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1
 2 An act relating to community associations; amending s.
 3 468.4334, F.S.; requiring community association
 4 managers and community association management firms to
 5 return official records of an association within a
 6 specified time after termination of a contract;
 7 requiring notices of termination of certain
 8 contractual agreements to be sent in a specified
 9 manner; authorizing community association managers and
 10 community association management firms to retain, for
 11 a specified timeframe, records necessary to complete
 12 an ending financial statement or report; relieving
 13 community association managers and community
 14 association management firms from certain
 15 responsibilities and liability under certain
 16 circumstances; providing a rebuttable presumption
 17 regarding noncompliance; providing penalties for the
 18 failure to timely return official records; providing
 19 an exception for certain time periods for timeshare
 20 plans; creating s. 468.4335, F.S.; requiring community
 21 association managers and community association
 22 management firms to disclose certain conflicts of
 23 interest to the association's board; providing a
 24 rebuttable presumption as to the existence of a
 25 conflict; requiring an association to solicit multiple

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26 bids for goods or services under certain
27 circumstances; providing requirements for an
28 association to approve any activity and contracts that
29 are a conflict of interest; providing that a conflict
30 of interest in a contract which has been previously
31 disclosed must to be noticed and voted on upon its
32 renewal, but not during the term of the contract;
33 authorizing certain contracts to be canceled, subject
34 to certain requirements; specifying liability and
35 nonliability of the association upon cancellation of
36 such a contract; authorizing an association to cancel
37 a contract if certain conflicts were not disclosed;
38 specifying liability and nonliability of the
39 association upon cancellation of a contract; defining
40 the term "relative"; reenacting and amending s.
41 468.436, F.S.; revising the list of grounds for which
42 the Department of Business and Professional Regulation
43 may take disciplinary actions against community
44 association managers or community association firms;
45 amending s. 553.899, F.S.; exempting certain four-
46 family dwellings from requiring a milestone inspection
47 and milestone inspection report; amending s. 718.103,
48 F.S.; revising and providing definitions; amending s.
49 718.104, F.S.; providing requirements for the
50 declaration of specified condominiums; requiring

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51 | declarations to specify the entity responsible for the
52 | installation, maintenance, repair, or replacement of
53 | hurricane protection; amending s. 718.111, F.S.;
54 | providing criminal penalties for any officer,
55 | director, or manager of an association who unlawfully
56 | solicits, offers to accept, or accepts a kickback;
57 | requiring such officers, directors, or managers to be
58 | removed from office and a vacancy declared; requiring
59 | the Division of Florida Condominiums, Timeshares, and
60 | Mobile Homes to monitor an association's compliance
61 | with certain provisions, and issue fines and penalties
62 | if necessary, upon receipt of a complaint; revising
63 | the list of records that constitute the official
64 | records of an association; providing requirements
65 | relating to e-mail addresses and facsimile numbers of
66 | unit owners; requiring an association to redact
67 | certain personal information in certain documents;
68 | providing an exception to liability for the release of
69 | certain information; revising maintenance requirements
70 | for official records; revising requirements regarding
71 | requests to inspect or copy association records;
72 | requiring an association to provide a checklist in
73 | response to certain records requests; providing a
74 | rebuttable presumption and criminal penalties;
75 | requiring certain persons to be removed from office

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76 | and a vacancy declared under certain circumstances;
 77 | defining the term "repeatedly"; requiring copies of
 78 | certain building permits be posted on an association's
 79 | website or application; modifying the method of
 80 | delivery of certain financial reports to unit owners;
 81 | revising circumstances under which an association may
 82 | prepare certain reports; revising criminal penalties
 83 | for persons who unlawfully use a debit card issued in
 84 | the name of an association; requiring certain persons
 85 | to be removed from office and a vacancy declared under
 86 | certain circumstances; defining the term "lawful
 87 | obligation of the association"; revising the threshold
 88 | for associations that must post certain documents on
 89 | its website or through an application; amending s.
 90 | 718.112, F.S.; requiring the boards of certain
 91 | associations to meet at least once every quarter;
 92 | requiring the meeting agenda to include an opportunity
 93 | for members to ask questions of the board a certain
 94 | number of times a year; providing that the right to
 95 | attend meetings includes the right to ask questions
 96 | relating to certain topics; revising requirements
 97 | regarding notice of such meetings; requiring a
 98 | director to complete an educational requirement within
 99 | a specified time period before or after election or
 100 | appointment to the board; providing requirements for

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101 the educational curriculum; providing transitional
 102 provisions; requiring a director to complete a certain
 103 amount of continuing education each year relating to
 104 changes in the law; requiring the secretary of the
 105 association to maintain certain information for
 106 inspection for a specified number of years;
 107 authorizing members of an association to pause the
 108 contribution to reserves or reduce reserves under
 109 certain circumstances and for a limited time;
 110 authorizing the board to expend reserve account funds
 111 to make the condominium building and structures
 112 habitable; requiring an association to distribute or
 113 deliver copies of a structural integrity reserve study
 114 to unit owners within a specified timeframe;
 115 specifying the manner of distribution or delivery;
 116 requiring an association to provide a specified
 117 statement to the division within a specified
 118 timeframe; revising the circumstances under which a
 119 director or an officer must be removed from office
 120 after being charged by information or indictment of
 121 certain crimes; prohibiting such officers and
 122 directors with pending criminal charges from accessing
 123 the official records of any association; providing an
 124 exception; providing criminal penalties for certain
 125 fraudulent voting activities relating to association

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126 elections; amending s. 718.113, F.S.; providing
 127 applicability; specifying that certain actions are not
 128 material alterations or substantial additions;
 129 authorizing the boards of residential and mixed-use
 130 condominiums to install or require unit owners to
 131 install hurricane protection; requiring a vote of the
 132 unit owners for the installation of hurricane
 133 protection; requiring that such vote be attested to in
 134 a certificate and recorded in certain public records;
 135 requiring the board to provide, in various manners, to
 136 the unit owners a copy of the recorded certificate;
 137 providing that the validity or enforceability of a
 138 vote is not affected if the board fails to take
 139 certain actions; providing that a vote of the unit
 140 owners is not required under certain circumstances;
 141 prohibiting installation of the same type of hurricane
 142 protection previously installed; providing exceptions;
 143 prohibiting the boards of residential and mixed-use
 144 condominiums from refusing to approve certain
 145 hurricane protections; authorizing the board to
 146 require owners to adhere to certain guidelines
 147 regarding the external appearance of a condominium;
 148 revising responsibility for the cost of the removal or
 149 reinstallation of hurricane protection, including
 150 exterior windows, doors, or apertures; prohibiting the

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151 association from charging certain expenses to unit
 152 owners; requiring reimbursement or a credit toward
 153 future assessments to the unit owner in certain
 154 circumstances; authorizing the association to collect
 155 certain charges and specifying that such charges are
 156 enforceable as assessments under certain
 157 circumstances; amending s. 718.115, F.S.; specifying
 158 when the cost of installation of hurricane protection
 159 is not a common expense; authorizing certain expenses
 160 to be enforceable as assessments; requiring certain
 161 unit owners to be excused from certain assessments or
 162 to receive a credit for hurricane protection that has
 163 been installed; providing credit applicability under
 164 certain circumstances; providing for the amount of
 165 credit that a unit owner must receive; specifying that
 166 certain expenses are common expenses; amending s.
 167 718.121, F.S.; conforming a cross-reference; amending
 168 s. 718.124, F.S.; providing the statute of limitations
 169 and repose for certain actions; amending s. 718.1224,
 170 F.S.; revising legislative findings and intent;
 171 revising the definition of the term "governmental
 172 entity"; prohibiting an association from filing
 173 strategic lawsuits, taking certain actions against
 174 unit owners, and expending funds to support certain
 175 actions; amending s. 718.128, F.S.; providing that a

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176 unit owner may consent to electronic voting
177 electronically; providing that a board must honor a
178 unit owner's request to vote electronically until the
179 owner opts out; amending s. 718.202, F.S.; providing
180 sales and reservation deposit requirements for
181 nonresidential condominiums; amending s. 718.301,
182 F.S.; requiring developers to deliver a structural
183 integrity reserve report to an association upon
184 relinquishing control of the association; amending s.
185 718.3027, F.S.; revising requirements regarding
186 attendance at a board meeting in the event of a
187 conflict of interest; modifying circumstances under
188 which a contract may be voided; revising a cross-
189 reference; amending s. 718.303, F.S.; requiring an
190 association to provide certain notice to a unit owner
191 by a specified time before an election; creating s.
192 718.407, F.S.; authorizing a condominium to be created
193 within a portion of a building or within a multiple
194 parcel building; specifying that the common elements
195 are only those portions of the building submitted to
196 the condominium form of ownership; providing
197 requirements for the declaration of such condominiums
198 and other certain recorded instruments; providing for
199 the apportionment of expenses for such condominiums;
200 authorizing the association to inspect and copy

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201 certain books and records; requiring a specified
202 disclosure summary for contracts of sale for a unit in
203 certain condominiums; providing that the creation of a
204 multiple parcel building is not a subdivision of the
205 land; amending s. 718.501, F.S.; revising
206 circumstances under which the division has
207 jurisdiction to investigate and enforce complaints
208 relating to certain matters; requiring that the
209 division provide official records, without charge, to
210 a unit owner denied access; authorizing the division
211 to issue certain citations; requiring the division to
212 provide a division-approved training provider with the
213 template for the certificate issued to certain
214 directors of a board of administration; requiring that
215 the division refer suspected criminal acts to the
216 appropriate law enforcement authority; authorizing
217 certain division officials to attend association
218 meetings; authorizing the division to request access
219 to an association's website or application to
220 investigate complaints under certain circumstances;
221 requiring the division to include certain information
222 in its annual report to the Governor and Legislature
223 after a specified date; specifying requirements for
224 the annual certification; authorizing the division to
225 adopt rules; providing applicability; amending s.

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226 718.5011, F.S.; providing that the secretary of the
 227 Department of Business and Professional Regulation,
 228 rather than the Governor, appoints the condominium
 229 ombudsman; amending s. 718.503, F.S.; requiring
 230 nondeveloper unit owners to include an annual
 231 financial statement and annual budget in information
 232 provided to a prospective purchaser; revising
 233 information that must be included in contracts for the
 234 resale of a residential unit; requiring certain
 235 disclosures be made if a unit is located in a
 236 specified type of condominium; amending s. 718.504,
 237 F.S.; requiring certain information provided to
 238 prospective purchasers to state whether the
 239 condominium is created within a portion of a building
 240 or within a multiple parcel building; amending s.
 241 719.106, F.S.; requiring an association to distribute
 242 or deliver copies of a structural integrity reserve
 243 study to unit owners within a specified timeframe;
 244 specifying the manner of distribution or delivery;
 245 requiring an association to provide a specified
 246 statement to the division within a specified
 247 timeframe; amending s. 719.129, F.S.; providing that a
 248 unit owner may consent electronically to electronic
 249 voting; amending s. 719.301, F.S.; requiring
 250 developers to deliver a structural integrity reserve

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251 study to a cooperative association upon relinquishing
 252 control of association property; requiring the
 253 division to conduct a review of statutory requirements
 254 regarding posting of official records on a condominium
 255 association's website or application; requiring the
 256 division to submit its findings, including any
 257 recommendations, to the Governor and the Legislature
 258 by a specified date; requiring the division to create
 259 a database on its website with certain information by
 260 a date certain; providing appropriations; providing
 261 construction and retroactive application; requiring
 262 the Florida Building Commission to perform a study for
 263 specified purposes; requiring the commission to submit
 264 a report of its recommendations to the Governor and
 265 Legislature by a date certain; providing effective
 266 dates.

