial administrative proceedings, or which was prepared in
430 anticipation of such litigation or proceedings until the
431 conclusion of the litigation or proceedings.

432 b. Information obtained by an association in connection
433 with the approval of the lease, sale, or other transfer of a
434 unit.

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435 c. Personnel records of association or management company
436 employees, including, but not limited to, disciplinary, payroll,
437 health, and insurance records. For purposes of this sub-
438 subparagraph, the term "personnel records" does not include
439 written employment agreements with an association employee or
440 management company, or budgetary or financial records that
441 indicate the compensation paid to an association employee.

442 d. Medical records of unit owners.

443 e. Social security numbers, driver license numbers, credit
444 card numbers, e-mail addresses, telephone numbers, facsimile
445 numbers, emergency contact information, addresses of a unit
446 owner other than as provided to fulfill the association's notice
447 requirements, and other personal identifying information of any
448 person, excluding the person's name, unit designation, mailing
449 address, property address, and any address, e-mail address, or
450 facsimile number provided to the association to fulfill the
451 association's notice requirements. Notwithstanding the
452 restrictions in this sub-subparagraph, an association may print
453 and distribute to unit owners a directory containing the name,
454 unit address, and all telephone numbers of each unit owner.
455 However, an owner may exclude his or her telephone numbers from
456 the directory by so requesting in writing to the association. An
457 owner may consent in writing to the disclosure of other contact
458 information described in this sub-subparagraph. The association
459 is not liable for the inadvertent disclosure of information that

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460 is protected under this sub-subparagraph if the information is
461 included in an official record of the association and is
462 voluntarily provided by an owner and not requested by the
463 association.

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

466 g. The software and operating system used by the
467 association which allow the manipulation of data, even if the
468 owner owns a copy of the same software used by the association.
469 The data is part of the official records of the association.

470 h. All affirmative acknowledgments made pursuant to s.
471 718.121(4)(c).

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

474 (e)1. The association or its authorized agent is not
475 required to provide a prospective purchaser or lienholder with
476 information about the condominium or the association other than
477 information or documents required by this chapter to be made
478 available or disclosed. The association or its authorized agent
479 may charge a reasonable fee to the prospective purchaser,
480 lienholder, or the current unit owner for providing good faith
481 responses to requests for information by or on behalf of a
482 prospective purchaser or lienholder, other than that required by
483 law, if the fee does not exceed \$150 plus the reasonable cost of

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484 photocopying and any attorney's fees incurred by the association
485 in connection with the response.

486 2. An association and its authorized agent are not liable
487 for providing such information in good faith pursuant to a
488 written request if the person providing the information includes
489 a written statement in substantially the following form: "The
490 responses herein are made in good faith and to the best of my
491 ability as to their accuracy."

492 (f) An outgoing board or committee member must relinquish
493 all official records and property of the association in his or
494 her possession or under his or her control to the incoming board
495 within 5 days after the election. The division shall impose a
496 civil penalty as set forth in s. 718.501(1)(d)6. against an
497 outgoing board or committee member who willfully and knowingly
498 fails to relinquish such records and property.

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

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

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

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508 (II) A website, application, or web portal operated by a
509 third-party provider with whom the association owns, leases,
510 rents, or otherwise obtains the right to operate a web page,
511 subpage, web portal, collection of subpages or web portals, or
512 an application which is dedicated to the association's
513 activities and on which required notices, records, and documents
514 may be posted or made available by the association.

515 b. The association's website or application must be
516 accessible through the Internet and must contain a subpage, web
517 portal, or other protected electronic location that is
518 inaccessible to the general public and accessible only to unit
519 owners and employees of the association.

520 c. Upon a unit owner's written request, the association
521 must provide the unit owner with a username and password and
522 access to the protected sections of the association's website or
523 application which contain any notices, records, or documents
524 that must be electronically provided.

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

528 a. The recorded declaration of condominium of each
529 condominium operated by the association and each amendment to
530 each declaration.

531 b. The recorded bylaws of the association and each
532 amendment to the bylaws.

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533 c. The articles of incorporation of the association, or
534 other documents creating the association, and each amendment to
535 the articles of incorporation or other documents. The copy
536 posted pursuant to this sub-subparagraph must be a copy of the
537 articles of incorporation filed with the Department of State.

538 d. The rules of the association.

539 e. A list of all executory contracts or documents to which
540 the association is a party or under which the association or the
541 unit owners have an obligation or responsibility and, after
542 bidding for the related materials, equipment, or services has
543 closed, a list of bids received by the association within the
544 past year. Summaries of bids for materials, equipment, or
545 services which exceed \$500 must be maintained on the website or
546 application for 1 year. In lieu of summaries, complete copies of
547 the bids may be posted.

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

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

553 h. The certification of each director required by s.
554 718.112(2)(d)4.b.

555 i. All contracts or transactions between the association
556 and any director, officer, corporation, firm, or association
557 that is not an affiliated condominium association or any other

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558 entity in which an association director is also a director or
559 officer and financially interested.

560 j. Any contract or document regarding a conflict of
561 interest or possible conflict of interest as provided in ss.
562 468.4335, 468.436(2)(b)6., and 718.3027(3).

563 k. The notice of any unit owner meeting and the agenda for
564 the meeting, as required by s. 718.112(2)(d)3., no later than 14
565 days before the meeting. The notice must be posted in plain view
566 on the front page of the website or application, or on a
567 separate subpage of the website or application labeled "Notices"
568 which is conspicuously visible and linked from the front page.
569 The association must also post on its website or application any
570 document to be considered and voted on by the owners during the
571 meeting or any document listed on the agenda at least 7 days
572 before the meeting at which the document or the information
573 within the document will be considered.

574 l. Notice of any board meeting, the agenda, and any other
575 document required for the meeting as required by s.
576 718.112(2)(c), which must be posted no later than the date
577 required for notice under s. 718.112(2)(c).

578 m. The inspection reports described in ss. 553.899 and
579 718.301(4)(p) and any other inspection report relating to a
580 structural or life safety inspection of condominium property.

581 n. The association's most recent structural integrity
582 reserve study, if applicable.

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583 o. Copies of all building permits issued for ongoing or
584 planned construction.

585 3. The association shall ensure that the information and
586 records described in paragraph (c), which are not allowed to be
587 accessible to unit owners, are not posted on the association's
588 website or application. If protected information or information
589 restricted from being accessible to unit owners is included in
590 documents that are required to be posted on the association's
591 website or application, the association shall ensure the
592 information is redacted before posting the documents.
593 Notwithstanding the foregoing, the association or its agent is
594 not liable for disclosing information that is protected or
595 restricted under this paragraph unless such disclosure was made
596 with a knowing or intentional disregard of the protected or
597 restricted nature of such information.

598 4. The failure of the association to post information
599 required under subparagraph 2. is not in and of itself
600 sufficient to invalidate any action or decision of the
601 association's board or its committees.

602 (13) FINANCIAL REPORTING.—Within 90 days after the end of
603 the fiscal year, or annually on a date provided in the bylaws,
604 the association shall prepare and complete, or contract for the
605 preparation and completion of, a financial report for the
606 preceding fiscal year. Within 21 days after the final financial
607 report is completed by the association or received from the

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608 | third party, but not later than 120 days after the end of the
609 | fiscal year or other date as provided in the bylaws, the
610 | association shall deliver ~~mail~~ to each unit owner by United
611 | States mail or personal delivery at the mailing address,
612 | property address, e-mail address, or facsimile number provided
613 | to fulfill the association's notice requirements ~~at the address~~
614 | ~~last furnished to the association by the unit owner, or hand~~
615 | ~~deliver to each unit owner,~~ a copy of the most recent financial
616 | report, and ~~or~~ a notice that a copy of the most recent financial
617 | report will be mailed or hand delivered to the unit owner,
618 | without charge, within 5 business days after receipt of a
619 | written request from the unit owner. The division shall adopt
620 | rules setting forth uniform accounting principles and standards
621 | to be used by all associations and addressing the financial
622 | reporting requirements for multicondominium associations. The
623 | rules must include, but not be limited to, standards for
624 | presenting a summary of association reserves, including a good
625 | faith estimate disclosing the annual amount of reserve funds
626 | that would be necessary for the association to fully fund
627 | reserves for each reserve item based on the straight-line
628 | accounting method. This disclosure is not applicable to reserves
629 | funded via the pooling method. In adopting such rules, the
630 | division shall consider the number of members and annual
631 | revenues of an association. Financial reports shall be prepared
632 | as follows:

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

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

641 2. An association with total annual revenues of at least
642 \$300,000, but less than \$500,000, shall prepare reviewed
643 financial statements.

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

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

649 2. A report of cash receipts and disbursements must
650 disclose the amount of receipts by accounts and receipt
651 classifications and the amount of expenses by accounts and
652 expense classifications, including, but not limited to, the
653 following, as applicable: costs for security, professional and
654 management fees and expenses, taxes, costs for recreation
655 facilities, expenses for refuse collection and utility services,
656 expenses for lawn care, costs for building maintenance and
657 repair, insurance costs, administration and salary expenses, and

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658 reserves accumulated and expended for capital expenditures,
659 deferred maintenance, and any other category for which the
660 association maintains reserves.

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

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

666 2. Reviewed or audited financial statements, if the
667 association is required to prepare compiled financial
668 statements; or

669 3. Audited financial statements if the association is
670 required to prepare reviewed financial statements.

671 (d) If approved by a majority of the voting interests
672 present at a properly called meeting of the association, an
673 association may prepare:

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

676 2. A report of cash receipts and expenditures or a
677 compiled financial statement in lieu of a reviewed or audited
678 financial statement; or

679 3. A report of cash receipts and expenditures, a compiled
680 financial statement, or a reviewed financial statement in lieu
681 of an audited financial statement.

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683 Such meeting and approval must occur before the end of the
684 fiscal year and is effective only for the fiscal year in which
685 the vote is taken. An association may not prepare a financial
686 report pursuant to this paragraph for consecutive fiscal years,
687 ~~except that the approval may also be effective for the following~~
688 ~~fiscal year.~~ If the developer has not turned over control of the
689 association, all unit owners, including the developer, may vote
690 on issues related to the preparation of the association's
691 financial reports, from the date of incorporation of the
692 association through the end of the second fiscal year after the
693 fiscal year in which the certificate of a surveyor and mapper is
694 recorded pursuant to s. 718.104(4)(e) or an instrument that
695 transfers title to a unit in the condominium which is not
696 accompanied by a recorded assignment of developer rights in
697 favor of the grantee of such unit is recorded, whichever occurs
698 first. Thereafter, all unit owners except the developer may vote
699 on such issues until control is turned over to the association
700 by the developer. Any audit or review prepared under this
701 section shall be paid for by the developer if done before
702 turnover of control of the association.

703 (e) A unit owner may provide written notice to the
704 division of the association's failure to mail or hand deliver
705 him or her a copy of the most recent financial report within 5
706 business days after he or she submitted a written request to the
707 association for a copy of such report. If the division

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708 determines that the association failed to mail or hand deliver a
709 copy of the most recent financial report to the unit owner, the
710 division shall provide written notice to the association that
711 the association must mail or hand deliver a copy of the most
712 recent financial report to the unit owner and the division
713 within 5 business days after it receives such notice from the
714 division. An association that fails to comply with the
715 division's request may not waive the financial reporting
716 requirement provided in paragraph (d) for the fiscal year in
717 which the unit owner's request was made and the following fiscal
718 year. A financial report received by the division pursuant to
719 this paragraph shall be maintained, and the division shall
720 provide a copy of such report to an association member upon his
721 or her request.

722 (15) DEBIT CARDS.—

723 (a) An association and its officers, directors, employees,
724 and agents may not use a debit card issued in the name of the
725 association, or billed directly to the association, for the
726 payment of any association expense.

727 (b) A person who uses ~~Use of~~ a debit card issued in the
728 name of the association, or billed directly to the association,
729 for any expense that is not a lawful obligation of the
730 association commits theft under s. 812.014, and shall be
731 deemed removed from office and a vacancy declared. For the
732 purposes of this paragraph, the term "lawful obligation of the

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733 association" means an obligation that has been properly
734 preapproved by the board and is reflected in the meeting minutes
735 or the written budget ~~may be prosecuted as credit card fraud~~
736 ~~pursuant to s. 817.61.~~

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

740 718.111 The association.—

741 (12) OFFICIAL RECORDS.—

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

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

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

751 (II) A website, application, or web portal operated by a
752 third-party provider with whom the association owns, leases,
753 rents, or otherwise obtains the right to operate a web page,
754 subpage, web portal, collection of subpages or web portals, or
755 an application which is dedicated to the association's
756 activities and on which required notices, records, and documents
757 may be posted or made available by the association.

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758 b. The association's website or application must be
759 accessible through the Internet and must contain a subpage, web
760 portal, or other protected electronic location that is
761 inaccessible to the general public and accessible only to unit
762 owners and employees of the association.

763 c. Upon a unit owner's written request, the association
764 must provide the unit owner with a username and password and
765 access to the protected sections of the association's website or
766 application which contain any notices, records, or documents
767 that must be electronically provided.

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

771 a. The recorded declaration of condominium of each
772 condominium operated by the association and each amendment to
773 each declaration.

774 b. The recorded bylaws of the association and each
775 amendment to the bylaws.

776 c. The articles of incorporation of the association, or
777 other documents creating the association, and each amendment to
778 the articles of incorporation or other documents. The copy
779 posted pursuant to this sub-subparagraph must be a copy of the
780 articles of incorporation filed with the Department of State.

781 d. The rules of the association.