267
 268 Be It Enacted by the Legislature of the State of Florida:

269
 270 Section 1. Subsection (3) is added to section 468.4334,
 271 Florida Statutes, to read:

272 468.4334 Professional practice standards; liability.—

273 (3) A community association manager or a community
 274 association management firm shall return all community
 275 association official records within its possession to the

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276 community association within 20 business days after termination
277 of a contractual agreement to provide community association
278 management services to the community association or receipt of a
279 written request for return of the official records, whichever
280 occurs first. A notice of termination of a contractual agreement
281 to provide community association management services must be
282 sent by certified mail, return receipt requested, or in the
283 manner required under such contractual agreement. The community
284 association manager or community association management firm may
285 retain, for up to 20 business days, those records necessary to
286 complete an ending financial statement or report. If an
287 association fails to provide access to or retention of the
288 accounting records to prepare an ending financial statement or
289 report, the community association manager or community
290 association management firm is relieved from any further
291 responsibility or liability relating to the preparation of such
292 ending financial statement or report. Failure of a community
293 association manager or a community association management firm
294 to timely return all of the official records within its
295 possession to the community association creates a rebuttable
296 presumption that the community association manager or community
297 association management firm willfully failed to comply with this
298 subsection. A community association manager or a community
299 association management firm that fails to timely return
300 community association records is subject to suspension of its

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301 license under s. 468.436, and a civil penalty of \$1,000 per day
 302 for up to 10 business days, assessed beginning on the 21st
 303 business day after termination of a contractual agreement to
 304 provide community association management services to the
 305 community association or receipt of a written request from the
 306 association for return of the records, whichever occurs first.
 307 However, for a timeshare plan created under chapter 721, the
 308 time periods provided in s. 721.14(4)(b) apply.

309 Section 2. Section 468.4335, Florida Statutes, is created
 310 to read:

311 468.4335 Conflicts of interest.-

312 (1) A community association manager or a community
 313 association management firm, including directors, officers, and
 314 persons with a financial interest in a community association
 315 management firm, or a relative of such persons, must disclose to
 316 the board of a community association any activity that may
 317 reasonably be construed to be a conflict of interest. A
 318 rebuttable presumption of a conflict of interest exists if any
 319 of the following occurs without prior notice:

320 (a) A community association manager or a community
 321 association management firm, including directors, officers, and
 322 persons with a financial interest in a community association
 323 management firm, or a relative of such persons, enters into a
 324 contract for goods or services with the association.

325 (b) A community association manager or a community

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326 association management firm, including directors, officers, and
327 persons with a financial interest in a community association
328 management firm, or a relative of such persons, holds an
329 interest in or receives compensation or any thing of value from
330 a corporation, limited liability corporation, partnership,
331 limited liability partnership, or other business entity that
332 conducts business with the association or proposes to enter into
333 a contract or other transaction with the association.

334 (2) If the association receives and considers a bid that
335 exceeds \$2,500 to provide a good or service, other than
336 community association management services, from a community
337 association manager or a community association management firm,
338 including directors, officers, and persons with a financial
339 interest in a community association management firm, or a
340 relative of such persons, the association must solicit multiple
341 bids from other third-party providers of such goods or services.

342 (3) If a community association manager or a community
343 association management firm, including directors, officers, and
344 persons with a financial interest in a community association
345 management firm, or a relative of such persons, proposes to
346 engage in an activity that is a conflict of interest as
347 described in subsection (1), the proposed activity must be
348 listed on, and all contracts and transactional documents related
349 to the proposed activity must be attached to, the meeting agenda
350 of the next board of administration meeting. The disclosures of

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351 a possible conflict of interest must be entered into the written
352 minutes of the meeting. Approval of the contract, including a
353 management contract between the community association and the
354 community association manager or community association
355 management firm, or other transaction requires an affirmative
356 vote of two-thirds of all directors present. At the next regular
357 or special meeting of the members, the existence of the conflict
358 of interest and the contract or other transaction must be
359 disclosed to the members. If a community association manager or
360 community association management firm has previously disclosed a
361 conflict of interest in an existing management contract entered
362 into between the board of directors and the community
363 association manager or community association management firm,
364 the conflict of interest does not need to be additionally
365 noticed and voted on during the term of such management
366 contract, but, upon renewal, must be noticed and voted on in
367 accordance with this subsection.

368 (4) If the board finds that a community association
369 manager or a community association management firm, including
370 directors, officers, and persons with a financial interest in a
371 community association management firm, or a relative of such
372 persons, has violated this section, the association may cancel
373 its community association management contract with the community
374 association manager or the community association management
375 firm. If the contract is canceled, the association is liable

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376 only for the reasonable value of the management services
 377 provided up to the time of cancellation and is not liable for
 378 any termination fees, liquidated damages, or other form of
 379 penalty for such cancellation.

380 (5) If an association enters into a contract with a
 381 community association manager or a community association
 382 management firm, including directors, officers, and persons with
 383 a financial interest in a community association management firm,
 384 or a relative of such persons, which is a party to or has an
 385 interest in an activity that is a possible conflict of interest
 386 as described in subsection (1) and such activity has not been
 387 properly disclosed as a conflict of interest or potential
 388 conflict of interest as required by this section, the contract
 389 is voidable and terminates upon the association filing a written
 390 notice terminating the contract with its board of directors
 391 which contains the consent of at least 20 percent of the voting
 392 interests of the association.

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

396 Section 3. Paragraph (b) of subsection (2) of section
 397 468.436, Florida Statutes, is amended, and subsection (4) of
 398 that section is reenacted, to read:

399 468.436 Disciplinary proceedings.—

400 (2) The following acts constitute grounds for which the

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401 disciplinary actions in subsection (4) may be taken:
 402 (b)1. Violation of ~~any provision of~~ this part.
 403 2. Violation of any lawful order or rule rendered or
 404 adopted by the department or the council.
 405 3. Being convicted of or pleading nolo contendere to a
 406 felony in any court in the United States.
 407 4. Obtaining a license or certification or any other
 408 order, ruling, or authorization by means of fraud,
 409 misrepresentation, or concealment of material facts.
 410 5. Committing acts of gross misconduct or gross negligence
 411 in connection with the profession.
 412 6. Contracting, on behalf of an association, with any
 413 entity in which the licensee has a financial interest that is
 414 not disclosed.
 415 7. Failing to disclose any conflict of interest as
 416 required by s. 468.4335.
 417 ~~8.7.~~ Violating ~~any provision of~~ chapter 718, chapter 719,
 418 or chapter 720 during the course of performing community
 419 association management services pursuant to a contract with a
 420 community association as defined in s. 468.431(1).
 421 (4) When the department finds any community association
 422 manager or firm guilty of any of the grounds set forth in
 423 subsection (2), it may enter an order imposing one or more of
 424 the following penalties:
 425 (a) Denial of an application for licensure.

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426 (b) Revocation or suspension of a license.

427 (c) Imposition of an administrative fine not to exceed
428 \$5,000 for each count or separate offense.

429 (d) Issuance of a reprimand.

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

433 (f) Restriction of the authorized scope of practice by the
434 community association manager.

435 Section 4. Subsection (4) of section 553.899, Florida
436 Statutes, is amended to read:

437 553.899 Mandatory structural inspections for condominium
438 and cooperative buildings.—

439 (4) The milestone inspection report must be arranged by a
440 condominium or cooperative association and any owner of any
441 portion of the building which is not subject to the condominium
442 or cooperative form of ownership. The condominium association or
443 cooperative association and any owner of any portion of the
444 building which is not subject to the condominium or cooperative
445 form of ownership are each responsible for ensuring compliance
446 with the requirements of this section. The condominium
447 association or cooperative association is responsible for all
448 costs associated with the milestone inspection attributable to
449 the portions of a building which the association is responsible
450 to maintain under the governing documents of the association.

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451 This section does not apply to a single-family, two-family, ~~or~~
 452 three-family, or four-family dwelling with three or fewer
 453 habitable stories above ground.

454 Section 5. Subsections (19) through (32) of section
 455 718.103, Florida Statutes, are renumbered as subsections (21)
 456 through (34), respectively, subsection (14) is amended, and new
 457 subsections (19) and (20) are added to that section, to read:

458 718.103 Definitions.—As used in this chapter, the term:

459 (14) "Condominium property" means the lands, leaseholds,
 460 and improvements, any and personal property, and all easements
 461 and rights appurtenant thereto, regardless of whether
 462 contiguous, which that are subjected to condominium ownership,
 463 ~~whether or not contiguous, and all improvements thereon and all~~
 464 ~~easements and rights appurtenant thereto intended for use in~~
 465 ~~connection with the condominium.~~

466 (19) "Hurricane protection" means hurricane shutters,
 467 impact glass, code-compliant windows or doors, and other code-
 468 compliant hurricane protection products used to preserve and
 469 protect the condominium property or association property.

470 (20) "Kickback" means any thing or service of value, for
 471 which consideration has not been provided, for an officer's, a
 472 director's, or a manager's own benefit or that of his or her
 473 immediate family, from any person providing or proposing to
 474 provide goods or services to the association.

475 Section 6. Paragraph (b) of subsection (4) of section

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476 718.104, Florida Statutes, is amended, and paragraph (p) is
 477 added to that subsection, to read:

478 718.104 Creation of condominiums; contents of
 479 declaration.—Every condominium created in this state shall be
 480 created pursuant to this chapter.

481 (4) The declaration must contain or provide for the
 482 following matters:

483 (b) The name by which the condominium property is to be
 484 identified, which shall include the word "condominium" or be
 485 followed by the words "a condominium." Condominiums created
 486 within a portion of a building or within a multiple parcel
 487 building must include the name by which the condominium is to be
 488 identified and be followed by "a condominium within a portion of
 489 a building or within a multiple parcel building."

490 (p) For both residential condominiums and mixed-use
 491 condominiums, a statement that specifies whether the unit owner
 492 or the association is responsible for the installation,
 493 maintenance, repair, or replacement of hurricane protection that
 494 is for the preservation and protection of the condominium
 495 property and association property.

496 Section 7. Paragraph (a) of subsection (1), paragraph (h)
 497 of subsection (11), and subsections (12), (13), and (15) of
 498 section 718.111, Florida Statutes, are amended to read:

499 718.111 The association.—

500 (1) CORPORATE ENTITY.—

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501 (a) The operation of the condominium shall be by the
 502 association, which must be a Florida corporation for profit or a
 503 Florida corporation not for profit. However, any association
 504 which was in existence on January 1, 1977, need not be
 505 incorporated. The owners of units shall be shareholders or
 506 members of the association. The officers and directors of the
 507 association have a fiduciary relationship to the unit owners. It
 508 is the intent of the Legislature that nothing in this paragraph
 509 shall be construed as providing for or removing a requirement of
 510 a fiduciary relationship between any manager employed by the
 511 association and the unit owners. An officer, a director, or a
 512 manager may not solicit, offer to accept, or accept a ~~any thing~~
 513 ~~or service of value or kickback for which consideration has not~~
 514 ~~been provided for his or her own benefit or that of his or her~~
 515 ~~immediate family, from any person providing or proposing to~~
 516 ~~provide goods or services to the association.~~ Any such officer,
 517 director, or manager who knowingly so solicits, offers to
 518 accept, or accepts a ~~any thing or service of value or kickback~~
 519 commits a felony of the third degree, punishable as provided in
 520 s. 775.082, s. 775.083, or s. 775.084, is subject to a civil
 521 penalty pursuant to s. 718.501(1)(e), and must be removed from
 522 office and a vacancy declared ~~s. 718.501(1)(d) and, if~~
 523 ~~applicable, a criminal penalty as provided in paragraph (d).~~
 524 However, this paragraph does not prohibit an officer, a
 525 director, or a manager from accepting services or items received

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526 | in connection with trade fairs or education programs. An
527 | association may operate more than one condominium.

528 | (11) INSURANCE.—In order to protect the safety, health,
529 | and welfare of the people of the State of Florida and to ensure
530 | consistency in the provision of insurance coverage to
531 | condominiums and their unit owners, this subsection applies to
532 | every residential condominium in the state, regardless of the
533 | date of its declaration of condominium. It is the intent of the
534 | Legislature to encourage lower or stable insurance premiums for
535 | associations described in this subsection.

536 | (h) The association shall maintain insurance or fidelity
537 | bonding of all persons who control or disburse funds of the
538 | association. The insurance policy or fidelity bond must cover
539 | the maximum funds that will be in the custody of the association
540 | or its management agent at any one time. Upon receipt of a
541 | complaint, the division shall monitor an association for
542 | compliance with this paragraph and may issue fines and penalties
543 | established by the division for failure of an association to
544 | maintain the required insurance policy or fidelity bond. As used
545 | in this paragraph, the term "persons who control or disburse
546 | funds of the association" includes, but is not limited to, those
547 | individuals authorized to sign checks on behalf of the
548 | association, and the president, secretary, and treasurer of the
549 | association. The association shall bear the cost of any such
550 | bonding.

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551 (12) OFFICIAL RECORDS.—

552 (a) From the inception of the association, the association
 553 shall maintain each of the following items, if applicable, which
 554 constitutes the official records of the association:

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

557 2. A photocopy of the recorded declaration of condominium
 558 of each condominium operated by the association and each
 559 amendment to each declaration.

560 3. A photocopy of the recorded bylaws of the association
 561 and each amendment to the bylaws.

562 4. A certified copy of the articles of incorporation of
 563 the association, or other documents creating the association,
 564 and each amendment thereto.

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

566 6. A book or books that contain the minutes of all
 567 meetings of the association, the board of administration, and
 568 the unit owners.

569 7. A current roster of all unit owners and their mailing
 570 addresses, unit identifications, voting certifications, and, if
 571 known, telephone numbers. The association shall also maintain
 572 the e-mail addresses and facsimile numbers of unit owners
 573 consenting to receive notice by electronic transmission. ~~The e-~~
 574 ~~mail addresses and facsimile numbers are not accessible to unit~~
 575 ~~owners if consent to receive notice by electronic transmission~~

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576 ~~is not provided~~ In accordance with sub-subparagraph (c) 5.e., the
 577 e-mail addresses and facsimile numbers are only accessible to
 578 unit owners if consent to receive notice by electronic
 579 transmission is provided, or if the unit owner has expressly
 580 indicated that such personal information can be shared with
 581 other unit owners and the unit owner has not provided the
 582 association with a request to opt out of such dissemination with
 583 other unit owners. An association must ensure that the e-mail
 584 addresses and facsimile numbers are only used for the business
 585 operation of the association and may not be sold or shared with
 586 outside third parties. If such personal information is included
 587 in documents that are released to third parties, other than unit
 588 owners, the association must redact such personal information
 589 before the document is disseminated ~~(e)3.e.~~ However, the
 590 association is not liable for an inadvertent disclosure of the
 591 e-mail address or facsimile number for receiving electronic
 592 transmission of notices unless such disclosure was made with a
 593 knowing or intentional disregard of the protected nature of such
 594 information.

595 8. All current insurance policies of the association and
 596 condominiums operated by the association.

597 9. A current copy of any management agreement, lease, or
 598 other contract to which the association is a party or under
 599 which the association or the unit owners have an obligation or
 600 responsibility.

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601 10. Bills of sale or transfer for all property owned by
602 the association.

603 11. Accounting records for the association and separate
604 accounting records for each condominium that the association
605 operates. Any person who knowingly or intentionally defaces or
606 destroys such records, or who knowingly or intentionally fails
607 to create or maintain such records, with the intent of causing
608 harm to the association or one or more of its members, is
609 personally subject to a civil penalty pursuant to s.
610 718.501(1)(e) ~~s. 718.501(1)(d)~~. The accounting records must
611 include, but are not limited to:

612 a. Accurate, itemized, and detailed records of all
613 receipts and expenditures.

614 b. All invoices, transaction receipts, or deposit slips
615 that substantiate any receipt or expenditure of funds by the
616 association.

617 ~~c.b.~~ A current account and a monthly, bimonthly, or
618 quarterly statement of the account for each unit designating the
619 name of the unit owner, the due date and amount of each
620 assessment, the amount paid on the account, and the balance due.

621 ~~d.e.~~ All audits, reviews, accounting statements,
622 structural integrity reserve studies, and financial reports of
623 the association or condominium. Structural integrity reserve
624 studies must be maintained for at least 15 years after the study
625 is completed.

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626 ~~e.d.~~ All contracts for work to be performed. Bids for work
 627 to be performed are also considered official records and must be
 628 maintained by the association for at least 1 year after receipt
 629 of the bid.

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

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

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

639 15. A copy of the inspection reports described in ss.
 640 553.899 and 718.301(4) (p) and any other inspection report
 641 relating to a structural or life safety inspection of
 642 condominium property. Such record must be maintained by the
 643 association for 15 years after receipt of the report.

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

645 17. All affirmative acknowledgments made pursuant to s.
 646 718.121(4) (c).

647 18. A copy of all building permits.

648 19. A copy of all satisfactorily completed board member
 649 educational certificates.

650 ~~20.18.~~ All other written records of the association not

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651 specifically included in the foregoing which are related to the
 652 operation of the association.

653 (b) The official records specified in subparagraphs (a)1.-
 654 6. must be permanently maintained from the inception of the
 655 association. Bids for work to be performed or for materials,
 656 equipment, or services must be maintained for at least 1 year
 657 after receipt of the bid. All other official records must be
 658 maintained within the state for at least 7 years, unless
 659 otherwise provided by general law. The official records must be
 660 maintained in an organized manner that facilitates inspection of
 661 the records by a unit owner. In the event that the official
 662 records are lost, destroyed, or otherwise unavailable, the
 663 obligation to maintain the official records includes a good
 664 faith obligation to obtain and recover those records as is
 665 reasonably possible. The records of the association shall be
 666 made available to a unit owner within 45 miles of the
 667 condominium property or within the county in which the
 668 condominium property is located within 10 working days after
 669 receipt of a written request by the board or its designee.
 670 However, such distance requirement does not apply to an
 671 association governing a timeshare condominium. This paragraph
 672 and paragraph (c) may be complied with by having a copy of the
 673 official records of the association available for inspection or
 674 copying on the condominium property or association property, or
 675 the association may offer the option of making the records

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676 available to a unit owner electronically via the Internet as
677 provided under paragraph (g) or by allowing the records to be
678 viewed in electronic format on a computer screen and printed
679 upon request. The association is not responsible for the use or
680 misuse of the information provided to an association member or
681 his or her authorized representative in compliance with this
682 chapter unless the association has an affirmative duty not to
683 disclose such information under this chapter.

684 (c)1.a.~~(e)1.~~ The official records of the association are
685 open to inspection by any association member and any person
686 authorized by an association member as a representative of such
687 member at all reasonable times. The right to inspect the records
688 includes the right to make or obtain copies, at the reasonable
689 expense, if any, of the member and of the person authorized by
690 the association member as a representative of such member. A
691 renter of a unit has a right to inspect and copy only the
692 declaration of condominium, the association's bylaws and rules,
693 and the inspection reports described in ss. 553.899 and
694 718.301(4)(p). The association may adopt reasonable rules
695 regarding the frequency, time, location, notice, and manner of
696 record inspections and copying but may not require a member to
697 demonstrate any purpose or state any reason for the inspection.
698 The failure of an association to provide the records within 10
699 working days after receipt of a written request creates a
700 rebuttable presumption that the association willfully failed to

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701 comply with this paragraph. A unit owner who is denied access to
702 official records is entitled to the actual damages or minimum
703 damages for the association's willful failure to comply. Minimum
704 damages are \$50 per calendar day for up to 10 days, beginning on
705 the 11th working day after receipt of the written request. The
706 failure to permit inspection entitles any person prevailing in
707 an enforcement action to recover reasonable attorney fees from
708 the person in control of the records who, directly or
709 indirectly, knowingly denied access to the records. If the
710 requested records are posted on an association's website, or are
711 available for download through an application on a mobile
712 device, the association may fulfill its obligations under this
713 paragraph by directing to the website or the application all
714 persons authorized to request access.

715 b. In response to a written request to inspect records,
716 the association must simultaneously provide to the requestor a
717 checklist of all records made available for inspection and
718 copying. The checklist must also identify any of the
719 association's official records that were not made available to
720 the requestor. An association must maintain a checklist provided
721 under this sub-subparagraph for 7 years. An association
722 delivering a checklist pursuant to this sub-subparagraph creates
723 a rebuttable presumption that the association has complied with
724 this paragraph.

725 2. A director or member of the board or association or a

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726 community association manager who knowingly, willfully, and
727 repeatedly violates subparagraph 1. commits a misdemeanor of the
728 second degree, punishable as provided in s. 775.082 or s.
729 775.083, and must be removed from office and a vacancy declared.
730 For purposes of this subparagraph, the term "repeatedly" means
731 two or more violations within a 12-month period.

732 ~~3.2.~~ Any person who knowingly or intentionally defaces or
733 destroys accounting records that are required by this chapter to
734 be maintained during the period for which such records are
735 required to be maintained, or who knowingly or intentionally
736 fails to create or maintain accounting records that are required
737 to be created or maintained, with the intent of causing harm to
738 the association or one or more of its members, commits a
739 misdemeanor of the first degree, punishable as provided in s.
740 775.082 or s. 775.083, is personally subject to a civil penalty
741 pursuant to s. 718.501(1)(d), and must be removed from office
742 and a vacancy declared.

743 4. A person who willfully and knowingly refuses to release
744 or otherwise produce association records with the intent to
745 avoid or escape detection, arrest, trial, or punishment for the
746 commission of a crime, or to assist another person with such
747 avoidance or escape, commits a felony of the third degree,
748 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
749 and must be removed from office and a vacancy declared.

750 ~~5.3.~~ The association shall maintain an adequate number of

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751 | copies of the declaration, articles of incorporation, bylaws,
752 | and rules, and all amendments to each of the foregoing, as well
753 | as the question and answer sheet as described in s. 718.504 and
754 | year-end financial information required under this section, on
755 | the condominium property to ensure their availability to unit
756 | owners and prospective purchasers, and may charge its actual
757 | costs for preparing and furnishing these documents to those
758 | requesting the documents. An association shall allow a member or
759 | his or her authorized representative to use a portable device,
760 | including a smartphone, tablet, portable scanner, or any other
761 | technology capable of scanning or taking photographs, to make an
762 | electronic copy of the official records in lieu of the
763 | association's providing the member or his or her authorized
764 | representative with a copy of such records. The association may
765 | not charge a member or his or her authorized representative for
766 | the use of a portable device. Notwithstanding this paragraph,
767 | the following records are not accessible to unit owners:
768 | a. Any record protected by the lawyer-client privilege as
769 | described in s. 90.502 and any record protected by the work-
770 | product privilege, including a record prepared by an association
771 | attorney or prepared at the attorney's express direction, which
772 | reflects a mental impression, conclusion, litigation strategy,
773 | or legal theory of the attorney or the association, and which
774 | was prepared exclusively for civil or criminal litigation or for
775 | adversarial administrative proceedings, or which was prepared in

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776 anticipation of such litigation or proceedings until the
 777 conclusion of the litigation or proceedings.

778 b. Information obtained by an association in connection
 779 with the approval of the lease, sale, or other transfer of a
 780 unit.

781 c. Personnel records of association or management company
 782 employees, including, but not limited to, disciplinary, payroll,
 783 health, and insurance records. For purposes of this sub-
 784 subparagraph, the term "personnel records" does not include
 785 written employment agreements with an association employee or
 786 management company, or budgetary or financial records that
 787 indicate the compensation paid to an association employee.

788 d. Medical records of unit owners.

789 e. Social security numbers, driver license numbers, credit
 790 card numbers, e-mail addresses, telephone numbers, facsimile
 791 numbers, emergency contact information, addresses of a unit
 792 owner other than as provided to fulfill the association's notice
 793 requirements, and other personal identifying information of any
 794 person, excluding the person's name, unit designation, mailing
 795 address, property address, and any address, e-mail address, or
 796 facsimile number provided to the association to fulfill the
 797 association's notice requirements. Notwithstanding the
 798 restrictions in this sub-subparagraph, an association may print
 799 and distribute to unit owners a directory containing the name,
 800 unit address, and all telephone numbers of each unit owner.

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801 However, an owner may exclude his or her telephone numbers from
 802 the directory by so requesting in writing to the association. An
 803 owner may consent in writing to the disclosure of other contact
 804 information described in this sub-subparagraph. The association
 805 is not liable for the inadvertent disclosure of information that
 806 is protected under this sub-subparagraph if the information is
 807 included in an official record of the association and is
 808 voluntarily provided by an owner and not requested by the
 809 association.

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

812 g. The software and operating system used by the
 813 association which allow the manipulation of data, even if the
 814 owner owns a copy of the same software used by the association.
 815 The data is part of the official records of the association.

816 h. All affirmative acknowledgments made pursuant to s.
 817 718.121(4)(c).