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782 e. A list of all executory contracts or documents to which
783 the association is a party or under which the association or the
784 unit owners have an obligation or responsibility and, after
785 bidding for the related materials, equipment, or services has
786 closed, a list of bids received by the association within the
787 past year. Summaries of bids for materials, equipment, or
788 services which exceed \$500 must be maintained on the website or
789 application for 1 year. In lieu of summaries, complete copies of
790 the bids may be posted.

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

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

796 h. The certification of each director required by s.
797 718.112(2)(d)4.b.

798 i. All contracts or transactions between the association
799 and any director, officer, corporation, firm, or association
800 that is not an affiliated condominium association or any other
801 entity in which an association director is also a director or
802 officer and financially interested.

803 j. Any contract or document regarding a conflict of
804 interest or possible conflict of interest as provided in ss.
805 468.4335, 468.436(2)(b)6., and 718.3027(3).

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806 k. The notice of any unit owner meeting and the agenda for
807 the meeting, as required by s. 718.112(2)(d)3., no later than 14
808 days before the meeting. The notice must be posted in plain view
809 on the front page of the website or application, or on a
810 separate subpage of the website or application labeled "Notices"
811 which is conspicuously visible and linked from the front page.
812 The association must also post on its website or application any
813 document to be considered and voted on by the owners during the
814 meeting or any document listed on the agenda at least 7 days
815 before the meeting at which the document or the information
816 within the document will be considered.

817 l. Notice of any board meeting, the agenda, and any other
818 document required for the meeting as required by s.
819 718.112(2)(c), which must be posted no later than the date
820 required for notice under s. 718.112(2)(c).

821 m. The inspection reports described in ss. 553.899 and
822 718.301(4)(p) and any other inspection report relating to a
823 structural or life safety inspection of condominium property.

824 n. The association's most recent structural integrity
825 reserve study, if applicable.

826 o. Copies of all building permits issued for ongoing or
827 planned construction.

828 3. The association shall ensure that the information and
829 records described in paragraph (c), which are not allowed to be
830 accessible to unit owners, are not posted on the association's

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831 website or application. If protected information or information
832 restricted from being accessible to unit owners is included in
833 documents that are required to be posted on the association's
834 website or application, the association shall ensure the
835 information is redacted before posting the documents.
836 Notwithstanding the foregoing, the association or its agent is
837 not liable for disclosing information that is protected or
838 restricted under this paragraph unless such disclosure was made
839 with a knowing or intentional disregard of the protected or
840 restricted nature of such information.

841 4. The failure of the association to post information
842 required under subparagraph 2. is not in and of itself
843 sufficient to invalidate any action or decision of the
844 association's board or its committees.

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

848 718.112 Bylaws.—

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

852 (c) Board of administration meetings.—In a residential
853 condominium association of more than 10 units, the board of
854 administration shall meet once each quarter for the purpose of
855 responding to inquiries from members and informing members on

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856 the state of the condominium, including the status of any
857 construction or repair projects, the status of the association's
858 revenue and expenditures during the fiscal year, or other issues
859 affecting the association. Meetings of the board of
860 administration at which a quorum of the members is present are
861 open to all unit owners. Members of the board of administration
862 may use e-mail as a means of communication but may not cast a
863 vote on an association matter via e-mail. A unit owner may tape
864 record or videotape the meetings. The right to attend such
865 meetings includes the right to speak at such meetings with
866 reference to all designated agenda items. The division shall
867 adopt reasonable rules governing the tape recording and
868 videotaping of the meeting. The association may adopt written
869 reasonable rules governing the frequency, duration, and manner
870 of unit owner statements.

871 1. Adequate notice of all board meetings, which must
872 specifically identify all agenda items, must be posted
873 conspicuously on the condominium property at least 48 continuous
874 hours before the meeting except in an emergency. If 20 percent
875 of the voting interests petition the board to address an item of
876 business, the board, within 60 days after receipt of the
877 petition, shall place the item on the agenda at its next regular
878 board meeting or at a special meeting called for that purpose.
879 An item not included on the notice may be taken up on an
880 emergency basis by a vote of at least a majority plus one of the

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881 board members. Such emergency action must be noticed and
882 ratified at the next regular board meeting. Written notice of a
883 meeting at which a nonemergency special assessment or an
884 amendment to rules regarding unit use will be considered must be
885 mailed, delivered, or electronically transmitted to the unit
886 owners and posted conspicuously on the condominium property at
887 least 14 days before the meeting. Evidence of compliance with
888 this 14-day notice requirement must be made by an affidavit
889 executed by the person providing the notice and filed with the
890 official records of the association. ~~Notice of any meeting in~~
891 ~~which regular or special assessments against unit owners are to~~
892 ~~be considered must specifically state that assessments will be~~
893 ~~considered and provide the estimated cost and description of the~~
894 ~~purposes for such assessments.~~

895 2. Upon notice to the unit owners, the board shall, by
896 duly adopted rule, designate a specific location on the
897 condominium property at which ~~where~~ all notices of board
898 meetings must be posted. If there is no condominium property at
899 which ~~where~~ notices can be posted, notices shall be mailed,
900 delivered, or electronically transmitted to each unit owner at
901 least 14 days before the meeting. In lieu of or in addition to
902 the physical posting of the notice on the condominium property,
903 the association may, by reasonable rule, adopt a procedure for
904 conspicuously posting and repeatedly broadcasting the notice and
905 the agenda on a closed-circuit cable television system serving

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906 the condominium association. However, if broadcast notice is
907 used in lieu of a notice physically posted on condominium
908 property, the notice and agenda must be broadcast at least four
909 times every broadcast hour of each day that a posted notice is
910 otherwise required under this section. If broadcast notice is
911 provided, the notice and agenda must be broadcast in a manner
912 and for a sufficient continuous length of time so as to allow an
913 average reader to observe the notice and read and comprehend the
914 entire content of the notice and the agenda. In addition to any
915 of the authorized means of providing notice of a meeting of the
916 board, the association may, by rule, adopt a procedure for
917 conspicuously posting the meeting notice and the agenda on a
918 website serving the condominium association for at least the
919 minimum period of time for which a notice of a meeting is also
920 required to be physically posted on the condominium property.
921 Any rule adopted shall, in addition to other matters, include a
922 requirement that the association send an electronic notice in
923 the same manner as a notice for a meeting of the members, which
924 must include a hyperlink to the website at which ~~where~~ the
925 notice is posted, to unit owners whose e-mail addresses are
926 included in the association's official records.

927 3. Notice of any meeting in which regular or special
928 assessments against unit owners are to be considered must
929 specifically state that assessments will be considered and
930 provide the estimated cost and description of the purposes for

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931 such assessments. If an agenda item relates to the approval of a
932 contract for goods or services, a copy of the contract must be
933 provided with the notice, made available for inspection and
934 copying upon a written request from a unit owner, or made
935 available on the association's website or through an application
936 that can be downloaded on a mobile device.

937 ~~4.2.~~ Meetings of a committee to take final action on
938 behalf of the board or make recommendations to the board
939 regarding the association budget are subject to this paragraph.
940 Meetings of a committee that does not take final action on
941 behalf of the board or make recommendations to the board
942 regarding the association budget are subject to this section,
943 unless those meetings are exempted from this section by the
944 bylaws of the association.

945 ~~5.3.~~ Notwithstanding any other law, the requirement that
946 board meetings and committee meetings be open to the unit owners
947 does not apply to:

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

952 b. Board meetings held for the purpose of discussing
953 personnel matters.

954 (d) *Unit owner meetings.*—

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955 1. An annual meeting of the unit owners must be held at
956 the location provided in the association bylaws and, if the
957 bylaws are silent as to the location, the meeting must be held
958 within 45 miles of the condominium property. However, such
959 distance requirement does not apply to an association governing
960 a timeshare condominium.

961 2. Unless the bylaws provide otherwise, a vacancy on the
962 board caused by the expiration of a director's term must be
963 filled by electing a new board member, and the election must be
964 by secret ballot. An election is not required if the number of
965 vacancies equals or exceeds the number of candidates. For
966 purposes of this paragraph, the term "candidate" means an
967 eligible person who has timely submitted the written notice, as
968 described in sub-subparagraph 4.a., of his or her intention to
969 become a candidate. Except in a timeshare or nonresidential
970 condominium, or if the staggered term of a board member does not
971 expire until a later annual meeting, or if all members' terms
972 would otherwise expire but there are no candidates, the terms of
973 all board members expire at the annual meeting, and such members
974 may stand for reelection unless prohibited by the bylaws. Board
975 members may serve terms longer than 1 year if permitted by the
976 bylaws or articles of incorporation. A board member may not
977 serve more than 8 consecutive years unless approved by an
978 affirmative vote of unit owners representing two-thirds of all
979 votes cast in the election or unless there are not enough

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980 eligible candidates to fill the vacancies on the board at the
981 time of the vacancy. Only board service that occurs on or after
982 July 1, 2018, may be used when calculating a board member's term
983 limit. If the number of board members whose terms expire at the
984 annual meeting equals or exceeds the number of candidates, the
985 candidates become members of the board effective upon the
986 adjournment of the annual meeting. Unless the bylaws provide
987 otherwise, any remaining vacancies shall be filled by the
988 affirmative vote of the majority of the directors making up the
989 newly constituted board even if the directors constitute less
990 than a quorum or there is only one director. In a residential
991 condominium association of more than 10 units or in a
992 residential condominium association that does not include
993 timeshare units or timeshare interests, co-owners of a unit may
994 not serve as members of the board of directors at the same time
995 unless they own more than one unit or unless there are not
996 enough eligible candidates to fill the vacancies on the board at
997 the time of the vacancy. A unit owner in a residential
998 condominium desiring to be a candidate for board membership must
999 comply with sub-subparagraph 4.a. and must be eligible to be a
1000 candidate to serve on the board of directors at the time of the
1001 deadline for submitting a notice of intent to run in order to
1002 have his or her name listed as a proper candidate on the ballot
1003 or to serve on the board. A person who has been suspended or
1004 removed by the division under this chapter, or who is delinquent

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1005 in the payment of any assessment due to the association, is not
1006 eligible to be a candidate for board membership and may not be
1007 listed on the ballot. For purposes of this paragraph, a person
1008 is delinquent if a payment is not made by the due date as
1009 specifically identified in the declaration of condominium,
1010 bylaws, or articles of incorporation. If a due date is not
1011 specifically identified in the declaration of condominium,
1012 bylaws, or articles of incorporation, the due date is the first
1013 day of the assessment period. A person who has been convicted of
1014 any felony in this state or in a United States District or
1015 Territorial Court, or who has been convicted of any offense in
1016 another jurisdiction which would be considered a felony if
1017 committed in this state, is not eligible for board membership
1018 unless such felon's civil rights have been restored for at least
1019 5 years as of the date such person seeks election to the board.
1020 The validity of an action by the board is not affected if it is
1021 later determined that a board member is ineligible for board
1022 membership due to having been convicted of a felony. This
1023 subparagraph does not limit the term of a member of the board of
1024 a nonresidential or timeshare condominium.

1025 3. The bylaws must provide the method of calling meetings
1026 of unit owners, including annual meetings. Written notice of an
1027 annual meeting must include an agenda; be mailed, hand
1028 delivered, or electronically transmitted to each unit owner at
1029 least 14 days before the annual meeting; and be posted in a

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1030 conspicuous place on the condominium property or association
1031 property at least 14 continuous days before the annual meeting.
1032 Written notice of a meeting other than an annual meeting must
1033 include an agenda; be mailed, hand delivered, or electronically
1034 transmitted to each unit owner; and be posted in a conspicuous
1035 place on the condominium property or association property within
1036 the timeframe specified in the bylaws. If the bylaws do not
1037 specify a timeframe for written notice of a meeting other than
1038 an annual meeting, notice must be provided at least 14
1039 continuous days before the meeting. Upon notice to the unit
1040 owners, the board shall, by duly adopted rule, designate a
1041 specific location on the condominium property or association
1042 property at which ~~where~~ all notices of unit owner meetings must
1043 be posted. This requirement does not apply if there is no
1044 condominium property for posting notices. In lieu of, or in
1045 addition to, the physical posting of meeting notices, the
1046 association may, by reasonable rule, adopt a procedure for
1047 conspicuously posting and repeatedly broadcasting the notice and
1048 the agenda on a closed-circuit cable television system serving
1049 the condominium association. However, if broadcast notice is
1050 used in lieu of a notice posted physically on the condominium
1051 property, the notice and agenda must be broadcast at least four
1052 times every broadcast hour of each day that a posted notice is
1053 otherwise required under this section. If broadcast notice is
1054 provided, the notice and agenda must be broadcast in a manner

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1055 and for a sufficient continuous length of time so as to allow an
1056 average reader to observe the notice and read and comprehend the
1057 entire content of the notice and the agenda. In addition to any
1058 of the authorized means of providing notice of a meeting of the
1059 board, the association may, by rule, adopt a procedure for
1060 conspicuously posting the meeting notice and the agenda on a
1061 website serving the condominium association for at least the
1062 minimum period of time for which a notice of a meeting is also
1063 required to be physically posted on the condominium property.
1064 Any rule adopted shall, in addition to other matters, include a
1065 requirement that the association send an electronic notice in
1066 the same manner as a notice for a meeting of the members, which
1067 must include a hyperlink to the website at which ~~where~~ the
1068 notice is posted, to unit owners whose e-mail addresses are
1069 included in the association's official records. Unless a unit
1070 owner waives in writing the right to receive notice of the
1071 annual meeting, such notice must be hand delivered, mailed, or
1072 electronically transmitted to each unit owner. Notice for
1073 meetings and notice for all other purposes must be mailed to
1074 each unit owner at the address last furnished to the association
1075 by the unit owner, or hand delivered to each unit owner.
1076 However, if a unit is owned by more than one person, the
1077 association must provide notice to the address that the
1078 developer identifies for that purpose and thereafter as one or
1079 more of the owners of the unit advise the association in

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1080 writing, or if no address is given or the owners of the unit do
1081 not agree, to the address provided on the deed of record. An
1082 officer of the association, or the manager or other person
1083 providing notice of the association meeting, must provide an
1084 affidavit or United States Postal Service certificate of
1085 mailing, to be included in the official records of the
1086 association affirming that the notice was mailed or hand
1087 delivered in accordance with this provision.

1088 4. The members of the board of a residential condominium
1089 shall be elected by written ballot or voting machine. Proxies
1090 may not be used in electing the board in general elections or
1091 elections to fill vacancies caused by recall, resignation, or
1092 otherwise, unless otherwise provided in this chapter. This
1093 subparagraph does not apply to an association governing a
1094 timeshare condominium.

1095 a. At least 60 days before a scheduled election, the
1096 association shall mail, deliver, or electronically transmit, by
1097 separate association mailing or included in another association
1098 mailing, delivery, or transmission, including regularly
1099 published newsletters, to each unit owner entitled to a vote, a
1100 first notice of the date of the election. A unit owner or other
1101 eligible person desiring to be a candidate for the board must
1102 give written notice of his or her intent to be a candidate to
1103 the association at least 40 days before a scheduled election.
1104 Together with the written notice and agenda as set forth in

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1105 | subparagraph 3., the association shall mail, deliver, or
1106 | electronically transmit a second notice of the election to all
1107 | unit owners entitled to vote, together with a ballot that lists
1108 | all candidates not less than 14 days or more than 34 days before
1109 | the date of the election. Upon request of a candidate, an
1110 | information sheet, no larger than 8 1/2 inches by 11 inches,
1111 | which must be furnished by the candidate at least 35 days before
1112 | the election, must be included with the mailing, delivery, or
1113 | transmission of the ballot, with the costs of mailing, delivery,
1114 | or electronic transmission and copying to be borne by the
1115 | association. The association is not liable for the contents of
1116 | the information sheets prepared by the candidates. In order to
1117 | reduce costs, the association may print or duplicate the
1118 | information sheets on both sides of the paper. The division
1119 | shall by rule establish voting procedures consistent with this
1120 | sub-subparagraph, including rules establishing procedures for
1121 | giving notice by electronic transmission and rules providing for
1122 | the secrecy of ballots. Elections shall be decided by a
1123 | plurality of ballots cast. There is no quorum requirement;
1124 | however, at least 20 percent of the eligible voters must cast a
1125 | ballot in order to have a valid election. A unit owner may not
1126 | authorize any other person to vote his or her ballot, and any
1127 | ballots improperly cast are invalid. A unit owner who violates
1128 | this provision may be fined by the association in accordance
1129 | with s. 718.303. A unit owner who needs assistance in casting

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1130 the ballot for the reasons stated in s. 101.051 may obtain such
1131 assistance. The regular election must occur on the date of the
1132 annual meeting. Notwithstanding this sub-subparagraph, an
1133 election is not required unless more candidates file notices of
1134 intent to run or are nominated than board vacancies exist.

1135 b. A director of a ~~Within 90 days after being elected or~~
1136 ~~appointed to the~~ board of an association of a residential
1137 condominium, ~~each newly elected or appointed director shall:~~

1138 (I) Certify in writing to the secretary of the association
1139 that he or she has read the association's declaration of
1140 condominium, articles of incorporation, bylaws, and current
1141 written policies; that he or she will work to uphold such
1142 documents and policies to the best of his or her ability; and
1143 that he or she will faithfully discharge his or her fiduciary
1144 responsibility to the association's members.

1145 (II) Submit to the secretary of the association ~~In lieu of~~
1146 ~~this written certification, within 90 days after being elected~~
1147 ~~or appointed to the board, the newly elected or appointed~~
1148 ~~director may submit~~ a certificate of having satisfactorily
1149 completed the educational curriculum administered by the
1150 division or a division-approved condominium education provider.
1151 The educational curriculum must be 4 hours long and include
1152 instruction on milestone inspections, structural integrity
1153 reserve studies, recordkeeping, financial literacy and
1154 transparency, levying of fines, and notice and meeting

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1155 ~~requirements within 1 year before or 90 days after the date of~~
1156 ~~election or appointment.~~

1157

1158 Each newly elected or appointed director must submit to the
1159 secretary of the association the written certification and
1160 educational certificate within 1 year before being elected or
1161 appointed or 90 days after the date of election or appointment.

1162 A director of an association of a residential condominium who
1163 was elected or appointed before July 1, 2024, must comply with
1164 the written certification and educational certificate
1165 requirements in this sub-subparagraph by June 30, 2025. The
1166 written certification and ~~or~~ educational certificate is valid
1167 for 7 years after the date of issuance and does not have to be
1168 resubmitted as long as the director serves on the board without
1169 interruption during the 7-year period. A director who is
1170 appointed by the developer may satisfy the educational
1171 certificate requirement in sub-sub-subparagraph (II) for any
1172 subsequent appointment to a board by a developer within 7 years
1173 after the date of issuance of the most recent educational
1174 certificate, including any interruption of service on a board or
1175 appointment to a board in another association within that 7-year
1176 period. One year after submission of the most recent written
1177 certification and educational certificate, and annually
1178 thereafter, a director of an association of a residential
1179 condominium must submit to the secretary of the association a

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1180 | certificate of having satisfactorily completed one hour of
1181 | continuing education administered by the division, or a
1182 | division-approved condominium education provider, relating to
1183 | any recent changes to this chapter and the related
1184 | administrative rules during the past year. A director of an
1185 | association of a residential condominium who fails to timely
1186 | file the written certification and ~~or~~ educational certificate is
1187 | suspended from service on the board until he or she complies
1188 | with this sub-subparagraph. The board may temporarily fill the
1189 | vacancy during the period of suspension. The secretary shall
1190 | cause the association to retain a director's written
1191 | certification and ~~or~~ educational certificate for inspection by
1192 | the members for 7 ~~5~~ years after a director's election or the
1193 | duration of the director's uninterrupted tenure, whichever is
1194 | longer. Failure to have such written certification and ~~or~~
1195 | educational certificate on file does not affect the validity of
1196 | any board action.

1197 | c. Any challenge to the election process must be commenced
1198 | within 60 days after the election results are announced.

1199 | 5. Any approval by unit owners called for by this chapter
1200 | or the applicable declaration or bylaws, including, but not
1201 | limited to, the approval requirement in s. 718.111(8), must be
1202 | made at a duly noticed meeting of unit owners and is subject to
1203 | all requirements of this chapter or the applicable condominium
1204 | documents relating to unit owner decisionmaking, except that

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1205 unit owners may take action by written agreement, without
1206 meetings, on matters for which action by written agreement
1207 without meetings is expressly allowed by the applicable bylaws
1208 or declaration or any law that provides for such action.

1209 6. Unit owners may waive notice of specific meetings if
1210 allowed by the applicable bylaws or declaration or any law.
1211 Notice of meetings of the board of administration; unit owner
1212 meetings, except unit owner meetings called to recall board
1213 members under paragraph (1); and committee meetings may be given
1214 by electronic transmission to unit owners who consent to receive
1215 notice by electronic transmission. A unit owner who consents to
1216 receiving notices by electronic transmission is solely
1217 responsible for removing or bypassing filters that block receipt
1218 of mass e-mails sent to members on behalf of the association in
1219 the course of giving electronic notices.

1220 7. Unit owners have the right to participate in meetings
1221 of unit owners with reference to all designated agenda items.
1222 However, the association may adopt reasonable rules governing
1223 the frequency, duration, and manner of unit owner participation.

1224 8. A unit owner may tape record or videotape a meeting of
1225 the unit owners subject to reasonable rules adopted by the
1226 division.

1227 9. Unless otherwise provided in the bylaws, any vacancy
1228 occurring on the board before the expiration of a term may be
1229 filled by the affirmative vote of the majority of the remaining

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1230 directors, even if the remaining directors constitute less than
1231 a quorum, or by the sole remaining director. In the alternative,
1232 a board may hold an election to fill the vacancy, in which case
1233 the election procedures must conform to sub-subparagraph 4.a.
1234 unless the association governs 10 units or fewer and has opted
1235 out of the statutory election process, in which case the bylaws
1236 of the association control. Unless otherwise provided in the
1237 bylaws, a board member appointed or elected under this section
1238 shall fill the vacancy for the unexpired term of the seat being
1239 filled. Filling vacancies created by recall is governed by
1240 paragraph (1) and rules adopted by the division.

1241 10. This chapter does not limit the use of general or
1242 limited proxies, require the use of general or limited proxies,
1243 or require the use of a written ballot or voting machine for any
1244 agenda item or election at any meeting of a timeshare
1245 condominium association or nonresidential condominium
1246 association.

1247
1248 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1249 association of 10 or fewer units may, by affirmative vote of a
1250 majority of the total voting interests, provide for different
1251 voting and election procedures in its bylaws, which may be by a
1252 proxy specifically delineating the different voting and election
1253 procedures. The different voting and election procedures may

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1254 provide for elections to be conducted by limited or general
1255 proxy.

1256 (f) *Annual budget.*—

1257 1. The proposed annual budget of estimated revenues and
1258 expenses must be detailed and must show the amounts budgeted by
1259 accounts and expense classifications, including, at a minimum,
1260 any applicable expenses listed in s. 718.504(21). The board
1261 shall adopt the annual budget at least 14 days before the start
1262 of the association's fiscal year. In the event that the board
1263 fails to timely adopt the annual budget a second time, it is
1264 deemed a minor violation and the prior year's budget shall
1265 continue in effect until a new budget is adopted. A
1266 multicondominium association must adopt a separate budget of
1267 common expenses for each condominium the association operates
1268 and must adopt a separate budget of common expenses for the
1269 association. In addition, if the association maintains limited
1270 common elements with the cost to be shared only by those
1271 entitled to use the limited common elements as provided for in
1272 s. 718.113(1), the budget or a schedule attached to it must show
1273 the amount budgeted for this maintenance. If, after turnover of
1274 control of the association to the unit owners, any of the
1275 expenses listed in s. 718.504(21) are not applicable, they do
1276 not need to be listed.

1277 2.a. In addition to annual operating expenses, the budget
1278 must include reserve accounts for capital expenditures and

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1279 deferred maintenance. These accounts must include, but are not
1280 limited to, roof replacement, building painting, and pavement
1281 resurfacing, regardless of the amount of deferred maintenance
1282 expense or replacement cost, and any other item that has a
1283 deferred maintenance expense or replacement cost that exceeds
1284 \$10,000. The amount to be reserved must be computed using a
1285 formula based upon estimated remaining useful life and estimated
1286 replacement cost or deferred maintenance expense of the reserve
1287 item. In a budget adopted by an association that is required to
1288 obtain a structural integrity reserve study, reserves must be
1289 maintained for the items identified in paragraph (g) for which
1290 the association is responsible pursuant to the declaration of
1291 condominium, and the reserve amount for such items must be based
1292 on the findings and recommendations of the association's most
1293 recent structural integrity reserve study. With respect to items
1294 for which an estimate of useful life is not readily
1295 ascertainable or with an estimated remaining useful life of
1296 greater than 25 years, an association is not required to reserve
1297 replacement costs for such items, but an association must
1298 reserve the amount of deferred maintenance expense, if any,
1299 which is recommended by the structural integrity reserve study
1300 for such items. The association may adjust replacement reserve
1301 assessments annually to take into account an inflation
1302 adjustment and any changes in estimates or extension of the
1303 useful life of a reserve item caused by deferred maintenance.

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1304 The members of a unit-owner-controlled association may
1305 determine, by a majority vote of the total voting interests of
1306 the association, to provide no reserves or less reserves than
1307 required by this subsection. For a budget adopted on or after
1308 December 31, 2024, the members of a unit-owner-controlled
1309 association that must obtain a structural integrity reserve
1310 study may not determine to provide no reserves or less reserves
1311 than required by this subsection for items listed in paragraph
1312 (g), except that members of an association operating a
1313 multicondominium may determine to provide no reserves or less
1314 reserves than required by this subsection if an alternative
1315 funding method has been approved by the division. If the local
1316 building official, as defined in s. 468.603(2), determines that
1317 the entire condominium building is uninhabitable due to a
1318 natural emergency, defined as s.252.34(8), the board, upon the
1319 approval of a majority of its members, may pause its
1320 contribution to its reserves or reduce reserve funding until the
1321 local building official determines the condominium building is
1322 habitable. Any reserve account funds held by the association may
1323 be expended to make the condominium building and structures
1324 habitable, pursuant to the board determination. Immediately,
1325 upon the determination that the building is habitable, the
1326 association must resume contributing funds to its reserves.

1327 b. Before turnover of control of an association by a
1328 developer to unit owners other than a developer under s.

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1329 718.301, the developer-controlled association may not vote to
1330 waive the reserves or reduce funding of the reserves. If a
1331 meeting of the unit owners has been called to determine whether
1332 to waive or reduce the funding of reserves and no such result is
1333 achieved or a quorum is not attained, the reserves included in
1334 the budget shall go into effect. After the turnover, the
1335 developer may vote its voting interest to waive or reduce the
1336 funding of reserves.

1337 3. Reserve funds and any interest accruing thereon shall
1338 remain in the reserve account or accounts, and may be used only
1339 for authorized reserve expenditures unless their use for other
1340 purposes is approved in advance by a majority vote of all the
1341 total voting interests of the association. Before turnover of
1342 control of an association by a developer to unit owners other
1343 than the developer pursuant to s. 718.301, the developer-
1344 controlled association may not vote to use reserves for purposes
1345 other than those for which they were intended. For a budget
1346 adopted on or after December 31, 2024, members of a unit-owner-
1347 controlled association that must obtain a structural integrity
1348 reserve study may not vote to use reserve funds, or any interest
1349 accruing thereon, for any other purpose other than the
1350 replacement or deferred maintenance costs of the components
1351 listed in paragraph (g).