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

820 (e)1. The association or its authorized agent is not
 821 required to provide a prospective purchaser or lienholder with
 822 information about the condominium or the association other than
 823 information or documents required by this chapter to be made
 824 available or disclosed. The association or its authorized agent
 825 may charge a reasonable fee to the prospective purchaser,

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826 | lienholder, or the current unit owner for providing good faith
827 | responses to requests for information by or on behalf of a
828 | prospective purchaser or lienholder, other than that required by
829 | law, if the fee does not exceed \$150 plus the reasonable cost of
830 | photocopying and any attorney's fees incurred by the association
831 | in connection with the response.

832 | 2. An association and its authorized agent are not liable
833 | for providing such information in good faith pursuant to a
834 | written request if the person providing the information includes
835 | a written statement in substantially the following form: "The
836 | responses herein are made in good faith and to the best of my
837 | ability as to their accuracy."

838 | (f) An outgoing board or committee member must relinquish
839 | all official records and property of the association in his or
840 | her possession or under his or her control to the incoming board
841 | within 5 days after the election. The division shall impose a
842 | civil penalty as set forth in s. 718.501(1)(d)6. against an
843 | outgoing board or committee member who willfully and knowingly
844 | fails to relinquish such records and property.

845 | (g)1. By January 1, 2019, an association managing a
846 | condominium with 150 or more units which does not contain
847 | timeshare units shall post digital copies of the documents
848 | specified in subparagraph 2. on its website or make such
849 | documents available through an application that can be
850 | downloaded on a mobile device.

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851 a. The association's website or application must be:
 852 (I) An independent website, application, or web portal
 853 wholly owned and operated by the association; or
 854 (II) A website, application, or web portal operated by a
 855 third-party provider with whom the association owns, leases,
 856 rents, or otherwise obtains the right to operate a web page,
 857 subpage, web portal, collection of subpages or web portals, or
 858 an application which is dedicated to the association's
 859 activities and on which required notices, records, and documents
 860 may be posted or made available by the association.

861 b. The association's website or application must be
 862 accessible through the Internet and must contain a subpage, web
 863 portal, or other protected electronic location that is
 864 inaccessible to the general public and accessible only to unit
 865 owners and employees of the association.

866 c. Upon a unit owner's written request, the association
 867 must provide the unit owner with a username and password and
 868 access to the protected sections of the association's website or
 869 application which contain any notices, records, or documents
 870 that must be electronically provided.

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

874 a. The recorded declaration of condominium of each
 875 condominium operated by the association and each amendment to

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876 each declaration.

877 b. The recorded bylaws of the association and each
878 amendment to the bylaws.

879 c. The articles of incorporation of the association, or
880 other documents creating the association, and each amendment to
881 the articles of incorporation or other documents. The copy
882 posted pursuant to this sub-subparagraph must be a copy of the
883 articles of incorporation filed with the Department of State.

884 d. The rules of the association.

885 e. A list of all executory contracts or documents to which
886 the association is a party or under which the association or the
887 unit owners have an obligation or responsibility and, after
888 bidding for the related materials, equipment, or services has
889 closed, a list of bids received by the association within the
890 past year. Summaries of bids for materials, equipment, or
891 services which exceed \$500 must be maintained on the website or
892 application for 1 year. In lieu of summaries, complete copies of
893 the bids may be posted.

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

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

899 h. The certification of each director required by s.
900 718.112(2)(d)4.b.

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901 i. All contracts or transactions between the association
 902 and any director, officer, corporation, firm, or association
 903 that is not an affiliated condominium association or any other
 904 entity in which an association director is also a director or
 905 officer and financially interested.

906 j. Any contract or document regarding a conflict of
 907 interest or possible conflict of interest as provided in ss.
 908 468.4335, 468.436(2)(b)6., and 718.3027(3).

909 k. The notice of any unit owner meeting and the agenda for
 910 the meeting, as required by s. 718.112(2)(d)3., no later than 14
 911 days before the meeting. The notice must be posted in plain view
 912 on the front page of the website or application, or on a
 913 separate subpage of the website or application labeled "Notices"
 914 which is conspicuously visible and linked from the front page.
 915 The association must also post on its website or application any
 916 document to be considered and voted on by the owners during the
 917 meeting or any document listed on the agenda at least 7 days
 918 before the meeting at which the document or the information
 919 within the document will be considered.

920 l. Notice of any board meeting, the agenda, and any other
 921 document required for the meeting as required by s.
 922 718.112(2)(c), which must be posted no later than the date
 923 required for notice under s. 718.112(2)(c).

924 m. The inspection reports described in ss. 553.899 and
 925 718.301(4)(p) and any other inspection report relating to a

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926 structural or life safety inspection of condominium property.

927 n. The association's most recent structural integrity
928 reserve study, if applicable.

929 o. Copies of all building permits issued for ongoing or
930 planned construction.

931 3. The association shall ensure that the information and
932 records described in paragraph (c), which are not allowed to be
933 accessible to unit owners, are not posted on the association's
934 website or application. If protected information or information
935 restricted from being accessible to unit owners is included in
936 documents that are required to be posted on the association's
937 website or application, the association shall ensure the
938 information is redacted before posting the documents.

939 Notwithstanding the foregoing, the association or its agent is
940 not liable for disclosing information that is protected or
941 restricted under this paragraph unless such disclosure was made
942 with a knowing or intentional disregard of the protected or
943 restricted nature of such information.

944 4. The failure of the association to post information
945 required under subparagraph 2. is not in and of itself
946 sufficient to invalidate any action or decision of the
947 association's board or its committees.

948 (13) FINANCIAL REPORTING.—Within 90 days after the end of
949 the fiscal year, or annually on a date provided in the bylaws,
950 the association shall prepare and complete, or contract for the

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951 preparation and completion of, a financial report for the
952 preceding fiscal year. Within 21 days after the final financial
953 report is completed by the association or received from the
954 third party, but not later than 120 days after the end of the
955 fiscal year or other date as provided in the bylaws, the
956 association shall deliver ~~mail~~ to each unit owner by United
957 States mail or personal delivery at the mailing address,
958 property address, e-mail address, or facsimile number provided
959 to fulfill the association's notice requirements ~~at the address~~
960 ~~last furnished to the association by the unit owner, or hand~~
961 ~~deliver to each unit owner,~~ a copy of the most recent financial
962 report, and ~~or~~ a notice that a copy of the most recent financial
963 report will be mailed or hand delivered to the unit owner,
964 without charge, within 5 business days after receipt of a
965 written request from the unit owner. The division shall adopt
966 rules setting forth uniform accounting principles and standards
967 to be used by all associations and addressing the financial
968 reporting requirements for multicondominium associations. The
969 rules must include, but not be limited to, standards for
970 presenting a summary of association reserves, including a good
971 faith estimate disclosing the annual amount of reserve funds
972 that would be necessary for the association to fully fund
973 reserves for each reserve item based on the straight-line
974 accounting method. This disclosure is not applicable to reserves
975 funded via the pooling method. In adopting such rules, the

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976 | division shall consider the number of members and annual
 977 | revenues of an association. Financial reports shall be prepared
 978 | as follows:

979 | (a) An association that meets the criteria of this
 980 | paragraph shall prepare a complete set of financial statements
 981 | in accordance with generally accepted accounting principles. The
 982 | financial statements must be based upon the association's total
 983 | annual revenues, as follows:

984 | 1. An association with total annual revenues of \$150,000
 985 | or more, but less than \$300,000, shall prepare compiled
 986 | financial statements.

987 | 2. An association with total annual revenues of at least
 988 | \$300,000, but less than \$500,000, shall prepare reviewed
 989 | financial statements.

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

992 | (b)1. An association with total annual revenues of less
 993 | than \$150,000 shall prepare a report of cash receipts and
 994 | expenditures.

995 | 2. A report of cash receipts and disbursements must
 996 | disclose the amount of receipts by accounts and receipt
 997 | classifications and the amount of expenses by accounts and
 998 | expense classifications, including, but not limited to, the
 999 | following, as applicable: costs for security, professional and
 1000 | management fees and expenses, taxes, costs for recreation

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1001 facilities, expenses for refuse collection and utility services,
 1002 expenses for lawn care, costs for building maintenance and
 1003 repair, insurance costs, administration and salary expenses, and
 1004 reserves accumulated and expended for capital expenditures,
 1005 deferred maintenance, and any other category for which the
 1006 association maintains reserves.

1007 (c) An association may prepare, without a meeting of or
 1008 approval by the unit owners:

1009 1. Compiled, reviewed, or audited financial statements, if
 1010 the association is required to prepare a report of cash receipts
 1011 and expenditures;

1012 2. Reviewed or audited financial statements, if the
 1013 association is required to prepare compiled financial
 1014 statements; or

1015 3. Audited financial statements if the association is
 1016 required to prepare reviewed financial statements.

1017 (d) If approved by a majority of the voting interests
 1018 present at a properly called meeting of the association, an
 1019 association may prepare:

1020 1. A report of cash receipts and expenditures in lieu of a
 1021 compiled, reviewed, or audited financial statement;

1022 2. A report of cash receipts and expenditures or a
 1023 compiled financial statement in lieu of a reviewed or audited
 1024 financial statement; or

1025 3. A report of cash receipts and expenditures, a compiled

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1026 financial statement, or a reviewed financial statement in lieu
 1027 of an audited financial statement.

1028
 1029 Such meeting and approval must occur before the end of the
 1030 fiscal year and is effective only for the fiscal year in which
 1031 the vote is taken. An association may not prepare a financial
 1032 report pursuant to this paragraph for consecutive fiscal years,
 1033 ~~except that the approval may also be effective for the following~~
 1034 ~~fiscal year.~~ If the developer has not turned over control of the
 1035 association, all unit owners, including the developer, may vote
 1036 on issues related to the preparation of the association's
 1037 financial reports, from the date of incorporation of the
 1038 association through the end of the second fiscal year after the
 1039 fiscal year in which the certificate of a surveyor and mapper is
 1040 recorded pursuant to s. 718.104(4)(e) or an instrument that
 1041 transfers title to a unit in the condominium which is not
 1042 accompanied by a recorded assignment of developer rights in
 1043 favor of the grantee of such unit is recorded, whichever occurs
 1044 first. Thereafter, all unit owners except the developer may vote
 1045 on such issues until control is turned over to the association
 1046 by the developer. Any audit or review prepared under this
 1047 section shall be paid for by the developer if done before
 1048 turnover of control of the association.

1049 (e) A unit owner may provide written notice to the
 1050 division of the association's failure to mail or hand deliver

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1051 him or her a copy of the most recent financial report within 5
 1052 business days after he or she submitted a written request to the
 1053 association for a copy of such report. If the division
 1054 determines that the association failed to mail or hand deliver a
 1055 copy of the most recent financial report to the unit owner, the
 1056 division shall provide written notice to the association that
 1057 the association must mail or hand deliver a copy of the most
 1058 recent financial report to the unit owner and the division
 1059 within 5 business days after it receives such notice from the
 1060 division. An association that fails to comply with the
 1061 division's request may not waive the financial reporting
 1062 requirement provided in paragraph (d) for the fiscal year in
 1063 which the unit owner's request was made and the following fiscal
 1064 year. A financial report received by the division pursuant to
 1065 this paragraph shall be maintained, and the division shall
 1066 provide a copy of such report to an association member upon his
 1067 or her request.

1068 (15) DEBIT CARDS.—

1069 (a) An association and its officers, directors, employees,
 1070 and agents may not use a debit card issued in the name of the
 1071 association, or billed directly to the association, for the
 1072 payment of any association expense.

1073 (b) A person who uses ~~Use of~~ a debit card issued in the
 1074 name of the association, or billed directly to the association,
 1075 for any expense that is not a lawful obligation of the

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1076 association commits theft under s. 812.014 and must be removed
 1077 from office and a vacancy declared. For the purposes of this
 1078 paragraph, the term "lawful obligation of the association" means
 1079 an obligation that has been properly preapproved by the board
 1080 and is reflected in the meeting minutes or the written budget
 1081 ~~may be prosecuted as credit card fraud pursuant to s. 817.61.~~

1082 Section 8. Effective January 1, 2026, paragraph (g) of
 1083 subsection (12) of section 718.111, Florida Statutes, as amended
 1084 by this act, is amended to read:

1085 718.111 The association.—

1086 (12) OFFICIAL RECORDS.—

1087 (g)1. ~~By January 1, 2019,~~ An association managing a
 1088 condominium with 25 ~~150~~ or more units which does not contain
 1089 timeshare units shall post digital copies of the documents
 1090 specified in subparagraph 2. on its website or make such
 1091 documents available through an application that can be
 1092 downloaded on a mobile device.