1352 4. The only voting interests that are eligible to vote on
1353 questions that involve waiving or reducing the funding of

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1354 reserves, or using existing reserve funds for purposes other
1355 than purposes for which the reserves were intended, are the
1356 voting interests of the units subject to assessment to fund the
1357 reserves in question. Proxy questions relating to waiving or
1358 reducing the funding of reserves or using existing reserve funds
1359 for purposes other than purposes for which the reserves were
1360 intended must contain the following statement in capitalized,
1361 bold letters in a font size larger than any other used on the
1362 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1363 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1364 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1365 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1366 (g) *Structural integrity reserve study.*—

1367 1. A residential condominium association must have a
1368 structural integrity reserve study completed at least every 10
1369 years after the condominium's creation for each building on the
1370 condominium property that is three stories or higher in height,
1371 as determined by the Florida Building Code, which includes, at a
1372 minimum, a study of the following items as related to the
1373 structural integrity and safety of the building:

1374 a. Roof.

1375 b. Structure, including load-bearing walls and other
1376 primary structural members and primary structural systems as
1377 those terms are defined in s. 627.706.

1378 c. Fireproofing and fire protection systems.

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- 1379 d. Plumbing.
1380 e. Electrical systems.
1381 f. Waterproofing and exterior painting.
1382 g. Windows and exterior doors.
1383 h. Any other item that has a deferred maintenance expense
1384 or replacement cost that exceeds \$10,000 and the failure to
1385 replace or maintain such item negatively affects the items
1386 listed in sub-subparagraphs a.-g., as determined by the visual
1387 inspection portion of the structural integrity reserve study.

1388 2. A structural integrity reserve study is based on a
1389 visual inspection of the condominium property. A structural
1390 integrity reserve study may be performed by any person qualified
1391 to perform such study. However, the visual inspection portion of
1392 the structural integrity reserve study must be performed or
1393 verified by an engineer licensed under chapter 471, an architect
1394 licensed under chapter 481, or a person certified as a reserve
1395 specialist or professional reserve analyst by the Community
1396 Associations Institute or the Association of Professional
1397 Reserve Analysts.

1398 3. At a minimum, a structural integrity reserve study must
1399 identify each item of the condominium property being visually
1400 inspected, state the estimated remaining useful life and the
1401 estimated replacement cost or deferred maintenance expense of
1402 each item of the condominium property being visually inspected,
1403 and provide a reserve funding schedule with a recommended annual

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1404 reserve amount that achieves the estimated replacement cost or
1405 deferred maintenance expense of each item of condominium
1406 property being visually inspected by the end of the estimated
1407 remaining useful life of the item. The structural integrity
1408 reserve study may recommend that reserves do not need to be
1409 maintained for any item for which an estimate of useful life and
1410 an estimate of replacement cost cannot be determined, or the
1411 study may recommend a deferred maintenance expense amount for
1412 such item. The structural integrity reserve study may recommend
1413 that reserves for replacement costs do not need to be maintained
1414 for any item with an estimated remaining useful life of greater
1415 than 25 years, but the study may recommend a deferred
1416 maintenance expense amount for such item.

1417 4. This paragraph does not apply to buildings less than
1418 three stories in height; single-family, two-family, or three-
1419 family dwellings with three or fewer habitable stories above
1420 ground; any portion or component of a building that has not been
1421 submitted to the condominium form of ownership; or any portion
1422 or component of a building that is maintained by a party other
1423 than the association.

1424 5. Before a developer turns over control of an association
1425 to unit owners other than the developer, the developer must have
1426 a turnover inspection report in compliance with s. 718.301(4)(p)
1427 and (q) for each building on the condominium property that is
1428 three stories or higher in height.

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1429 6. Associations existing on or before July 1, 2022, which
1430 are controlled by unit owners other than the developer, must
1431 have a structural integrity reserve study completed by December
1432 31, 2024, for each building on the condominium property that is
1433 three stories or higher in height. An association that is
1434 required to complete a milestone inspection in accordance with
1435 s. 553.899 on or before December 31, 2026, may complete the
1436 structural integrity reserve study simultaneously with the
1437 milestone inspection. In no event may the structural integrity
1438 reserve study be completed after December 31, 2026.

1439 7. If the milestone inspection required by s. 553.899, or
1440 an inspection completed for a similar local requirement, was
1441 performed within the past 5 years and meets the requirements of
1442 this paragraph, such inspection may be used in place of the
1443 visual inspection portion of the structural integrity reserve
1444 study.

1445 8. If the officers or directors of an association
1446 willfully and knowingly fail to complete a structural integrity
1447 reserve study pursuant to this paragraph, such failure is a
1448 breach of an officer's and director's fiduciary relationship to
1449 the unit owners under s. 718.111(1).

1450 9. Within 45 days after receiving the structural integrity
1451 reserve study, the association must distribute a copy of the
1452 study to each unit owner or deliver to each unit owner a notice
1453 that the completed study is available for inspection and copying

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1454 upon a written request. Distribution of a copy of the study or
1455 notice must be made by United States mail or personal delivery
1456 to the mailing address, property address, or any other address
1457 of the owner provided to fulfill the association's notice
1458 requirements under this chapter, or by electronic transmission
1459 to the e-mail address or facsimile number provided to fulfill
1460 the association's notice requirements to unit owners who
1461 previously consented to receive notice by electronic
1462 transmission.

1463 (i) *Assessments.*—

1464 1. The manner of collecting from the unit owners their
1465 shares of the common expenses shall be stated in the bylaws.
1466 Assessments shall be made against units not less frequently than
1467 quarterly in an amount which is not less than that required to
1468 provide funds in advance for payment of all of the anticipated
1469 current operating expenses and for all of the unpaid operating
1470 expenses previously incurred. Nothing in this paragraph shall
1471 preclude the right of an association to accelerate assessments
1472 of an owner delinquent in payment of common expenses.
1473 Accelerated assessments shall be due and payable on the date the
1474 claim of lien is filed. Such accelerated assessments shall
1475 include the amounts due for the remainder of the budget year in
1476 which the claim of lien was filed.

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(q) *Director or officer offenses.*—

1. A director or an officer charged by information or indictment with any of the following crimes must be removed from office:

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

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

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

d. Obstruction of justice under chapter 843.

2. The board shall fill the vacancy in accordance with paragraph (2) (d) a felony theft or embezzlement offense involving the association's funds or property must be removed from office, creating a vacancy in the office to be filled according to law until the end of the period of the suspension or the end of the director's term of office, whichever occurs first. While such director or officer has such criminal charge

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1504 pending, he or she may not be appointed or elected to a position
1505 as a director or officer of any association and may not have
1506 access to the official records of any association, except
1507 pursuant to a court order. However, if the charges are resolved
1508 without a finding of guilt, the director or officer shall be
1509 reinstated for the remainder of his or her term of office, if
1510 any.

1511 (r) Fraudulent voting activities relating to association
1512 elections; penalties.-

1513 1. A person who engages in the following acts of
1514 fraudulent voting activity relating to association elections
1515 commits a misdemeanor of the first degree, punishable as
1516 provided in s. 775.082 or s. 775.083:

1517 a. Willfully and falsely swearing to or affirming an oath
1518 or affirmation, or willfully procuring another person to falsely
1519 swear to or affirm an oath or affirmation, in connection with or
1520 arising out of voting activities.

1521 b. Perpetrating or attempting to perpetrate, or aiding in
1522 the perpetration of, fraud in connection with a vote cast, to be
1523 cast, or attempted to be cast.

1524 c. Preventing a member from voting or preventing a member
1525 from voting as he or she intended by fraudulently changing or
1526 attempting to change a ballot, ballot envelope, vote, or voting
1527 certificate of the member.

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1528 d. Menacing, threatening, or using bribery or any other
1529 corruption to attempt, directly or indirectly, to influence,
1530 deceive, or deter a member when the member is voting.

1531 e. Giving or promising, directly or indirectly, anything
1532 of value to another member with the intent to buy the vote of
1533 that member or another member or to corruptly influence that
1534 member or another member in casting his or her vote. This sub-
1535 subparagraph does not apply to any food served which is to be
1536 consumed at an election rally or a meeting or to any item of
1537 nominal value which is used as an election advertisement,
1538 including a campaign message designed to be worn by a member.

1539 f. Using or threatening to use, directly or indirectly,
1540 force, violence, or intimidation or any tactic of coercion or
1541 intimidation to induce or compel a member to vote or refrain
1542 from voting in an election or on a particular ballot measure.

1543 2. Each of the following acts constitutes a misdemeanor of
1544 the first degree, punishable as provided in s. 775.082 or s.
1545 775.083:

1546 a. Knowingly aiding, abetting, or advising a person in the
1547 commission of a fraudulent voting activity related to
1548 association elections.

1549 b. Agreeing, conspiring, combining, or confederating with
1550 at least one other person to commit a fraudulent voting activity
1551 related to association elections.

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1552 c. Having knowledge of a fraudulent voting activity
1553 related to association elections and giving any aid to the
1554 offender with intent that the offender avoid or escape
1555 detection, arrest, trial, or punishment. This sub-subparagraph
1556 does not apply to a licensed attorney giving legal advice to a
1557 client.

1558 Section 9. Subsection (5) of section 718.113, Florida
1559 Statutes, is amended to read:

1560 718.113 Maintenance; limitation upon improvement; display
1561 of flag; hurricane ~~shutters~~ and protection; display of religious
1562 decorations.-

1563 (5) To protect the health, safety, and welfare of the
1564 people of the state and to ensure uniformity and consistency in
1565 the hurricane protections installed by condominium associations
1566 and unit owners, this subsection applies to all residential and
1567 mixed-use condominiums in the state, regardless of when the
1568 condominium is created pursuant to the declaration of
1569 condominium. Each board of administration of a residential
1570 condominium or mixed-use condominium must ~~shall~~ adopt hurricane
1571 protection ~~shutter~~ specifications for each building within each
1572 condominium operated by the association which may ~~shall~~ include
1573 color, style, and other factors deemed relevant by the board.
1574 All specifications adopted by the board must comply with the
1575 applicable building code. The installation, maintenance, repair,
1576 replacement, and operation of hurricane protection in accordance

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1577 with this subsection is not considered a material alteration or
1578 substantial addition to the common elements or association
1579 property within the meaning of this section.

1580 (a) The board may, subject to s. 718.3026 and the approval
1581 of a majority of voting interests of the residential condominium
1582 or mixed-use condominium, install or require that unit owners
1583 install hurricane shutters, impact glass, code-compliant windows
1584 or doors, or other types of code-compliant hurricane protection
1585 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
1586 building code. A vote of the unit owners to require the
1587 installation of hurricane protection must be set forth in a
1588 certificate attesting to such vote and include the date that the
1589 hurricane protection must be installed. The board must record
1590 the certificate in the public records of the county in which the
1591 condominium is located. Once the certificate is recorded, the
1592 board must mail or hand deliver a copy of the recorded
1593 certificate to the unit owners at the owners' addresses, as
1594 reflected in the records of the association. The board may
1595 provide to unit owners who previously consented to receive
1596 notice by electronic transmission a copy of the recorded
1597 certificate by electronic transmission. The failure to record
1598 the certificate or send a copy of the recorded certificate to
1599 the unit owners does not affect the validity or enforceability
1600 of the vote of the unit owners. ~~However,~~ A vote of the unit
1601 owners under this paragraph is not required if the installation,

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1602 maintenance, repair, and replacement of the hurricane shutters,
1603 impact glass, code-compliant windows or doors, or other types of
1604 code-compliant hurricane protection, or any exterior windows,
1605 doors, or other apertures protected by the hurricane protection,
1606 is are the responsibility of the association pursuant to the
1607 declaration of condominium as originally recorded or as amended,
1608 or if the unit owners are required to install hurricane
1609 protection pursuant to the declaration of condominium as
1610 originally recorded or as amended. If hurricane protection ~~or~~
1611 ~~laminated glass or window film architecturally designed to~~
1612 ~~function as hurricane protection~~ that complies with or exceeds
1613 the current applicable building code has been previously
1614 installed, the board may not install the same type of hurricane
1615 ~~shutters, impact glass, code-compliant windows or doors, or~~
1616 ~~other types of code-compliant hurricane protection~~ or require
1617 that unit owners install the same type of hurricane protection
1618 unless the installed hurricane protection has reached the end of
1619 its useful life or unless it is necessary to prevent damage to
1620 the common elements or to a unit ~~except upon approval by a~~
1621 ~~majority vote of the voting interests.~~

1622 ~~(b) The association is responsible for the maintenance,~~
1623 ~~repair, and replacement of the hurricane shutters, impact glass,~~
1624 ~~code-compliant windows or doors, or other types of code-~~
1625 ~~compliant hurricane protection authorized by this subsection if~~
1626 ~~such property is the responsibility of the association pursuant-~~

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1627 ~~to the declaration of condominium. If the hurricane shutters,~~
1628 ~~impact glass, code-compliant windows or doors, or other types of~~
1629 ~~code-compliant hurricane protection are the responsibility of~~
1630 ~~the unit owners pursuant to the declaration of condominium, the~~
1631 ~~maintenance, repair, and replacement of such items are the~~
1632 ~~responsibility of the unit owner.~~

1633 ~~(b)(e)~~ The board may operate shutters, impact glass, code-
1634 ~~compliant windows or doors, or other types of code-compliant~~
1635 ~~hurricane protection installed pursuant to this subsection~~
1636 ~~without permission of the unit owners only if such operation is~~
1637 ~~necessary to preserve and protect the condominium property or~~
1638 ~~and association property. The installation, replacement,~~
1639 ~~operation, repair, and maintenance of such shutters, impact~~
1640 ~~glass, code-compliant windows or doors, or other types of code-~~
1641 ~~compliant hurricane protection in accordance with the procedures~~
1642 ~~set forth in this paragraph are not a material alteration to the~~
1643 ~~common elements or association property within the meaning of~~
1644 ~~this section.~~

1645 ~~(c)(d)~~ Notwithstanding any other provision in the
1646 residential condominium or mixed-use condominium documents, if
1647 approval is required by the documents, a board may not refuse to
1648 approve the installation or replacement of ~~hurricane shutters,~~
1649 ~~impact glass, code-compliant windows or doors, or other types of~~
1650 ~~code-compliant~~ hurricane protection by a unit owner which
1651 conforms ~~conforming~~ to the specifications adopted by the board.

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1652 However, a board may require the unit owner to adhere to an
1653 existing unified building scheme regarding the external
1654 appearance of the condominium.

1655 (d) A unit owner is not responsible for the cost of any
1656 removal or reinstallation of hurricane protection, including
1657 exterior windows, doors, or other apertures, if its removal is
1658 necessary for the maintenance, repair, or replacement of other
1659 condominium property or association property for which the
1660 association is responsible. The board shall determine if the
1661 removal or reinstallation of hurricane protection must be
1662 completed by the unit owner or the association. If such removal
1663 or reinstallation is completed by the association, the costs
1664 incurred by the association may not be charged to the unit
1665 owner. If such removal or reinstallation is completed by the
1666 unit owner, the association must reimburse the unit owner for
1667 the cost of the removal or reinstallation or the association
1668 must apply a credit toward future assessments in the amount of
1669 the unit owner's cost to remove or reinstall the hurricane
1670 protection.

1671 (e) If the removal or reinstallation of hurricane
1672 protection, including exterior windows, doors, or other
1673 apertures, is the responsibility of the unit owner and the
1674 association completes such removal or reinstallation and then
1675 charges the unit owner for such removal or reinstallation, such

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1676 charges are enforceable as an assessment and may be collected in
1677 the manner provided under s. 718.116.

1678 Section 10. Paragraph (e) of subsection (1) of section
1679 718.115, Florida Statutes, is amended to read:

1680 718.115 Common expenses and common surplus.—

1681 (1)

1682 (e)1. Except as provided in s. 718.113(5) (d), ~~The expense~~
1683 ~~of installation, replacement, operation, repair, and maintenance~~
1684 ~~of hurricane shutters, impact glass, code-compliant windows or~~
1685 ~~doors, or other types of code-compliant hurricane protection by~~
1686 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~
1687 ~~and shall be collected as provided in this section if the~~
1688 ~~association is responsible for the maintenance, repair, and~~
1689 ~~replacement of the hurricane shutters, impact glass, code-~~
1690 ~~compliant windows or doors, or other types of code-compliant~~
1691 ~~hurricane protection pursuant to the declaration of condominium.~~
1692 However, if the installation of maintenance, repair, and
1693 replacement of the hurricane shutters, impact glass, code-
1694 compliant windows or doors, or other types of code-compliant
1695 hurricane protection is ~~are~~ the responsibility of the unit
1696 owners pursuant to the declaration of condominium or a vote of
1697 the unit owners under s. 718.113(5), the cost of the
1698 installation of ~~the hurricane shutters, impact glass, code-~~
1699 ~~compliant windows or doors, or other types of code-compliant~~
1700 hurricane protection by the association is not a common expense

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1701 and must ~~shall~~ be charged individually to the unit owners based
1702 on the cost of installation of ~~the hurricane shutters, impact~~
1703 ~~glass, code-compliant windows or doors, or other types of code-~~
1704 ~~compliant~~ hurricane protection appurtenant to the unit. The
1705 costs of installation of hurricane protection are enforceable as
1706 an assessment and may be collected in the manner provided under
1707 s. 718.116.

1708 2. Notwithstanding s. 718.116(9), and regardless of
1709 whether ~~or not~~ the declaration requires the association or unit
1710 owners to install, maintain, repair, or replace hurricane
1711 ~~shutters, impact glass, code-compliant windows or doors, or~~
1712 ~~other types of code-compliant~~ hurricane protection, the a unit
1713 owner of a unit in which ~~who has previously installed hurricane~~
1714 ~~shutters in accordance with s. 718.113(5) that comply with the~~
1715 ~~current applicable building code shall receive a credit when the~~
1716 ~~shutters are installed; a unit owner who has previously~~
1717 ~~installed impact glass or code-compliant windows or doors that~~
1718 ~~comply with the current applicable building code shall receive a~~
1719 ~~credit when the impact glass or code-compliant windows or doors~~
1720 ~~are installed; and a unit owner who has installed other types of~~
1721 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with
1722 the current applicable building code has been installed is
1723 excused from any assessment levied by the association or shall
1724 receive a credit if ~~when~~ the same type of ~~other code-compliant~~
1725 hurricane protection is installed by the association, ~~and the~~

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1726 ~~credit shall be equal to the pro rata portion of the assessed~~
1727 ~~installation cost assigned to each unit. A credit is applicable~~
1728 ~~if the installation of hurricane protection is for all other~~
1729 ~~units that do not have hurricane protection and the cost of such~~
1730 ~~installation is funded by the association's budget, including~~
1731 ~~the use of reserve funds. The credit must be equal to the amount~~
1732 ~~that the unit owner would have been assessed to install the~~
1733 ~~hurricane protection.~~ However, such unit owner remains
1734 responsible for the pro rata share of expenses for hurricane
1735 ~~shutters, impact glass, code-compliant windows or doors, or~~
1736 ~~other types of code-compliant~~ hurricane protection installed on
1737 common elements and association property by the board pursuant
1738 to s. 718.113(5) and remains responsible for a pro rata share of
1739 the expense of the replacement, operation, repair, and
1740 maintenance of such ~~shutters, impact glass, code-compliant~~
1741 ~~windows or doors, or other types of code-compliant~~ hurricane
1742 protection. Expenses for the installation, replacement,
1743 operation, repair, or maintenance of hurricane protection on
1744 common elements and association property are common expenses.

1745 Section 11. Subsection (10) of section 718.116, Florida
1746 Statutes, is amended to read:

1747 718.116 Assessments; liability; lien and priority;
1748 interest; collection.-

1749 (10) The specific purpose or purposes of any special
1750 assessment, including any contingent special assessment levied

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1751 in conjunction with the purchase of an insurance policy
1752 authorized by s. 718.111(11), approved in accordance with the
1753 condominium documents shall be set forth in a written notice of
1754 such assessment sent or delivered to each unit owner. The funds
1755 collected pursuant to a special assessment shall be used only
1756 for the specific purpose or purposes set forth in such notice.
1757 However, upon completion of such specific purpose or purposes,
1758 any excess funds will be considered common surplus, and may, at
1759 the discretion of the board, either be returned to the unit
1760 owners or applied as a credit toward future assessments.

1761 Section 12. Paragraph (a) of subsection (4) of section
1762 718.121, Florida Statutes, is amended to read:

1763 718.121 Liens.—

1764 (4)(a) If an association sends out an invoice for
1765 assessments or a unit's statement of the account described in s.
1766 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for
1767 assessments or the unit's statement of account must be delivered
1768 to the unit owner by first-class United States mail or by
1769 electronic transmission to the unit owner's e-mail address
1770 maintained in the association's official records.

1771 Section 13. Section 718.1224, Florida Statutes, is amended
1772 to read:

1773 718.1224 Prohibition against SLAPP suits; other prohibited
1774 actions.—

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1775 (1) It is the intent of the Legislature to protect the
1776 right of condominium unit owners to exercise their rights to
1777 instruct their representatives and petition for redress of
1778 grievances before their condominium association and the various
1779 governmental entities of this state as protected by the First
1780 Amendment to the United States Constitution and s. 5, Art. I of
1781 the State Constitution. The Legislature recognizes that
1782 strategic lawsuits against public participation, or "SLAPP
1783 suits," as they are typically referred to, have occurred when
1784 association members are sued by condominium associations,
1785 individuals, business entities, or governmental entities arising
1786 out of a condominium unit owner's appearance and presentation
1787 before the board of the condominium association or a
1788 governmental entity on matters related to the condominium
1789 association. However, it is the public policy of this state that
1790 condominium associations, governmental entities, business
1791 organizations, and individuals not engage in SLAPP suits,
1792 because such actions are inconsistent with the right of
1793 condominium unit owners to participate in their condominium
1794 association and in the state's institutions of government.
1795 Therefore, the Legislature finds and declares that prohibiting
1796 such lawsuits by condominium associations, governmental
1797 entities, business entities, and individuals against condominium
1798 unit owners who address matters concerning their condominium
1799 association will preserve this fundamental state policy,

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1800 preserve the constitutional rights of condominium unit owners,
1801 ~~and~~ ensure the continuation of representative government in this
1802 state, and ensure unit owner participation in condominium
1803 associations. It is the intent of the Legislature that such
1804 lawsuits be expeditiously disposed of by the courts. As used in
1805 this subsection, the term "governmental entity" means the state,
1806 including the executive, legislative, and judicial branches of
1807 government; law enforcement agencies; the independent
1808 establishments of the state, counties, municipalities,
1809 districts, authorities, boards, or commissions; or any agencies
1810 of these branches that are subject to chapter 286.

1811 (2) A condominium association, governmental entity,
1812 business organization, or individual in this state may not file
1813 or cause to be filed through its employees or agents any
1814 lawsuit, cause of action, claim, cross-claim, or counterclaim
1815 against a condominium unit owner without merit and solely
1816 because such condominium unit owner has exercised the right to
1817 instruct his or her representatives or the right to petition for
1818 redress of grievances before the condominium association or the
1819 various governmental entities of this state, as protected by the
1820 First Amendment to the United States Constitution and s. 5, Art.
1821 I of the State Constitution.

1822 (3) It is unlawful for a condominium association to fine,
1823 discriminatorily increase a unit owner's assessments,
1824 discriminatorily decrease services to a unit owner, or bring or

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1825 threaten to bring an action for possession or other civil
1826 action, including a defamation, libel, slander, or tortious
1827 interference action, based on conduct described in this
1828 subsection. In order for the unit owner to raise the defense of
1829 retaliatory conduct, the unit owner must have acted in good
1830 faith and not for any improper purposes, such as to harass or to
1831 cause unnecessary delay or for frivolous purpose or needless
1832 increase in the cost of litigation. Examples of conduct for
1833 which a condominium association, an officer, a director, or an
1834 agent of an association may not retaliate include, but are not
1835 limited to, situations in which:

1836 (a) The unit owner has in good faith complained to a
1837 governmental agency charged with responsibility for enforcement
1838 of a building, housing, or health code of a suspected violation
1839 applicable to the condominium;

1840 (b) The unit owner has organized, encouraged, or
1841 participated in a unit owners' organization;

1842 (c) The unit owner submitted information or filed a
1843 complaint alleging criminal violations or violations of this
1844 chapter or the rules of the division with the division, the
1845 Office of the Condominium Ombudsman, a law enforcement agency, a
1846 state attorney, the Attorney General, or any other governmental
1847 agency;

1848 (d) The unit owner has exercised his or her rights under
1849 this chapter;

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1850 (e) The unit owner has complained to the association or
1851 any of the association's representatives for the failure to
1852 comply with this chapter or chapter 617; or

1853 (f) The unit owner has made public statements critical of
1854 the operation or management of the association.

1855 (4) Evidence of retaliatory conduct may be raised by the
1856 unit owner as a defense in any action brought against him or her
1857 for possession.

1858 (5)-~~(3)~~ A condominium unit owner sued by a condominium
1859 association, governmental entity, business organization, or
1860 individual in violation of this section has a right to an
1861 expeditious resolution of a claim that the suit is in violation
1862 of this section. A condominium unit owner may petition the court
1863 for an order dismissing the action or granting final judgment in
1864 favor of that condominium unit owner. The petitioner may file a
1865 motion for summary judgment, together with supplemental
1866 affidavits, seeking a determination that the condominium
1867 association's, governmental entity's, business organization's,
1868 or individual's lawsuit has been brought in violation of this
1869 section. The condominium association, governmental entity,
1870 business organization, or individual shall thereafter file its
1871 response and any supplemental affidavits. As soon as
1872 practicable, the court shall set a hearing on the petitioner's
1873 motion, which shall be held at the earliest possible time after
1874 the filing of the condominium association's, governmental

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1875 entity's, business organization's, or individual's response. The
1876 court may award the condominium unit owner sued by the
1877 condominium association, governmental entity, business
1878 organization, or individual actual damages arising from the
1879 condominium association's, governmental entity's, individual's,
1880 or business organization's violation of this section. A court
1881 may treble the damages awarded to a prevailing condominium unit
1882 owner and shall state the basis for the treble damages award in
1883 its judgment. The court shall award the prevailing party
1884 reasonable attorney's fees and costs incurred in connection with
1885 a claim that an action was filed in violation of this section.

1886 ~~(6)(4)~~ Condominium associations may not expend association
1887 funds in prosecuting a SLAPP suit against a condominium unit
1888 owner.

1889 (7) Condominium associations may not expend association
1890 funds in support of a defamation, libel, slander, or tortious
1891 interference action against a unit owner or any other claim
1892 against a unit owner based on conduct described in subsection
1893 (3).