1093 a. The association's website or application must be:

1094 (I) An independent website, application, or web portal
 1095 wholly owned and operated by the association; or

1096 (II) A website, application, or web portal operated by a
 1097 third-party provider with whom the association owns, leases,
 1098 rents, or otherwise obtains the right to operate a web page,
 1099 subpage, web portal, collection of subpages or web portals, or
 1100 an application which is dedicated to the association's

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1101 activities and on which required notices, records, and documents
 1102 may be posted or made available by the association.

1103 b. The association's website or application must be
 1104 accessible through the Internet and must contain a subpage, web
 1105 portal, or other protected electronic location that is
 1106 inaccessible to the general public and accessible only to unit
 1107 owners and employees of the association.

1108 c. Upon a unit owner's written request, the association
 1109 must provide the unit owner with a username and password and
 1110 access to the protected sections of the association's website or
 1111 application which contain any notices, records, or documents
 1112 that must be electronically provided.

1113 2. A current copy of the following documents must be
 1114 posted in digital format on the association's website or
 1115 application:

1116 a. The recorded declaration of condominium of each
 1117 condominium operated by the association and each amendment to
 1118 each declaration.

1119 b. The recorded bylaws of the association and each
 1120 amendment to the bylaws.

1121 c. The articles of incorporation of the association, or
 1122 other documents creating the association, and each amendment to
 1123 the articles of incorporation or other documents. The copy
 1124 posted pursuant to this sub-subparagraph must be a copy of the
 1125 articles of incorporation filed with the Department of State.

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- 1126 | d. The rules of the association.
- 1127 | e. A list of all executory contracts or documents to which
- 1128 | the association is a party or under which the association or the
- 1129 | unit owners have an obligation or responsibility and, after
- 1130 | bidding for the related materials, equipment, or services has
- 1131 | closed, a list of bids received by the association within the
- 1132 | past year. Summaries of bids for materials, equipment, or
- 1133 | services which exceed \$500 must be maintained on the website or
- 1134 | application for 1 year. In lieu of summaries, complete copies of
- 1135 | the bids may be posted.
- 1136 | f. The annual budget required by s. 718.112(2) (f) and any
- 1137 | proposed budget to be considered at the annual meeting.
- 1138 | g. The financial report required by subsection (13) and
- 1139 | any monthly income or expense statement to be considered at a
- 1140 | meeting.
- 1141 | h. The certification of each director required by s.
- 1142 | 718.112(2) (d)4.b.
- 1143 | i. All contracts or transactions between the association
- 1144 | and any director, officer, corporation, firm, or association
- 1145 | that is not an affiliated condominium association or any other
- 1146 | entity in which an association director is also a director or
- 1147 | officer and financially interested.
- 1148 | j. Any contract or document regarding a conflict of
- 1149 | interest or possible conflict of interest as provided in ss.
- 1150 | 468.4335, 468.436(2) (b) 6., and 718.3027(3) .

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1151 k. The notice of any unit owner meeting and the agenda for
1152 the meeting, as required by s. 718.112(2)(d)3., no later than 14
1153 days before the meeting. The notice must be posted in plain view
1154 on the front page of the website or application, or on a
1155 separate subpage of the website or application labeled "Notices"
1156 which is conspicuously visible and linked from the front page.
1157 The association must also post on its website or application any
1158 document to be considered and voted on by the owners during the
1159 meeting or any document listed on the agenda at least 7 days
1160 before the meeting at which the document or the information
1161 within the document will be considered.

1162 l. Notice of any board meeting, the agenda, and any other
1163 document required for the meeting as required by s.
1164 718.112(2)(c), which must be posted no later than the date
1165 required for notice under s. 718.112(2)(c).

1166 m. The inspection reports described in ss. 553.899 and
1167 718.301(4)(p) and any other inspection report relating to a
1168 structural or life safety inspection of condominium property.

1169 n. The association's most recent structural integrity
1170 reserve study, if applicable.

1171 o. Copies of all building permits issued for ongoing or
1172 planned construction.

1173 3. The association shall ensure that the information and
1174 records described in paragraph (c), which are not allowed to be
1175 accessible to unit owners, are not posted on the association's

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1176 website or application. If protected information or information
1177 restricted from being accessible to unit owners is included in
1178 documents that are required to be posted on the association's
1179 website or application, the association shall ensure the
1180 information is redacted before posting the documents.
1181 Notwithstanding the foregoing, the association or its agent is
1182 not liable for disclosing information that is protected or
1183 restricted under this paragraph unless such disclosure was made
1184 with a knowing or intentional disregard of the protected or
1185 restricted nature of such information.

1186 4. The failure of the association to post information
1187 required under subparagraph 2. is not in and of itself
1188 sufficient to invalidate any action or decision of the
1189 association's board or its committees.

1190 Section 9. Paragraphs (c), (d), (f), (g), and (q) of
1191 subsection (2) of section 718.112, Florida Statutes, are
1192 amended, and paragraph (r) is added to that subsection, to read:

1193 718.112 Bylaws.—

1194 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
1195 following and, if they do not do so, shall be deemed to include
1196 the following:

1197 (c) Board of administration meetings.—In a residential
1198 condominium association of more than 10 units, the board of
1199 administration shall meet at least once each quarter. At least
1200 four times each year, the meeting agenda must include an

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1201 opportunity for members to ask questions of the board. Meetings
 1202 of the board of administration at which a quorum of the members
 1203 is present are open to all unit owners. Members of the board of
 1204 administration may use e-mail as a means of communication but
 1205 may not cast a vote on an association matter via e-mail. A unit
 1206 owner may tape record or videotape the meetings. The right to
 1207 attend such meetings includes the right to speak at such
 1208 meetings with reference to all designated agenda items and the
 1209 right to ask questions relating to reports on the status of
 1210 construction or repair projects, the status of revenues and
 1211 expenditures during the current fiscal year, and other issues
 1212 affecting the condominium. The division shall adopt reasonable
 1213 rules governing the tape recording and videotaping of the
 1214 meeting. The association may adopt written reasonable rules
 1215 governing the frequency, duration, and manner of unit owner
 1216 statements.

1217 1. Adequate notice of all board meetings, which must
 1218 specifically identify all agenda items, must be posted
 1219 conspicuously on the condominium property at least 48 continuous
 1220 hours before the meeting except in an emergency. If 20 percent
 1221 of the voting interests petition the board to address an item of
 1222 business, the board, within 60 days after receipt of the
 1223 petition, shall place the item on the agenda at its next regular
 1224 board meeting or at a special meeting called for that purpose.
 1225 An item not included on the notice may be taken up on an

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1226 emergency basis by a vote of at least a majority plus one of the
 1227 board members. Such emergency action must be noticed and
 1228 ratified at the next regular board meeting. Written notice of a
 1229 meeting at which a nonemergency special assessment or an
 1230 amendment to rules regarding unit use will be considered must be
 1231 mailed, delivered, or electronically transmitted to the unit
 1232 owners and posted conspicuously on the condominium property at
 1233 least 14 days before the meeting. Evidence of compliance with
 1234 this 14-day notice requirement must be made by an affidavit
 1235 executed by the person providing the notice and filed with the
 1236 official records of the association. ~~Notice of any meeting in~~
 1237 ~~which regular or special assessments against unit owners are to~~
 1238 ~~be considered must specifically state that assessments will be~~
 1239 ~~considered and provide the estimated cost and description of the~~
 1240 ~~purposes for such assessments.~~

1241 2. Upon notice to the unit owners, the board shall, by
 1242 duly adopted rule, designate a specific location on the
 1243 condominium property at which ~~where~~ all notices of board
 1244 meetings must be posted. If there is no condominium property at
 1245 which ~~where~~ notices can be posted, notices shall be mailed,
 1246 delivered, or electronically transmitted to each unit owner at
 1247 least 14 days before the meeting. In lieu of or in addition to
 1248 the physical posting of the notice on the condominium property,
 1249 the association may, by reasonable rule, adopt a procedure for
 1250 conspicuously posting and repeatedly broadcasting the notice and

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1251 the agenda on a closed-circuit cable television system serving
 1252 the condominium association. However, if broadcast notice is
 1253 used in lieu of a notice physically posted on condominium
 1254 property, the notice and agenda must be broadcast at least four
 1255 times every broadcast hour of each day that a posted notice is
 1256 otherwise required under this section. If broadcast notice is
 1257 provided, the notice and agenda must be broadcast in a manner
 1258 and for a sufficient continuous length of time so as to allow an
 1259 average reader to observe the notice and read and comprehend the
 1260 entire content of the notice and the agenda. In addition to any
 1261 of the authorized means of providing notice of a meeting of the
 1262 board, the association may, by rule, adopt a procedure for
 1263 conspicuously posting the meeting notice and the agenda on a
 1264 website serving the condominium association for at least the
 1265 minimum period of time for which a notice of a meeting is also
 1266 required to be physically posted on the condominium property.
 1267 Any rule adopted shall, in addition to other matters, include a
 1268 requirement that the association send an electronic notice in
 1269 the same manner as a notice for a meeting of the members, which
 1270 must include a hyperlink to the website at which ~~where~~ the
 1271 notice is posted, to unit owners whose e-mail addresses are
 1272 included in the association's official records.

1273 3. Notice of any meeting in which regular or special
 1274 assessments against unit owners are to be considered must
 1275 specifically state that assessments will be considered and

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1276 provide the estimated cost and description of the purposes for
1277 such assessments. If an agenda item relates to the approval of a
1278 contract for goods or services, a copy of the contract must be
1279 provided with the notice and be made available for inspection
1280 and copying upon a written request from a unit owner or made
1281 available on the association's website or through an application
1282 that can be downloaded on a mobile device.

1283 ~~4.2.~~ Meetings of a committee to take final action on
1284 behalf of the board or make recommendations to the board
1285 regarding the association budget are subject to this paragraph.
1286 Meetings of a committee that does not take final action on
1287 behalf of the board or make recommendations to the board
1288 regarding the association budget are subject to this section,
1289 unless those meetings are exempted from this section by the
1290 bylaws of the association.

1291 ~~5.3.~~ Notwithstanding any other law, the requirement that
1292 board meetings and committee meetings be open to the unit owners
1293 does not apply to:

1294 a. Meetings between the board or a committee and the
1295 association's attorney, with respect to proposed or pending
1296 litigation, if the meeting is held for the purpose of seeking or
1297 rendering legal advice; or

1298 b. Board meetings held for the purpose of discussing
1299 personnel matters.

1300 (d) *Unit owner meetings.*—

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1301 1. An annual meeting of the unit owners must be held at
1302 the location provided in the association bylaws and, if the
1303 bylaws are silent as to the location, the meeting must be held
1304 within 45 miles of the condominium property. However, such
1305 distance requirement does not apply to an association governing
1306 a timeshare condominium.