1894 Section 14. Paragraph (p) of subsection (4) of section
1895 718.301, Florida Statutes, is amended to read:

1896 718.301 Transfer of association control; claims of defect
1897 by association.—

1898 (4) At the time that unit owners other than the developer
1899 elect a majority of the members of the board of administration

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1900 of an association, the developer shall relinquish control of the
1901 association, and the unit owners shall accept control.
1902 Simultaneously, or for the purposes of paragraph (c) not more
1903 than 90 days thereafter, the developer shall deliver to the
1904 association, at the developer's expense, all property of the
1905 unit owners and of the association which is held or controlled
1906 by the developer, including, but not limited to, the following
1907 items, if applicable, as to each condominium operated by the
1908 association:

1909 (p) Notwithstanding when the certificate of occupancy was
1910 issued or the height of the building, a turnover inspection
1911 report included in the official records, under seal of an
1912 architect or engineer authorized to practice in this state or a
1913 person certified as a reserve specialist or professional reserve
1914 analyst by the Community Associations Institute or the
1915 Association of Professional Reserve Analysts, and consisting of
1916 a structural integrity reserve study attesting to required
1917 maintenance, condition, useful life, and replacement costs of
1918 the following applicable condominium property:

- 1919 1. Roof.
- 1920 2. Structure, including load-bearing walls and primary
1921 structural members and primary structural systems as those terms
1922 are defined in s. 627.706.
- 1923 3. Fireproofing and fire protection systems.
- 1924 4. Plumbing.

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1925 5. Electrical systems.

1926 6. Waterproofing and exterior painting.

1927 7. Windows and exterior doors.

1928 Section 15. Subsections (4) and (5) of section 718.3027,
1929 Florida Statutes, are amended to read:

1930 718.3027 Conflicts of interest.—

1931 (4) A director or an officer, or a relative of a director
1932 or an officer, who is a party to, or has an interest in, an
1933 activity that is a possible conflict of interest, as described
1934 in subsection (1), may attend the meeting at which the activity
1935 is considered by the board and is authorized to make a
1936 presentation to the board regarding the activity. After the
1937 presentation, the director or officer, and any ~~or the~~ relative
1938 of the director or officer, must leave the meeting during the
1939 discussion of, and the vote on, the activity. A director or an
1940 officer who is a party to, or has an interest in, the activity
1941 must recuse himself or herself from the vote. The attendance of
1942 a director or an officer with a possible conflict of interest at
1943 the meeting of the board is sufficient to constitute a quorum
1944 for the meeting and the vote in his or her absence on the
1945 proposed activity.

1946 (5) A contract entered into between a director or an
1947 officer, or a relative of a director or an officer, and the
1948 association, which is not a timeshare condominium association,
1949 that has not been properly disclosed as a conflict of interest

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1950 or potential conflict of interest as required by this section or
1951 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
1952 the filing of a written notice terminating the contract with the
1953 board of directors which contains the consent of at least 20
1954 percent of the voting interests of the association.

1955 Section 16. Subsection (5) of section 718.303, Florida
1956 Statutes, is amended to read:

1957 718.303 Obligations of owners and occupants; remedies.—

1958 (5) An association may suspend the voting rights of a unit
1959 owner or member due to nonpayment of any fee, fine, or other
1960 monetary obligation due to the association which is more than
1961 \$1,000 and more than 90 days delinquent. Proof of such
1962 obligation must be provided to the unit owner or member 30 days
1963 before such suspension takes effect. At least 90 days before an
1964 election, an association must notify a unit owner or member that
1965 his or her voting rights may be suspended due to a nonpayment of
1966 any fee, or monetary obligation. A voting interest or consent
1967 right allocated to a unit owner or member which has been
1968 suspended by the association shall be subtracted from the total
1969 number of voting interests in the association, which shall be
1970 reduced by the number of suspended voting interests when
1971 calculating the total percentage or number of all voting
1972 interests available to take or approve any action, and the
1973 suspended voting interests shall not be considered for any
1974 purpose, including, but not limited to, the percentage or number

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1975 of voting interests necessary to constitute a quorum, the
1976 percentage or number of voting interests required to conduct an
1977 election, or the percentage or number of voting interests
1978 required to approve an action under this chapter or pursuant to
1979 the declaration, articles of incorporation, or bylaws. The
1980 suspension ends upon full payment of all obligations currently
1981 due or overdue the association. The notice and hearing
1982 requirements under subsection (3) do not apply to a suspension
1983 imposed under this subsection.

1984 Section 17. Subsections (1) and (2) of section 718.501,
1985 Florida Statutes, are amended to read:

1986 718.501 Authority, responsibility, and duties of Division
1987 of Florida Condominiums, Timeshares, and Mobile Homes.—

1988 (1) The division may enforce and ensure compliance with
1989 this chapter and rules relating to the development,
1990 construction, sale, lease, ownership, operation, and management
1991 of residential condominium units and complaints related to the
1992 procedural completion of milestone inspections under s. 553.899.
1993 In performing its duties, the division has complete jurisdiction
1994 to investigate complaints and enforce compliance with respect to
1995 associations that are still under developer control or the
1996 control of a bulk assignee or bulk buyer pursuant to part VII of
1997 this chapter and complaints against developers, bulk assignees,
1998 or bulk buyers involving improper turnover or failure to
1999 turnover, pursuant to s. 718.301. However, after turnover has

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2000 occurred, the division has jurisdiction to investigate
2001 complaints alleging violations of this chapter or any rule or
2002 order hereunder. ~~related only to financial issues, elections,~~
2003 ~~and the maintenance of and unit owner access to association~~
2004 ~~records under s. 718.111(12), and the procedural completion of~~
2005 ~~structural integrity reserve studies under s. 718.112(2)(g).~~

2006 (a)1. The division may make necessary public or private
2007 investigations within or outside this state to determine whether
2008 any person has violated this chapter or any rule or order
2009 hereunder, to aid in the enforcement of this chapter, or to aid
2010 in the adoption of rules or forms.

2011 2. The division may submit any official written report,
2012 worksheet, or other related paper, or a duly certified copy
2013 thereof, compiled, prepared, drafted, or otherwise made by and
2014 duly authenticated by a financial examiner or analyst to be
2015 admitted as competent evidence in any hearing in which the
2016 financial examiner or analyst is available for cross-examination
2017 and attests under oath that such documents were prepared as a
2018 result of an examination or inspection conducted pursuant to
2019 this chapter.

2020 (b) The division may require or permit any person to file
2021 a statement in writing, under oath or otherwise, as the division
2022 determines, as to the facts and circumstances concerning a
2023 matter to be investigated.

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2024 (c) For the purpose of any investigation under this
2025 chapter, the division director or any officer or employee
2026 designated by the division director may administer oaths or
2027 affirmations, subpoena witnesses and compel their attendance,
2028 take evidence, and require the production of any matter which is
2029 relevant to the investigation, including the existence,
2030 description, nature, custody, condition, and location of any
2031 books, documents, or other tangible things and the identity and
2032 location of persons having knowledge of relevant facts or any
2033 other matter reasonably calculated to lead to the discovery of
2034 material evidence. Upon the failure by a person to obey a
2035 subpoena or to answer questions propounded by the investigating
2036 officer and upon reasonable notice to all affected persons, the
2037 division may apply to the circuit court for an order compelling
2038 compliance.

2039 (d) Notwithstanding any remedies available to unit owners
2040 and associations, if the division has reasonable cause to
2041 believe that a violation of any provision of this chapter or
2042 related rule has occurred, the division may institute
2043 enforcement proceedings in its own name against any developer,
2044 bulk assignee, bulk buyer, association, officer, or member of
2045 the board of administration, or its assignees or agents, as
2046 follows:

2047 1. The division may permit a person whose conduct or
2048 actions may be under investigation to waive formal proceedings

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2049 and enter into a consent proceeding whereby orders, rules, or
2050 letters of censure or warning, whether formal or informal, may
2051 be entered against the person.

2052 2. The division may issue an order requiring the
2053 developer, bulk assignee, bulk buyer, association, developer-
2054 designated officer, or developer-designated member of the board
2055 of administration, developer-designated assignees or agents,
2056 bulk assignee-designated assignees or agents, bulk buyer-
2057 designated assignees or agents, community association manager,
2058 or community association management firm to cease and desist
2059 from the unlawful practice and take such affirmative action as
2060 in the judgment of the division carry out the purposes of this
2061 chapter. If the division finds that a developer, bulk assignee,
2062 bulk buyer, association, officer, or member of the board of
2063 administration, or its assignees or agents, is violating or is
2064 about to violate any provision of this chapter, any rule adopted
2065 or order issued by the division, or any written agreement
2066 entered into with the division, and presents an immediate danger
2067 to the public requiring an immediate final order, it may issue
2068 an emergency cease and desist order reciting with particularity
2069 the facts underlying such findings. The emergency cease and
2070 desist order is effective for 90 days. If the division begins
2071 nonemergency cease and desist proceedings, the emergency cease
2072 and desist order remains effective until the conclusion of the
2073 proceedings under ss. 120.569 and 120.57.

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2074 3. If a developer, bulk assignee, or bulk buyer fails to
2075 pay any restitution determined by the division to be owed, plus
2076 any accrued interest at the highest rate permitted by law,
2077 within 30 days after expiration of any appellate time period of
2078 a final order requiring payment of restitution or the conclusion
2079 of any appeal thereof, whichever is later, the division must
2080 bring an action in circuit or county court on behalf of any
2081 association, class of unit owners, lessees, or purchasers for
2082 restitution, declaratory relief, injunctive relief, or any other
2083 available remedy. The division may also temporarily revoke its
2084 acceptance of the filing for the developer to which the
2085 restitution relates until payment of restitution is made.

2086 4. The division may petition the court for appointment of
2087 a receiver or conservator. If appointed, the receiver or
2088 conservator may take action to implement the court order to
2089 ensure the performance of the order and to remedy any breach
2090 thereof. In addition to all other means provided by law for the
2091 enforcement of an injunction or temporary restraining order, the
2092 circuit court may impound or sequester the property of a party
2093 defendant, including books, papers, documents, and related
2094 records, and allow the examination and use of the property by
2095 the division and a court-appointed receiver or conservator.

2096 5. The division may apply to the circuit court for an
2097 order of restitution whereby the defendant in an action brought
2098 under subparagraph 4. is ordered to make restitution of those

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2099 | sums shown by the division to have been obtained by the
2100 | defendant in violation of this chapter. At the option of the
2101 | court, such restitution is payable to the conservator or
2102 | receiver appointed under subparagraph 4. or directly to the
2103 | persons whose funds or assets were obtained in violation of this
2104 | chapter.

2105 | 6. The division may impose a civil penalty against a
2106 | developer, bulk assignee, or bulk buyer, or association, or its
2107 | assignee or agent, for any violation of this chapter or related
2108 | rule. The division may impose a civil penalty individually
2109 | against an officer or board member who willfully and knowingly
2110 | violates this chapter, an adopted rule, or a final order of the
2111 | division; may order the removal of such individual as an officer
2112 | or from the board of administration or as an officer of the
2113 | association; and may prohibit such individual from serving as an
2114 | officer or on the board of a community association for a period
2115 | of time. The term "willfully and knowingly" means that the
2116 | division informed the officer or board member that his or her
2117 | action or intended action violates this chapter, a rule adopted
2118 | under this chapter, or a final order of the division and that
2119 | the officer or board member refused to comply with the
2120 | requirements of this chapter, a rule adopted under this chapter,
2121 | or a final order of the division. The division, before
2122 | initiating formal agency action under chapter 120, must afford
2123 | the officer or board member an opportunity to voluntarily

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2124 comply, and an officer or board member who complies within 10
2125 days is not subject to a civil penalty. A penalty may be imposed
2126 on the basis of each day of continuing violation, but the
2127 penalty for any offense may not exceed \$5,000. The division
2128 shall adopt, by rule, penalty guidelines applicable to possible
2129 violations or to categories of violations of this chapter or
2130 rules adopted by the division. The guidelines must specify a
2131 meaningful range of civil penalties for each such violation of
2132 the statute and rules and must be based upon the harm caused by
2133 the violation, upon the repetition of the violation, and upon
2134 such other factors deemed relevant by the division. For example,
2135 the division may consider whether the violations were committed
2136 by a developer, bulk assignee, or bulk buyer, or owner-
2137 controlled association, the size of the association, and other
2138 factors. The guidelines must designate the possible mitigating
2139 or aggravating circumstances that justify a departure from the
2140 range of penalties provided by the rules. It is the legislative
2141 intent that minor violations be distinguished from those which
2142 endanger the health, safety, or welfare of the condominium
2143 residents or other persons and that such guidelines provide
2144 reasonable and meaningful notice to the public of likely
2145 penalties that may be imposed for proscribed conduct. This
2146 subsection does not limit the ability of the division to
2147 informally dispose of administrative actions or complaints by
2148 stipulation, agreed settlement, or consent order. All amounts

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2149 collected shall be deposited with the Chief Financial Officer to
2150 the credit of the Division of Florida Condominiums, Timeshares,
2151 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
2152 bulk buyer fails to pay the civil penalty and the amount deemed
2153 to be owed to the association, the division shall issue an order
2154 directing that such developer, bulk assignee, or bulk buyer
2155 cease and desist from further operation until such time as the
2156 civil penalty is paid or may pursue enforcement of the penalty
2157 in a court of competent jurisdiction. If an association fails to
2158 pay the civil penalty, the division shall pursue enforcement in
2159 a court of competent jurisdiction, and the order imposing the
2160 civil penalty or the cease and desist order is not effective
2161 until 20 days after the date of such order. Any action commenced
2162 by the division shall be brought in the county in which the
2163 division has its executive offices or in the county in which
2164 ~~where~~ the violation occurred.

2165 7. If a unit owner presents the division with proof that
2166 the unit owner has requested access to official records in
2167 writing by certified mail, and that after 10 days the unit owner
2168 again made the same request for access to official records in
2169 writing by certified mail, and that more than 10 days has
2170 elapsed since the second request and the association has still
2171 failed or refused to provide access to official records as
2172 required by this chapter, the division shall issue a subpoena
2173 requiring production of the requested records at the location in

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2174 which where the records are kept pursuant to s. 718.112. Upon
2175 receipt of the records, the division must provide to the unit
2176 owner who was denied access to such records the produced
2177 official records without charge.

2178 8. In addition to subparagraph 6., the division may seek
2179 the imposition of a civil penalty through the circuit court for
2180 any violation for which the division may issue a notice to show
2181 cause under paragraph (r). The civil penalty shall be at least
2182 \$500 but no more than \$5,000 for each violation. The court may
2183 also award to the prevailing party court costs and reasonable
2184 attorney fees and, if the division prevails, may also award
2185 reasonable costs of investigation.

2186 (e) The division may prepare and disseminate a prospectus
2187 and other information to assist prospective owners, purchasers,
2188 lessees, and developers of residential condominiums in assessing
2189 the rights, privileges, and duties pertaining thereto.

2190 (f) The division may adopt rules to administer and enforce
2191 this chapter.

2192 (g) The division shall establish procedures for providing
2193 notice to an association and the developer, bulk assignee, or
2194 bulk buyer during the period in which the developer, bulk
2195 assignee, or bulk buyer controls the association if the division
2196 is considering the issuance of a declaratory statement with
2197 respect to the declaration of condominium or any related
2198 document governing such condominium community.

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2199 (h) The division shall furnish each association that pays
2200 the fees required by paragraph (2)(a) a copy of this chapter, as
2201 amended, and the rules adopted thereto on an annual basis.

2202 (i) The division shall annually provide each association
2203 with a summary of declaratory statements and formal legal
2204 opinions relating to the operations of condominiums which were
2205 rendered by the division during the previous year.

2206 (j) The division shall provide training and educational
2207 programs for condominium association board members and unit
2208 owners. The training may, in the division's discretion, include
2209 web-based electronic media and live training and seminars in
2210 various locations throughout the state. The division may review
2211 and approve education and training programs for board members
2212 and unit owners offered by providers and shall maintain a
2213 current list of approved programs and providers and make such
2214 list available to board members and unit owners in a reasonable
2215 and cost-effective manner. The division shall provide to
2216 directors of the board of administration at no charge the
2217 educational curriculum required under s. 718.112(2)(d) and issue
2218 a certificate of satisfactory completion, including when the
2219 required educational curriculum is provided by a division-
2220 approved condominium education provider.

2221 (k) The division shall maintain a toll-free telephone
2222 number accessible to condominium unit owners.

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2223 (1) The division shall develop a program to certify both
2224 volunteer and paid mediators to provide mediation of condominium
2225 disputes. The division shall provide, upon request, a list of
2226 such mediators to any association, unit owner, or other
2227 participant in alternative dispute resolution proceedings under
2228 s. 718.1255 requesting a copy of the list. The division shall
2229 include on the list of volunteer mediators only the names of
2230 persons who have received at least 20 hours of training in
2231 mediation techniques or who have mediated at least 20 disputes.
2232 In order to become initially certified by the division, paid
2233 mediators must be certified by the Supreme Court to mediate
2234 court cases in county or circuit courts. However, the division
2235 may adopt, by rule, additional factors for the certification of
2236 paid mediators, which must be related to experience, education,
2237 or background. Any person initially certified as a paid mediator
2238 by the division must, in order to continue to be certified,
2239 comply with the factors or requirements adopted by rule.

2240 (m) If a complaint is made, the division must conduct its
2241 inquiry with due regard for the interests of the affected
2242 parties. Within 30 days after receipt of a complaint, the
2243 division shall acknowledge the complaint in writing and notify
2244 the complainant whether the complaint is within the jurisdiction
2245 of the division and whether additional information is needed by
2246 the division from the complainant. The division shall conduct
2247 its investigation and, within 90 days after receipt of the

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2248 original complaint or of timely requested additional
2249 information, take action upon the complaint. However, the
2250 failure to complete the investigation within 90 days does not
2251 prevent the division from continuing the investigation,
2252 accepting or considering evidence obtained or received after 90
2253 days, or taking administrative action if reasonable cause exists
2254 to believe that a violation of this chapter or a rule has
2255 occurred. If an investigation is not completed within the time
2256 limits established in this paragraph, the division shall, on a
2257 monthly basis, notify the complainant in writing of the status
2258 of the investigation. When reporting its action to the
2259 complainant, the division shall inform the complainant of any
2260 right to a hearing under ss. 120.569 and 120.57. The division
2261 may adopt rules regarding the submission of a complaint against
2262 an association.

2263 (n) Condominium association directors, officers, and
2264 employees; condominium developers; bulk assignees, bulk buyers,
2265 and community association managers; and community association
2266 management firms have an ongoing duty to reasonably cooperate
2267 with the division in any investigation under this section. The
2268 division shall refer to local law enforcement authorities any
2269 person whom the division believes has altered, destroyed,
2270 concealed, or removed any record, document, or thing required to
2271 be kept or maintained by this chapter with the purpose to impair
2272 its verity or availability in the department's investigation.

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2273 The division shall refer to local law enforcement authorities
2274 any person whom the division believes has engaged in fraud,
2275 theft, embezzlement, or other criminal activity or when the
2276 division has cause to believe that fraud, theft, embezzlement,
2277 or other criminal activity has occurred.

2278 (o) The division director or any officer or employee of
2279 the division and the condominium ombudsman or any employee of
2280 the Office of the Condominium Ombudsman may attend and observe
2281 any meeting of the board of administration or unit owner
2282 meeting, including any meeting of a subcommittee or special
2283 committee, which is open to members of the association for the
2284 purpose of performing the duties of the division or the Office
2285 of the Condominium Ombudsman under this chapter.

2286 (p)~~(e)~~ The division may:

2287 1. Contract with agencies in this state or other
2288 jurisdictions to perform investigative functions; or

2289 2. Accept grants-in-aid from any source.

2290 (q)~~(p)~~ The division shall cooperate with similar agencies
2291 in other jurisdictions to establish uniform filing procedures
2292 and forms, public offering statements, advertising standards,
2293 and rules and common administrative practices.

2294 (r)~~(q)~~ The division shall consider notice to a developer,
2295 bulk assignee, or bulk buyer to be complete when it is delivered
2296 to the address of the developer, bulk assignee, or bulk buyer
2297 currently on file with the division.

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2298 ~~(s)~~ In addition to its enforcement authority, the
2299 division may issue a notice to show cause, which must provide
2300 for a hearing, upon written request, in accordance with chapter
2301 120.

2302 (t) The division shall routinely conduct random audits of
2303 condominium associations to determine compliance with the
2304 website or application requirements for official records under
2305 s. 718.111(12)(g).

2306 ~~(u)~~ The division shall submit to the Governor, the
2307 President of the Senate, the Speaker of the House of
2308 Representatives, and the chairs of the legislative
2309 appropriations committees an annual report that includes, but
2310 need not be limited to, the number of training programs provided
2311 for condominium association board members and unit owners, the
2312 number of complaints received by type, the number and percent of
2313 complaints acknowledged in writing within 30 days and the number
2314 and percent of investigations acted upon within 90 days in
2315 accordance with paragraph (m), and the number of investigations
2316 exceeding the 90-day requirement. The annual report must also
2317 include an evaluation of the division's core business processes
2318 and make recommendations for improvements, including statutory
2319 changes. The report shall be submitted by September 30 following
2320 the end of the fiscal year.

2321 (2)(a) Each condominium association that ~~which~~ operates
2322 more than two units shall pay to the division an annual fee in

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2323 the amount of \$4 for each residential unit in condominiums
2324 operated by the association. The annual fee shall be filed
2325 together with the annual certification described in paragraph
2326 (c). If the fee is not paid by March 1, the association shall be
2327 assessed a penalty of 10 percent of the amount due, and the
2328 association will not have standing to maintain or defend any
2329 action in the courts of this state until the amount due, plus
2330 any penalty, is paid.

2331 (b) All fees shall be deposited in the Division of Florida
2332 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2333 provided by law.

2334 (c) On the certification form provided by the division,
2335 the directors of the association shall certify that each
2336 director of the association has completed the written
2337 certification and educational certificate requirements in s.
2338 718.112(2)(d)4.b.

2339 Section 18. Subsection (2) of section 718.5011, Florida
2340 Statutes, is amended to read:

2341 (2) The ~~Governor~~ Secretary shall appoint the ombudsman.
2342 The ombudsman ~~must be an attorney admitted to practice before~~
2343 ~~the Florida Supreme Court and~~ shall serve at the pleasure of the
2344 Governor. A vacancy in the office shall be filled in the same
2345 manner as the original appointment. An officer or full-time
2346 employee of the ombudsman's office may not actively engage in
2347 any other business or profession that directly or indirectly

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2348 relates to or conflicts with his or her work in the ombudsman's
2349 office; serve as the representative of any political party,
2350 executive committee, or other governing body of a political
2351 party; serve as an executive, officer, or employee of a
2352 political party; receive remuneration for activities on behalf
2353 of any candidate for public office; or engage in soliciting
2354 votes or other activities on behalf of a candidate for public
2355 office. The ombudsman or any employee of his or her office may
2356 not become a candidate for election to public office unless he
2357 or she first resigns from his or her office or employment.

2358 Section 19. Paragraphs (j) and (k) of subsection (1) of
2359 section 719.106, Florida Statutes, are amended to read:

2360 719.106 Bylaws; cooperative ownership.—

2361 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
2362 documents shall provide for the following, and if they do not,
2363 they shall be deemed to include the following:

2364 (j) *Annual budget*.—

2365 1. The proposed annual budget of common expenses must be
2366 detailed and must show the amounts budgeted by accounts and
2367 expense classifications, including, if applicable, but not
2368 limited to, those expenses listed in s. 719.504(20). The board
2369 of administration shall adopt the annual budget at least 14 days
2370 before the start of the association's fiscal year. In the event
2371 that the board fails to timely adopt the annual budget a second

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2372 time, it is deemed a minor violation and the prior year's budget
2373 shall continue in effect until a new budget is adopted.

2374 2. In addition to annual operating expenses, the budget
2375 must include reserve accounts for capital expenditures and
2376 deferred maintenance. These accounts must include, but not be
2377 limited to, roof replacement, building painting, and pavement
2378 resurfacing, regardless of the amount of deferred maintenance
2379 expense or replacement cost, and for any other items for which
2380 the deferred maintenance expense or replacement cost exceeds
2381 \$10,000. The amount to be reserved must be computed by means of
2382 a formula which is based upon estimated remaining useful life
2383 and estimated replacement cost or deferred maintenance expense
2384 of the reserve item. In a budget adopted by an association that
2385 is required to obtain a structural integrity reserve study,
2386 reserves must be maintained for the items identified in
2387 paragraph (k) for which the association is responsible pursuant
2388 to the declaration, and the reserve amount for such items must
2389 be based on the findings and recommendations of the
2390 association's most recent structural integrity reserve study.
2391 With respect to items for which an estimate of useful life is
2392 not readily ascertainable or with an estimated remaining useful
2393 life of greater than 25 years, an association is not required to
2394 reserve replacement costs for such items, but an association
2395 must reserve the amount of deferred maintenance expense, if any,
2396 which is recommended by the structural integrity reserve study

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2397 for such items. The association may adjust replacement reserve
2398 assessments annually to take into account an inflation
2399 adjustment and any changes in estimates or extension of the
2400 useful life of a reserve item caused by deferred maintenance.
2401 The members of a unit-owner-controlled association may
2402 determine, by a majority vote of the total voting interests of
2403 the association, for a fiscal year to provide no reserves or
2404 reserves less adequate than required by this subsection. Before
2405 turnover of control of an association by a developer to unit
2406 owners other than a developer under s. 719.301, the developer-
2407 controlled association may not vote to waive the reserves or
2408 reduce funding of the reserves. For a budget adopted on or after
2409 December 31, 2024, a unit-owner-controlled association that must
2410 obtain a structural integrity reserve study may not determine to
2411 provide no reserves or reserves less adequate than required by
2412 this paragraph for items listed in paragraph (k). If a meeting
2413 of the unit owners has been called to determine to provide no
2414 reserves, or reserves less adequate than required, and such
2415 result is not attained or a quorum is not attained, the reserves
2416 as included in the budget shall go into effect.

2417 3. Reserve funds and any interest accruing thereon shall
2418 remain in the reserve account or accounts, and shall be used
2419 only for authorized reserve expenditures unless their use for
2420 other purposes is approved in advance by a vote of the majority
2421 of the total voting interests of the association. Before

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2422 turnover of control of an association by a developer to unit
2423 owners other than the developer under s. 719.301, the developer
2424 may not vote to use reserves for purposes other than that for
2425 which they were intended. For a budget adopted on or after
2426 December 31, 2024, members of a unit-owner-controlled
2427 association that must obtain a structural integrity reserve
2428 study may not vote to use reserve funds, or any interest
2429 accruing thereon, for purposes other than the replacement or
2430 deferred maintenance costs of the components listed in paragraph
2431 (k).

2432 (k) *Structural integrity reserve study.*—

2433 1. A residential cooperative association must have a
2434 structural integrity reserve study completed at least every 10
2435 years for each building on the cooperative property that is
2436 three stories or higher in height, as determined by the Florida
2437 Building Code, that includes, at a minimum, a study of the
2438 following items as related to the structural integrity and
2439 safety of the building:

2440 a. Roof.

2441 b. Structure, including load-bearing walls and other
2442 primary structural members and primary structural systems as
2443 those terms are defined in s. 627.706.

2444 c. Fireproofing and fire protection systems.

2445 d. Plumbing.

2446 e. Electrical systems.