1307 2. Unless the bylaws provide otherwise, a vacancy on the
1308 board caused by the expiration of a director's term must be
1309 filled by electing a new board member, and the election must be
1310 by secret ballot. An election is not required if the number of
1311 vacancies equals or exceeds the number of candidates. For
1312 purposes of this paragraph, the term "candidate" means an
1313 eligible person who has timely submitted the written notice, as
1314 described in sub-subparagraph 4.a., of his or her intention to
1315 become a candidate. Except in a timeshare or nonresidential
1316 condominium, or if the staggered term of a board member does not
1317 expire until a later annual meeting, or if all members' terms
1318 would otherwise expire but there are no candidates, the terms of
1319 all board members expire at the annual meeting, and such members
1320 may stand for reelection unless prohibited by the bylaws. Board
1321 members may serve terms longer than 1 year if permitted by the
1322 bylaws or articles of incorporation. A board member may not
1323 serve more than 8 consecutive years unless approved by an
1324 affirmative vote of unit owners representing two-thirds of all
1325 votes cast in the election or unless there are not enough

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1326 eligible candidates to fill the vacancies on the board at the
1327 time of the vacancy. Only board service that occurs on or after
1328 July 1, 2018, may be used when calculating a board member's term
1329 limit. If the number of board members whose terms expire at the
1330 annual meeting equals or exceeds the number of candidates, the
1331 candidates become members of the board effective upon the
1332 adjournment of the annual meeting. Unless the bylaws provide
1333 otherwise, any remaining vacancies shall be filled by the
1334 affirmative vote of the majority of the directors making up the
1335 newly constituted board even if the directors constitute less
1336 than a quorum or there is only one director. In a residential
1337 condominium association of more than 10 units or in a
1338 residential condominium association that does not include
1339 timeshare units or timeshare interests, co-owners of a unit may
1340 not serve as members of the board of directors at the same time
1341 unless they own more than one unit or unless there are not
1342 enough eligible candidates to fill the vacancies on the board at
1343 the time of the vacancy. A unit owner in a residential
1344 condominium desiring to be a candidate for board membership must
1345 comply with sub-subparagraph 4.a. and must be eligible to be a
1346 candidate to serve on the board of directors at the time of the
1347 deadline for submitting a notice of intent to run in order to
1348 have his or her name listed as a proper candidate on the ballot
1349 or to serve on the board. A person who has been suspended or
1350 removed by the division under this chapter, or who is delinquent

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1351 in the payment of any assessment due to the association, is not
 1352 eligible to be a candidate for board membership and may not be
 1353 listed on the ballot. For purposes of this paragraph, a person
 1354 is delinquent if a payment is not made by the due date as
 1355 specifically identified in the declaration of condominium,
 1356 bylaws, or articles of incorporation. If a due date is not
 1357 specifically identified in the declaration of condominium,
 1358 bylaws, or articles of incorporation, the due date is the first
 1359 day of the assessment period. A person who has been convicted of
 1360 any felony in this state or in a United States District or
 1361 Territorial Court, or who has been convicted of any offense in
 1362 another jurisdiction which would be considered a felony if
 1363 committed in this state, is not eligible for board membership
 1364 unless such felon's civil rights have been restored for at least
 1365 5 years as of the date such person seeks election to the board.
 1366 The validity of an action by the board is not affected if it is
 1367 later determined that a board member is ineligible for board
 1368 membership due to having been convicted of a felony. This
 1369 subparagraph does not limit the term of a member of the board of
 1370 a nonresidential or timeshare condominium.

1371 3. The bylaws must provide the method of calling meetings
 1372 of unit owners, including annual meetings. Written notice of an
 1373 annual meeting must include an agenda; be mailed, hand
 1374 delivered, or electronically transmitted to each unit owner at
 1375 least 14 days before the annual meeting; and be posted in a

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1376 conspicuous place on the condominium property or association
 1377 property at least 14 continuous days before the annual meeting.
 1378 Written notice of a meeting other than an annual meeting must
 1379 include an agenda; be mailed, hand delivered, or electronically
 1380 transmitted to each unit owner; and be posted in a conspicuous
 1381 place on the condominium property or association property within
 1382 the timeframe specified in the bylaws. If the bylaws do not
 1383 specify a timeframe for written notice of a meeting other than
 1384 an annual meeting, notice must be provided at least 14
 1385 continuous days before the meeting. Upon notice to the unit
 1386 owners, the board shall, by duly adopted rule, designate a
 1387 specific location on the condominium property or association
 1388 property at which ~~where~~ all notices of unit owner meetings must
 1389 be posted. This requirement does not apply if there is no
 1390 condominium property for posting notices. In lieu of, or in
 1391 addition to, the physical posting of meeting notices, the
 1392 association may, by reasonable rule, adopt a procedure for
 1393 conspicuously posting and repeatedly broadcasting the notice and
 1394 the agenda on a closed-circuit cable television system serving
 1395 the condominium association. However, if broadcast notice is
 1396 used in lieu of a notice posted physically on the condominium
 1397 property, the notice and agenda must be broadcast at least four
 1398 times every broadcast hour of each day that a posted notice is
 1399 otherwise required under this section. If broadcast notice is
 1400 provided, the notice and agenda must be broadcast in a manner

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1401 and for a sufficient continuous length of time so as to allow an
 1402 average reader to observe the notice and read and comprehend the
 1403 entire content of the notice and the agenda. In addition to any
 1404 of the authorized means of providing notice of a meeting of the
 1405 board, the association may, by rule, adopt a procedure for
 1406 conspicuously posting the meeting notice and the agenda on a
 1407 website serving the condominium association for at least the
 1408 minimum period of time for which a notice of a meeting is also
 1409 required to be physically posted on the condominium property.
 1410 Any rule adopted shall, in addition to other matters, include a
 1411 requirement that the association send an electronic notice in
 1412 the same manner as a notice for a meeting of the members, which
 1413 must include a hyperlink to the website at which ~~where~~ the
 1414 notice is posted, to unit owners whose e-mail addresses are
 1415 included in the association's official records. Unless a unit
 1416 owner waives in writing the right to receive notice of the
 1417 annual meeting, such notice must be hand delivered, mailed, or
 1418 electronically transmitted to each unit owner. Notice for
 1419 meetings and notice for all other purposes must be mailed to
 1420 each unit owner at the address last furnished to the association
 1421 by the unit owner, or hand delivered to each unit owner.
 1422 However, if a unit is owned by more than one person, the
 1423 association must provide notice to the address that the
 1424 developer identifies for that purpose and thereafter as one or
 1425 more of the owners of the unit advise the association in

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1426 writing, or if no address is given or the owners of the unit do
1427 not agree, to the address provided on the deed of record. An
1428 officer of the association, or the manager or other person
1429 providing notice of the association meeting, must provide an
1430 affidavit or United States Postal Service certificate of
1431 mailing, to be included in the official records of the
1432 association affirming that the notice was mailed or hand
1433 delivered in accordance with this provision.

1434 4. The members of the board of a residential condominium
1435 shall be elected by written ballot or voting machine. Proxies
1436 may not be used in electing the board in general elections or
1437 elections to fill vacancies caused by recall, resignation, or
1438 otherwise, unless otherwise provided in this chapter. This
1439 subparagraph does not apply to an association governing a
1440 timeshare condominium.

1441 a. At least 60 days before a scheduled election, the
1442 association shall mail, deliver, or electronically transmit, by
1443 separate association mailing or included in another association
1444 mailing, delivery, or transmission, including regularly
1445 published newsletters, to each unit owner entitled to a vote, a
1446 first notice of the date of the election. A unit owner or other
1447 eligible person desiring to be a candidate for the board must
1448 give written notice of his or her intent to be a candidate to
1449 the association at least 40 days before a scheduled election.
1450 Together with the written notice and agenda as set forth in

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1451 subparagraph 3., the association shall mail, deliver, or
1452 electronically transmit a second notice of the election to all
1453 unit owners entitled to vote, together with a ballot that lists
1454 all candidates not less than 14 days or more than 34 days before
1455 the date of the election. Upon request of a candidate, an
1456 information sheet, no larger than 8 1/2 inches by 11 inches,
1457 which must be furnished by the candidate at least 35 days before
1458 the election, must be included with the mailing, delivery, or
1459 transmission of the ballot, with the costs of mailing, delivery,
1460 or electronic transmission and copying to be borne by the
1461 association. The association is not liable for the contents of
1462 the information sheets prepared by the candidates. In order to
1463 reduce costs, the association may print or duplicate the
1464 information sheets on both sides of the paper. The division
1465 shall by rule establish voting procedures consistent with this
1466 sub-subparagraph, including rules establishing procedures for
1467 giving notice by electronic transmission and rules providing for
1468 the secrecy of ballots. Elections shall be decided by a
1469 plurality of ballots cast. There is no quorum requirement;
1470 however, at least 20 percent of the eligible voters must cast a
1471 ballot in order to have a valid election. A unit owner may not
1472 authorize any other person to vote his or her ballot, and any
1473 ballots improperly cast are invalid. A unit owner who violates
1474 this provision may be fined by the association in accordance
1475 with s. 718.303. A unit owner who needs assistance in casting

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1476 the ballot for the reasons stated in s. 101.051 may obtain such
 1477 assistance. The regular election must occur on the date of the
 1478 annual meeting. Notwithstanding this sub-subparagraph, an
 1479 election is not required unless more candidates file notices of
 1480 intent to run or are nominated than board vacancies exist.

1481 b. A director of a ~~Within 90 days after being elected or~~
 1482 ~~appointed to the~~ board of an association of a residential
 1483 condominium, ~~each newly elected or appointed director shall:~~

1484 (I) Certify in writing to the secretary of the association
 1485 that he or she has read the association's declaration of
 1486 condominium, articles of incorporation, bylaws, and current
 1487 written policies; that he or she will work to uphold such
 1488 documents and policies to the best of his or her ability; and
 1489 that he or she will faithfully discharge his or her fiduciary
 1490 responsibility to the association's members.

1491 (II) Submit to the secretary of the association ~~In lieu of~~
 1492 ~~this written certification, within 90 days after being elected~~
 1493 ~~or appointed to the board, the newly elected or appointed~~
 1494 ~~director may submit~~ a certificate of having satisfactorily
 1495 completed the educational curriculum administered by the
 1496 division or a division-approved condominium education provider.
 1497 The educational curriculum must be at least 4 hours long and
 1498 include instruction on milestone inspections, structural
 1499 integrity reserve studies, elections, recordkeeping, financial
 1500 literacy and transparency, levying of fines, and notice and

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1501 meeting requirements within 1 year before or 90 days after the
 1502 date of election or appointment.

1503

1504 Each newly elected or appointed director must submit to the
 1505 secretary of the association the written certification and
 1506 educational certificate within 1 year before being elected or
 1507 appointed or 90 days after the date of election or appointment.

1508 A director of an association of a residential condominium who
 1509 was elected or appointed before July 1, 2024, must comply with
 1510 the written certification and educational certificate
 1511 requirements in this sub-subparagraph by June 30, 2025. The
 1512 written certification and ~~or~~ educational certificate is valid
 1513 for 7 years after the date of issuance and does not have to be
 1514 resubmitted as long as the director serves on the board without
 1515 interruption during the 7-year period. A director who is
 1516 appointed by the developer may satisfy the educational
 1517 certificate requirement in sub-sub-subparagraph (II) for any
 1518 subsequent appointment to a board by a developer within 7 years
 1519 after the date of issuance of the most recent educational
 1520 certificate, including any interruption of service on a board or
 1521 appointment to a board in another association within that 7-year
 1522 period. One year after submission of the most recent written
 1523 certification and educational certificate, and annually
 1524 thereafter, a director of an association of a residential
 1525 condominium must submit to the secretary of the association a

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1526 | certificate of having satisfactorily completed at least 1 hour
 1527 | of continuing education administered by the division, or a
 1528 | division-approved condominium education provider, relating to
 1529 | any recent changes to this chapter and the related
 1530 | administrative rules during the past year. A director of an
 1531 | association of a residential condominium who fails to timely
 1532 | file the written certification and ~~or~~ educational certificate is
 1533 | suspended from service on the board until he or she complies
 1534 | with this sub-subparagraph. The board may temporarily fill the
 1535 | vacancy during the period of suspension. The secretary shall
 1536 | cause the association to retain a director's written
 1537 | certification and ~~or~~ educational certificate for inspection by
 1538 | the members for 7 ~~5~~ years after a director's election or the
 1539 | duration of the director's uninterrupted tenure, whichever is
 1540 | longer. Failure to have such written certification and ~~or~~
 1541 | educational certificate on file does not affect the validity of
 1542 | any board action.

1543 | c. Any challenge to the election process must be commenced
 1544 | within 60 days after the election results are announced.

1545 | 5. Any approval by unit owners called for by this chapter
 1546 | or the applicable declaration or bylaws, including, but not
 1547 | limited to, the approval requirement in s. 718.111(8), must be
 1548 | made at a duly noticed meeting of unit owners and is subject to
 1549 | all requirements of this chapter or the applicable condominium
 1550 | documents relating to unit owner decisionmaking, except that

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1551 unit owners may take action by written agreement, without
1552 meetings, on matters for which action by written agreement
1553 without meetings is expressly allowed by the applicable bylaws
1554 or declaration or any law that provides for such action.