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- 2447 f. Waterproofing and exterior painting.
- 2448 g. Windows and exterior doors.
- 2449 h. Any other item that has a deferred maintenance expense
2450 or replacement cost that exceeds \$10,000 and the failure to
2451 replace or maintain such item negatively affects the items
2452 listed in sub-subparagraphs a.-g., as determined by the visual
2453 inspection portion of the structural integrity reserve study.
- 2454 2. A structural integrity reserve study is based on a
2455 visual inspection of the cooperative property. A structural
2456 integrity reserve study may be performed by any person qualified
2457 to perform such study. However, the visual inspection portion of
2458 the structural integrity reserve study must be performed or
2459 verified by an engineer licensed under chapter 471, an architect
2460 licensed under chapter 481, or a person certified as a reserve
2461 specialist or professional reserve analyst by the Community
2462 Associations Institute or the Association of Professional
2463 Reserve Analysts.
- 2464 3. At a minimum, a structural integrity reserve study must
2465 identify each item of the cooperative property being visually
2466 inspected, state the estimated remaining useful life and the
2467 estimated replacement cost or deferred maintenance expense of
2468 each item of the cooperative property being visually inspected,
2469 and provide a reserve funding schedule with a recommended annual
2470 reserve amount that achieves the estimated replacement cost or
2471 deferred maintenance expense of each item of cooperative

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2472 property being visually inspected by the end of the estimated
2473 remaining useful life of the item. The structural integrity
2474 reserve study may recommend that reserves do not need to be
2475 maintained for any item for which an estimate of useful life and
2476 an estimate of replacement cost cannot be determined, or the
2477 study may recommend a deferred maintenance expense amount for
2478 such item. The structural integrity reserve study may recommend
2479 that reserves for replacement costs do not need to be maintained
2480 for any item with an estimated remaining useful life of greater
2481 than 25 years, but the study may recommend a deferred
2482 maintenance expense amount for such item.

2483 4. This paragraph does not apply to buildings less than
2484 three stories in height; single-family, two-family, or three-
2485 family dwellings with three or fewer habitable stories above
2486 ground; any portion or component of a building that has not been
2487 submitted to the cooperative form of ownership; or any portion
2488 or component of a building that is maintained by a party other
2489 than the association.

2490 5. Before a developer turns over control of an association
2491 to unit owners other than the developer, the developer must have
2492 a turnover inspection report in compliance with s. 719.301(4)(p)
2493 and (q) for each building on the cooperative property that is
2494 three stories or higher in height.

2495 6. Associations existing on or before July 1, 2022, which
2496 are controlled by unit owners other than the developer, must

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2497 have a structural integrity reserve study completed by December
2498 31, 2024, for each building on the cooperative property that is
2499 three stories or higher in height. An association that is
2500 required to complete a milestone inspection on or before
2501 December 31, 2026, in accordance with s. 553.899 may complete
2502 the structural integrity reserve study simultaneously with the
2503 milestone inspection. In no event may the structural integrity
2504 reserve study be completed after December 31, 2026.

2505 7. If the milestone inspection required by s. 553.899, or
2506 an inspection completed for a similar local requirement, was
2507 performed within the past 5 years and meets the requirements of
2508 this paragraph, such inspection may be used in place of the
2509 visual inspection portion of the structural integrity reserve
2510 study.

2511 8. If the officers or directors of an association
2512 willfully and knowingly fail to complete a structural integrity
2513 reserve study pursuant to this paragraph, such failure is a
2514 breach of an officer's and director's fiduciary relationship to
2515 the unit owners under s. 719.104(9).

2516 9. Within 45 days after receiving the structural integrity
2517 reserve study, the association must distribute a copy of the
2518 study to each unit owner or deliver to each unit owner a notice
2519 that the completed study is available for inspection and copying
2520 upon a written request. Distribution of a copy of the study or
2521 notice must be made by United States mail or personal delivery

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2522 at the mailing address, property address, or any other address
2523 of the owner provided to fulfill the association's notice
2524 requirements under this chapter, or by electronic transmission
2525 to the e-mail address or facsimile number provided to fulfill
2526 the association's notice requirements to unit owners who
2527 previously consented to receive notice by electronic
2528 transmission.

2529 Section 20. Paragraph (p) of subsection (4) of section
2530 719.301, Florida Statutes, is amended to read:

2531 719.301 Transfer of association control.—

2532 (4) When unit owners other than the developer elect a
2533 majority of the members of the board of administration of an
2534 association, the developer shall relinquish control of the
2535 association, and the unit owners shall accept control.
2536 Simultaneously, or for the purpose of paragraph (c) not more
2537 than 90 days thereafter, the developer shall deliver to the
2538 association, at the developer's expense, all property of the
2539 unit owners and of the association held or controlled by the
2540 developer, including, but not limited to, the following items,
2541 if applicable, as to each cooperative operated by the
2542 association:

2543 (p) Notwithstanding when the certificate of occupancy was
2544 issued or the height of the building, a turnover inspection
2545 report included in the official records, under seal of an
2546 architect or engineer authorized to practice in this state or a

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2547 person certified as a reserve specialist or professional reserve
2548 analyst by the Community Associations Institute or the
2549 Association of Professional Reserve Analysts, consisting of a
2550 structural integrity reserve study attesting to required
2551 maintenance, condition, useful life, and replacement costs of
2552 the following applicable cooperative property:

- 2553 1. Roof.
- 2554 2. Structure, including load-bearing walls and primary
2555 structural members and primary structural systems as those terms
2556 are defined in s. 627.706.
- 2557 3. Fireproofing and fire protection systems.
- 2558 4. Plumbing.
- 2559 5. Electrical systems.
- 2560 6. Waterproofing and exterior painting.
- 2561 7. Windows and exterior doors.

2562 Section 21. The Division of Florida Condominiums,
2563 Timeshares, and Mobile Homes of the Department of Business and
2564 Professional Regulation shall complete a review of the website
2565 or application requirements for official records under s.
2566 718.111(12)(g), Florida Statutes, and make recommendations
2567 regarding any additional official records of a condominium
2568 association that should be included in the record maintenance
2569 requirement in the statute. The division shall submit to the
2570 Governor, the President of the Senate, the Speaker of the House
2571 of Representatives, and the chairs of the legislative

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2572 appropriations committees and appropriate substantive committees
2573 with jurisdiction over chapter 718, Florida Statutes, the
2574 findings of its review by February 1, 2025.

2575 Section 23. Except as otherwise expressly provided in this
2576 act, this act shall take effect July 1, 2024.

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2578 **T I T L E A M E N D M E N T**

2579 Remove everything before the enacting clause and insert:
2580 amending s. 468.4334, F.S.; requiring community association
2581 managers and community association management firms to return
2582 official records of an association within a specified time after
2583 termination of a contract; providing a rebuttable presumption
2584 regarding noncompliance; providing penalties for the failure to
2585 timely return official records; creating s. 468.4335, F.S.;
2586 requiring community association managers and community
2587 association management firms to disclose certain conflicts of
2588 interest to the association's board; providing a rebuttable
2589 presumption as to the existence of a conflict; requiring an
2590 association to consider multiple bids for goods or services
2591 under certain circumstances; providing requirements for an
2592 association to approve any activity that is a conflict of
2593 interest; authorizing certain contracts to be canceled, subject
2594 to certain requirements; specifying liability and nonliability
2595 of the association upon cancellation of such a contract;
2596 authorizing an association to cancel a contract if certain

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2597 conflicts were not disclosed; specifying liability and
2598 nonliability of the association upon cancellation of a contract;
2599 defining the term "relative"; reenacting and amending s.
2600 468.436, F.S.; revising the list of grounds for which the
2601 Department of Business and Professional Regulation may take
2602 disciplinary actions against community association managers or
2603 community association firms; amending s. 718.103, F.S.; revising
2604 and providing definitions; amending s. 718.104, F.S.; requiring
2605 declarations to specify the entity responsible for the
2606 installation, maintenance, repair, or replacement of hurricane
2607 protection; amending s. 718.111, F.S.; providing criminal
2608 penalties for any officer, director, or manager of an
2609 association who unlawfully solicits, offers to accept, or
2610 accepts any thing or service of value or kickback; revising the
2611 list of records that constitute the official records of an
2612 association; revising maintenance requirements for official
2613 records; revising requirements regarding requests to inspect or
2614 copy association records; requiring an association to provide a
2615 checklist and affidavit in response to certain records requests;
2616 providing a rebuttable presumption and criminal penalties;
2617 defining the term "repeatedly"; requiring copies of certain
2618 building permits be posted on an association's website or
2619 application; modifying the method of delivery of certain letters
2620 regarding association financial reports to unit owners; revising
2621 circumstances under which an association may prepare certain

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2622 reports; revising criminal penalties for persons who unlawfully
2623 use a debit card issued in the name of an association; defining
2624 the term "lawful obligation of the association"; revising the
2625 threshold for associations that must post certain documents on
2626 its website or through an application; amending s. 718.112,
2627 F.S.; requiring the boards of certain associations to meet at
2628 least once every quarter; revising requirements regarding notice
2629 of such meetings; requiring a director to complete an
2630 educational requirement within a specified time period before or
2631 after election or appointment to the board; providing
2632 transitional provisions; requiring a director to complete
2633 educational requirements each year relating to changes in the
2634 law; authorizing members of an association to waive reserves or
2635 reduce reserves under certain circumstances and for a limited
2636 time; requiring an association to distribute or deliver copies
2637 of a structural integrity reserve study to unit owners within a
2638 specified timeframe; specifying the manner of distribution or
2639 delivery; revising the circumstances under which a director or
2640 an officer must be removed from office after being charged by
2641 information or indictment of certain crimes; prohibiting such
2642 officers and directors with pending criminal charges from
2643 accessing the official records of any association; providing an
2644 exception; providing criminal penalties for certain fraudulent
2645 voting activities relating to association elections; amending s.
2646 718.113, F.S.; providing applicability; specifying that certain

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2647 actions are not material alterations or substantial additions;
2648 authorizing the boards of residential and mixed-use condominiums
2649 to install or require unit owners to install hurricane
2650 protection; requiring a vote of the unit owners for the
2651 installation of hurricane protection; requiring that such vote
2652 be attested to in a certificate and recorded in certain public
2653 records; providing requirements for such certificate; providing
2654 that the validity or enforceability of a vote is not affected if
2655 the board fails to take certain actions; providing that a vote
2656 of the unit owners is not required under certain circumstances;
2657 prohibiting installation of the same type of hurricane
2658 protection previously installed; providing exceptions;
2659 prohibiting the boards of residential and mixed-use condominiums
2660 from refusing to approve certain hurricane protections;
2661 authorizing the board to require owners to adhere to certain
2662 guidelines regarding the external appearance of a condominium;
2663 revising responsibility for the cost of the removal or
2664 reinstallation of hurricane protection, including exterior
2665 windows, doors, or apertures; prohibiting the association from
2666 charging certain expenses to unit owners; requiring
2667 reimbursement or a credit toward future assessments to the unit
2668 owner in certain circumstances; authorizing the association to
2669 collect certain charges and specifying that such charges are
2670 enforceable as assessments under certain circumstances; amending
2671 s. 718.115, F.S.; specifying when the cost of installation of

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2672 hurricane protection is not a common expense; authorizing
2673 certain expenses to be enforceable as assessments; requiring
2674 certain unit owners to be excused from certain assessments or to
2675 receive a credit for hurricane protection that has been
2676 installed; providing credit applicability under certain
2677 circumstances; providing for the amount of credit that a unit
2678 owner must receive; specifying that certain expenses are common
2679 expenses; amending s. 718.116, F.S.; requiring that the written
2680 notice of certain assessments be recorded in the public records;
2681 amending s. 718.121, F.S.; conforming a cross-reference;
2682 amending s. 718.1224, F.S.; revising legislative findings and
2683 intent; revising the definition of the term "governmental
2684 entity"; prohibiting an association from filing strategic
2685 lawsuits, taking certain actions against unit owners, and
2686 expending funds to support certain actions; amending s. 718.301,
2687 F.S.; requiring developers to deliver a structural integrity
2688 reserve report to an association upon relinquishing control of
2689 the association; amending s. 718.3027, F.S.; revising
2690 requirements regarding attendance at a board meeting in the
2691 event of a conflict of interest; modifying circumstances under
2692 which a contract may be voided; amending s. 718.303, F.S.;
2693 requiring that a notice of nonpayment be provided to a unit
2694 owner by a specified time before an election or a vote of
2695 association members; amending s. 718.501, F.S.; revising
2696 circumstances under which the Division of Florida Condominiums,

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2697 Timeshares, and Mobile Homes has jurisdiction to investigate and
2698 enforce certain matters; requiring that the division provide
2699 official records, without charge, to a unit owner denied access;
2700 requiring the division to provide an educational curriculum free
2701 of charge and issue a certificate to directors of a board of
2702 administration; requiring that the division refer suspected
2703 criminal acts to the appropriate law enforcement authority;
2704 authorizing certain division officials to attend association
2705 meetings; requiring that the division conduct random audits of
2706 associations for specified purposes; requiring an association's
2707 annual fee be filed concurrently with the annual certification;
2708 specifying requirements for the annual certification; amending
2709 s. 718.5011, F.S.; relating to ombudsman appointment; amending
2710 s. 719.106, F.S.; requiring an association to distribute or
2711 deliver copies of a structural integrity reserve study to unit
2712 owners within a specified timeframe; specifying the manner of
2713 distribution or delivery; amending s. 719.301, F.S.; requiring
2714 developers to deliver a structural integrity reserve study to a
2715 cooperative association upon relinquishing control of
2716 association property; requiring the division to submit its
2717 findings, including any recommendations, to the Governor and the
2718 Legislature by a specified date; providing effective dates.