1555 6. Unit owners may waive notice of specific meetings if
1556 allowed by the applicable bylaws or declaration or any law.
1557 Notice of meetings of the board of administration; unit owner
1558 meetings, except unit owner meetings called to recall board
1559 members under paragraph (1); and committee meetings may be given
1560 by electronic transmission to unit owners who consent to receive
1561 notice by electronic transmission. A unit owner who consents to
1562 receiving notices by electronic transmission is solely
1563 responsible for removing or bypassing filters that block receipt
1564 of mass e-mails sent to members on behalf of the association in
1565 the course of giving electronic notices.

1566 7. Unit owners have the right to participate in meetings
1567 of unit owners with reference to all designated agenda items.
1568 However, the association may adopt reasonable rules governing
1569 the frequency, duration, and manner of unit owner participation.

1570 8. A unit owner may tape record or videotape a meeting of
1571 the unit owners subject to reasonable rules adopted by the
1572 division.

1573 9. Unless otherwise provided in the bylaws, any vacancy
1574 occurring on the board before the expiration of a term may be
1575 filled by the affirmative vote of the majority of the remaining

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1576 | directors, even if the remaining directors constitute less than
 1577 | a quorum, or by the sole remaining director. In the alternative,
 1578 | a board may hold an election to fill the vacancy, in which case
 1579 | the election procedures must conform to sub-subparagraph 4.a.
 1580 | unless the association governs 10 units or fewer and has opted
 1581 | out of the statutory election process, in which case the bylaws
 1582 | of the association control. Unless otherwise provided in the
 1583 | bylaws, a board member appointed or elected under this section
 1584 | shall fill the vacancy for the unexpired term of the seat being
 1585 | filled. Filling vacancies created by recall is governed by
 1586 | paragraph (1) and rules adopted by the division.

1587 | 10. This chapter does not limit the use of general or
 1588 | limited proxies, require the use of general or limited proxies,
 1589 | or require the use of a written ballot or voting machine for any
 1590 | agenda item or election at any meeting of a timeshare
 1591 | condominium association or nonresidential condominium
 1592 | association.

1593 |
 1594 | Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
 1595 | association of 10 or fewer units may, by affirmative vote of a
 1596 | majority of the total voting interests, provide for different
 1597 | voting and election procedures in its bylaws, which may be by a
 1598 | proxy specifically delineating the different voting and election
 1599 | procedures. The different voting and election procedures may
 1600 | provide for elections to be conducted by limited or general

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1601 proxy.

1602 (f) *Annual budget.*—

1603 1. The proposed annual budget of estimated revenues and

1604 expenses must be detailed and must show the amounts budgeted by

1605 accounts and expense classifications, including, at a minimum,

1606 any applicable expenses listed in s. 718.504(21). The board

1607 shall adopt the annual budget at least 14 days before the start

1608 of the association's fiscal year. In the event that the board

1609 fails to timely adopt the annual budget a second time, it is

1610 deemed a minor violation and the prior year's budget shall

1611 continue in effect until a new budget is adopted. A

1612 multicondominium association must adopt a separate budget of

1613 common expenses for each condominium the association operates

1614 and must adopt a separate budget of common expenses for the

1615 association. In addition, if the association maintains limited

1616 common elements with the cost to be shared only by those

1617 entitled to use the limited common elements as provided for in

1618 s. 718.113(1), the budget or a schedule attached to it must show

1619 the amount budgeted for this maintenance. If, after turnover of

1620 control of the association to the unit owners, any of the

1621 expenses listed in s. 718.504(21) are not applicable, they do

1622 not need to be listed.

1623 2.a. In addition to annual operating expenses, the budget

1624 must include reserve accounts for capital expenditures and

1625 deferred maintenance. These accounts must include, but are not

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1626 | limited to, roof replacement, building painting, and pavement
 1627 | resurfacing, regardless of the amount of deferred maintenance
 1628 | expense or replacement cost, and any other item that has a
 1629 | deferred maintenance expense or replacement cost that exceeds
 1630 | \$10,000. The amount to be reserved must be computed using a
 1631 | formula based upon estimated remaining useful life and estimated
 1632 | replacement cost or deferred maintenance expense of the reserve
 1633 | item. In a budget adopted by an association that is required to
 1634 | obtain a structural integrity reserve study, reserves must be
 1635 | maintained for the items identified in paragraph (g) for which
 1636 | the association is responsible pursuant to the declaration of
 1637 | condominium, and the reserve amount for such items must be based
 1638 | on the findings and recommendations of the association's most
 1639 | recent structural integrity reserve study. With respect to items
 1640 | for which an estimate of useful life is not readily
 1641 | ascertainable or with an estimated remaining useful life of
 1642 | greater than 25 years, an association is not required to reserve
 1643 | replacement costs for such items, but an association must
 1644 | reserve the amount of deferred maintenance expense, if any,
 1645 | which is recommended by the structural integrity reserve study
 1646 | for such items. The association may adjust replacement reserve
 1647 | assessments annually to take into account an inflation
 1648 | adjustment and any changes in estimates or extension of the
 1649 | useful life of a reserve item caused by deferred maintenance.
 1650 | The members of a unit-owner-controlled association may

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1651 determine, by a majority vote of the total voting interests of
1652 the association, to provide no reserves or less reserves than
1653 required by this subsection. For a budget adopted on or after
1654 December 31, 2024, the members of a unit-owner-controlled
1655 association that must obtain a structural integrity reserve
1656 study may not determine to provide no reserves or less reserves
1657 than required by this subsection for items listed in paragraph
1658 (g), except that members of an association operating a
1659 multicondominium may determine to provide no reserves or less
1660 reserves than required by this subsection if an alternative
1661 funding method has been approved by the division. If the local
1662 building official, as defined in s. 468.603, determines that the
1663 entire condominium building is uninhabitable due to a natural
1664 emergency, as defined in s. 252.34, the board, upon the approval
1665 of a majority of its members, may pause the contribution to its
1666 reserves or reduce reserve funding until the local building
1667 official determines that the condominium building is habitable.
1668 Any reserve account funds held by the association may be
1669 expended, pursuant to the board's determination, to make the
1670 condominium building and its structures habitable. Upon the
1671 determination by the local building official that the
1672 condominium building is habitable, the association must
1673 immediately resume contributing funds to its reserves.
1674 b. Before turnover of control of an association by a
1675 developer to unit owners other than a developer under s.

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1676 | 718.301, the developer-controlled association may not vote to
 1677 | waive the reserves or reduce funding of the reserves. If a
 1678 | meeting of the unit owners has been called to determine whether
 1679 | to waive or reduce the funding of reserves and no such result is
 1680 | achieved or a quorum is not attained, the reserves included in
 1681 | the budget shall go into effect. After the turnover, the
 1682 | developer may vote its voting interest to waive or reduce the
 1683 | funding of reserves.

1684 | 3. Reserve funds and any interest accruing thereon shall
 1685 | remain in the reserve account or accounts, and may be used only
 1686 | for authorized reserve expenditures unless their use for other
 1687 | purposes is approved in advance by a majority vote of all the
 1688 | total voting interests of the association. Before turnover of
 1689 | control of an association by a developer to unit owners other
 1690 | than the developer pursuant to s. 718.301, the developer-
 1691 | controlled association may not vote to use reserves for purposes
 1692 | other than those for which they were intended. For a budget
 1693 | adopted on or after December 31, 2024, members of a unit-owner-
 1694 | controlled association that must obtain a structural integrity
 1695 | reserve study may not vote to use reserve funds, or any interest
 1696 | accruing thereon, for any other purpose other than the
 1697 | replacement or deferred maintenance costs of the components
 1698 | listed in paragraph (g).

1699 | 4. The only voting interests that are eligible to vote on
 1700 | questions that involve waiving or reducing the funding of

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1701 reserves, or using existing reserve funds for purposes other
 1702 than purposes for which the reserves were intended, are the
 1703 voting interests of the units subject to assessment to fund the
 1704 reserves in question. Proxy questions relating to waiving or
 1705 reducing the funding of reserves or using existing reserve funds
 1706 for purposes other than purposes for which the reserves were
 1707 intended must contain the following statement in capitalized,
 1708 bold letters in a font size larger than any other used on the
 1709 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
 1710 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
 1711 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
 1712 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1713 (g) *Structural integrity reserve study.*—

1714 1. A residential condominium association must have a
 1715 structural integrity reserve study completed at least every 10
 1716 years after the condominium's creation for each building on the
 1717 condominium property that is three stories or higher in height,
 1718 as determined by the Florida Building Code, which includes, at a
 1719 minimum, a study of the following items as related to the
 1720 structural integrity and safety of the building:

1721 a. Roof.

1722 b. Structure, including load-bearing walls and other
 1723 primary structural members and primary structural systems as
 1724 those terms are defined in s. 627.706.

1725 c. Fireproofing and fire protection systems.

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- 1726 | d. Plumbing.
- 1727 | e. Electrical systems.
- 1728 | f. Waterproofing and exterior painting.
- 1729 | g. Windows and exterior doors.
- 1730 | h. Any other item that has a deferred maintenance expense
- 1731 | or replacement cost that exceeds \$10,000 and the failure to
- 1732 | replace or maintain such item negatively affects the items
- 1733 | listed in sub-subparagraphs a.-g., as determined by the visual
- 1734 | inspection portion of the structural integrity reserve study.

1735 | 2. A structural integrity reserve study is based on a

1736 | visual inspection of the condominium property. A structural

1737 | integrity reserve study may be performed by any person qualified

1738 | to perform such study. However, the visual inspection portion of

1739 | the structural integrity reserve study must be performed or

1740 | verified by an engineer licensed under chapter 471, an architect

1741 | licensed under chapter 481, or a person certified as a reserve

1742 | specialist or professional reserve analyst by the Community

1743 | Associations Institute or the Association of Professional

1744 | Reserve Analysts.

1745 | 3. At a minimum, a structural integrity reserve study must

1746 | identify each item of the condominium property being visually

1747 | inspected, state the estimated remaining useful life and the

1748 | estimated replacement cost or deferred maintenance expense of

1749 | each item of the condominium property being visually inspected,

1750 | and provide a reserve funding schedule with a recommended annual

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1751 reserve amount that achieves the estimated replacement cost or
1752 deferred maintenance expense of each item of condominium
1753 property being visually inspected by the end of the estimated
1754 remaining useful life of the item. The structural integrity
1755 reserve study may recommend that reserves do not need to be
1756 maintained for any item for which an estimate of useful life and
1757 an estimate of replacement cost cannot be determined, or the
1758 study may recommend a deferred maintenance expense amount for
1759 such item. The structural integrity reserve study may recommend
1760 that reserves for replacement costs do not need to be maintained
1761 for any item with an estimated remaining useful life of greater
1762 than 25 years, but the study may recommend a deferred
1763 maintenance expense amount for such item.

1764 4. This paragraph does not apply to buildings less than
1765 three stories in height; single-family, two-family, or three-
1766 family dwellings with three or fewer habitable stories above
1767 ground; any portion or component of a building that has not been
1768 submitted to the condominium form of ownership; or any portion
1769 or component of a building that is maintained by a party other
1770 than the association.

1771 5. Before a developer turns over control of an association
1772 to unit owners other than the developer, the developer must have
1773 a turnover inspection report in compliance with s. 718.301(4)(p)
1774 and (q) for each building on the condominium property that is
1775 three stories or higher in height.

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1776 6. Associations existing on or before July 1, 2022, which
1777 are controlled by unit owners other than the developer, must
1778 have a structural integrity reserve study completed by December
1779 31, 2024, for each building on the condominium property that is
1780 three stories or higher in height. An association that is
1781 required to complete a milestone inspection in accordance with
1782 s. 553.899 on or before December 31, 2026, may complete the
1783 structural integrity reserve study simultaneously with the
1784 milestone inspection. In no event may the structural integrity
1785 reserve study be completed after December 31, 2026.

1786 7. If the milestone inspection required by s. 553.899, or
1787 an inspection completed for a similar local requirement, was
1788 performed within the past 5 years and meets the requirements of
1789 this paragraph, such inspection may be used in place of the
1790 visual inspection portion of the structural integrity reserve
1791 study.

1792 8. If the officers or directors of an association
1793 willfully and knowingly fail to complete a structural integrity
1794 reserve study pursuant to this paragraph, such failure is a
1795 breach of an officer's and director's fiduciary relationship to
1796 the unit owners under s. 718.111(1).

1797 9. Within 45 days after receiving the structural integrity
1798 reserve study, the association must distribute a copy of the
1799 study to each unit owner or deliver to each unit owner a notice
1800 that the completed study is available for inspection and copying

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1801 upon a written request. Distribution of a copy of the study or
1802 notice must be made by United States mail or personal delivery
1803 to the mailing address, property address, or any other address
1804 of the owner provided to fulfill the association's notice
1805 requirements under this chapter, or by electronic transmission
1806 to the e-mail address or facsimile number provided to fulfill
1807 the association's notice requirements to unit owners who
1808 previously consented to receive notice by electronic
1809 transmission.

1810 10. Within 45 days after receiving the structural
1811 integrity reserve study, the association must provide the
1812 division with a statement indicating that the study was
1813 completed and that the association provided or made available
1814 such study to each unit owner in accordance with this section.
1815 The statement must be provided to the division in the manner
1816 established by the division using a form posted on the
1817 division's website.

1818 (q) *Director or officer offenses.*—

1819 1. A director or an officer charged by information or
1820 indictment with any of the following crimes must be removed from
1821 office:

1822 a. Forgery, as provided in s. 831.01, of a ballot envelope
1823 or voting certificate used in a condominium association
1824 election.

1825 b. Theft, as provided in s. 812.014, or embezzlement

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1826 involving the association's funds or property.
 1827 c. Destruction of, or the refusal to allow inspection or
 1828 copying of, an official record of a condominium association
 1829 which is accessible to unit owners within the time periods
 1830 required by general law, in furtherance of any crime. Such act
 1831 constitutes tampering with physical evidence as provided in s.
 1832 918.13.
 1833 d. Obstruction of justice under chapter 843.
 1834 e. Any criminal violation under this chapter.
 1835 2. The board shall fill the vacancy in accordance with
 1836 paragraph (2) (d) a felony theft or embezzlement offense
 1837 involving the association's funds or property must be removed
 1838 from office, creating a vacancy in the office to be filled
 1839 according to law until the end of the period of the suspension
 1840 or the end of the director's term of office, whichever occurs
 1841 first. While such director or officer has such criminal charge
 1842 pending, he or she may not be appointed or elected to a position
 1843 as a director or officer of any association and may not have
 1844 access to the official records of any association, except
 1845 pursuant to a court order. However, if the charges are resolved
 1846 without a finding of guilt, the director or officer shall be
 1847 reinstated for the remainder of his or her term of office, if
 1848 any.
 1849 (r) Fraudulent voting activities relating to association
 1850 elections; penalties.-

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1851 1. A person who engages in the following acts of
1852 fraudulent voting activity relating to association elections
1853 commits a misdemeanor of the first degree, punishable as
1854 provided in s. 775.082 or s. 775.083:

1855 a. Willfully and falsely swearing to or affirming an oath
1856 or affirmation, or willfully procuring another person to falsely
1857 swear to or affirm an oath or affirmation, in connection with or
1858 arising out of voting activities.

1859 b. Perpetrating or attempting to perpetrate, or aiding in
1860 the perpetration of, fraud in connection with a vote cast, to be
1861 cast, or attempted to be cast.

1862 c. Preventing a member from voting or preventing a member
1863 from voting as he or she intended by fraudulently changing or
1864 attempting to change a ballot, ballot envelope, vote, or voting
1865 certificate of the member.

1866 d. Menacing, threatening, or using bribery or any other
1867 corruption to attempt, directly or indirectly, to influence,
1868 deceive, or deter a member when the member is voting.

1869 e. Giving or promising, directly or indirectly, anything
1870 of value to another member with the intent to buy the vote of
1871 that member or another member or to corruptly influence that
1872 member or another member in casting his or her vote. This sub-
1873 subparagraph does not apply to any food served which is to be
1874 consumed at an election rally or a meeting or to any item of
1875 nominal value which is used as an election advertisement,

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1876 | including a campaign message designed to be worn by a member.

1877 | f. Using or threatening to use, directly or indirectly,
 1878 | force, violence, or intimidation or any tactic of coercion or
 1879 | intimidation to induce or compel a member to vote or refrain
 1880 | from voting in an election or on a particular ballot measure.

1881 | 2. Each of the following acts constitutes a misdemeanor of
 1882 | the first degree, punishable as provided in s. 775.082 or s.
 1883 | 775.083:

1884 | a. Knowingly aiding, abetting, or advising a person in the
 1885 | commission of a fraudulent voting activity related to
 1886 | association elections.

1887 | b. Agreeing, conspiring, combining, or confederating with
 1888 | at least one other person to commit a fraudulent voting activity
 1889 | related to association elections.

1890 | c. Having knowledge of a fraudulent voting activity
 1891 | related to association elections and giving any aid to the
 1892 | offender with intent that the offender avoid or escape
 1893 | detection, arrest, trial, or punishment. This sub-subparagraph
 1894 | does not apply to a licensed attorney giving legal advice to a
 1895 | client.

1896 | Section 10. Subsection (5) of section 718.113, Florida
 1897 | Statutes, is amended to read:

1898 | 718.113 Maintenance; limitation upon improvement; display
 1899 | of flag; hurricane ~~shutters~~ and protection; display of religious
 1900 | decorations.-

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1901 (5) To protect the health, safety, and welfare of the
 1902 people of the state and to ensure uniformity and consistency in
 1903 the hurricane protections installed by condominium associations
 1904 and unit owners, this subsection applies to all residential and
 1905 mixed-use condominiums in the state, regardless of when the
 1906 condominium is created pursuant to the declaration of
 1907 condominium. Each board of administration of a residential
 1908 condominium or mixed-use condominium must ~~shall~~ adopt hurricane
 1909 protection ~~shutter~~ specifications for each building within each
 1910 condominium operated by the association which may ~~shall~~ include
 1911 color, style, and other factors deemed relevant by the board.
 1912 All specifications adopted by the board must comply with the
 1913 applicable building code. The installation, maintenance, repair,
 1914 replacement, and operation of hurricane protection in accordance
 1915 with this subsection is not considered a material alteration or
 1916 substantial addition to the common elements or association
 1917 property within the meaning of this section.

1918 (a) The board may, subject to s. 718.3026 and the approval
 1919 of a majority of voting interests of the residential condominium
 1920 or mixed-use condominium, install or require that unit owners
 1921 install hurricane ~~shutters, impact glass, code-compliant windows~~
 1922 ~~or doors, or other types of code-compliant hurricane protection~~
 1923 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
 1924 building code. A vote of the unit owners to require the
 1925 installation of hurricane protection must be set forth in a

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1926 | certificate attesting to such vote and include the date that the
 1927 | hurricane protection must be installed. The board must record
 1928 | the certificate in the public records of the county in which the
 1929 | condominium is located. Once the certificate is recorded, the
 1930 | board must mail or hand deliver a copy of the recorded
 1931 | certificate to the unit owners at the owners' addresses, as
 1932 | reflected in the records of the association. The board may
 1933 | provide to unit owners who previously consented to receive
 1934 | notice by electronic transmission a copy of the recorded
 1935 | certificate by electronic transmission. The failure to record
 1936 | the certificate or send a copy of the recorded certificate to
 1937 | the unit owners does not affect the validity or enforceability
 1938 | of the vote of the unit owners. ~~However,~~ A vote of the unit
 1939 | owners under this paragraph is not required if the installation,
 1940 | maintenance, repair, and replacement of the hurricane shutters,
 1941 | ~~impact glass, code-compliant windows or doors, or other types of~~
 1942 | ~~code-compliant hurricane protection,~~ or any exterior windows,
 1943 | doors, or other apertures protected by the hurricane protection,
 1944 | is ~~are~~ the responsibility of the association pursuant to the
 1945 | declaration of condominium as originally recorded or as amended,
 1946 | or if the unit owners are required to install hurricane
 1947 | protection pursuant to the declaration of condominium as
 1948 | originally recorded or as amended. If hurricane protection ~~or~~
 1949 | ~~laminated glass or window film architecturally designed to~~
 1950 | ~~function as hurricane protection~~ that complies with or exceeds

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1951 the current applicable building code has been previously
 1952 installed, the board may not install the same type of hurricane
 1953 ~~shutters, impact glass, code-compliant windows or doors, or~~
 1954 ~~other types of code-compliant hurricane protection~~ or require
 1955 that unit owners install the same type of hurricane protection
 1956 unless the installed hurricane protection has reached the end of
 1957 its useful life or unless it is necessary to prevent damage to
 1958 the common elements or to a unit ~~except upon approval by a~~
 1959 ~~majority vote of the voting interests.~~

1960 ~~(b) The association is responsible for the maintenance,~~
 1961 ~~repair, and replacement of the hurricane shutters, impact glass,~~
 1962 ~~code-compliant windows or doors, or other types of code-~~
 1963 ~~compliant hurricane protection authorized by this subsection if~~
 1964 ~~such property is the responsibility of the association pursuant~~
 1965 ~~to the declaration of condominium. If the hurricane shutters,~~
 1966 ~~impact glass, code-compliant windows or doors, or other types of~~
 1967 ~~code-compliant hurricane protection are the responsibility of~~
 1968 ~~the unit owners pursuant to the declaration of condominium, the~~
 1969 ~~maintenance, repair, and replacement of such items are the~~
 1970 ~~responsibility of the unit owner.~~

1971 ~~(b)(e)~~ The board may operate ~~shutters, impact glass, code-~~
 1972 ~~compliant windows or doors, or other types of code-compliant~~
 1973 ~~hurricane protection installed pursuant to this subsection~~
 1974 ~~without permission of the unit owners only if such operation is~~
 1975 ~~necessary to preserve and protect the condominium property~~ or

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1976 | ~~and association property. The installation, replacement,~~
 1977 | ~~operation, repair, and maintenance of such shutters, impact~~
 1978 | ~~glass, code-compliant windows or doors, or other types of code-~~
 1979 | ~~compliant hurricane protection in accordance with the procedures~~
 1980 | ~~set forth in this paragraph are not a material alteration to the~~
 1981 | ~~common elements or association property within the meaning of~~
 1982 | ~~this section.~~

1983 | ~~(c)-(d)~~ Notwithstanding any other provision in the
 1984 | residential condominium or mixed-use condominium documents, if
 1985 | approval is required by the documents, a board may not refuse to
 1986 | approve the installation or replacement of ~~hurricane shutters,~~
 1987 | ~~impact glass, code-compliant windows or doors, or other types of~~
 1988 | ~~code-compliant~~ hurricane protection by a unit owner which
 1989 | conforms ~~conforming~~ to the specifications adopted by the board.
 1990 | However, a board may require the unit owner to adhere to an
 1991 | existing unified building scheme regarding the external
 1992 | appearance of the condominium.

1993 | (d) A unit owner is not responsible for the cost of any
 1994 | removal or reinstallation of hurricane protection, including
 1995 | exterior windows, doors, or other apertures, if its removal is
 1996 | necessary for the maintenance, repair, or replacement of other
 1997 | condominium property or association property for which the
 1998 | association is responsible. The board shall determine if the
 1999 | removal or reinstallation of hurricane protection must be
 2000 | completed by the unit owner or the association. If such removal

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2001 or reinstallation is completed by the association, the costs
 2002 incurred by the association may not be charged to the unit
 2003 owner. If such removal or reinstallation is completed by the
 2004 unit owner, the association must reimburse the unit owner for
 2005 the cost of the removal or reinstallation or the association
 2006 must apply a credit toward future assessments in the amount of
 2007 the unit owner's cost to remove or reinstall the hurricane
 2008 protection.

2009 (e) If the removal or reinstallation of hurricane
 2010 protection, including exterior windows, doors, or other
 2011 apertures, is the responsibility of the unit owner and the
 2012 association completes such removal or reinstallation and then
 2013 charges the unit owner for such removal or reinstallation, such
 2014 charges are enforceable as an assessment and may be collected in
 2015 the manner provided under s. 718.116.

2016 Section 11. Paragraph (e) of subsection (1) of section
 2017 718.115, Florida Statutes, is amended to read:

2018 718.115 Common expenses and common surplus.—

2019 (1)

2020 (e)1. Except as provided in s. 718.113(5) (d), ~~The expense~~
 2021 ~~of installation, replacement, operation, repair, and maintenance~~
 2022 ~~of hurricane shutters, impact glass, code-compliant windows or~~
 2023 ~~doors, or other types of code-compliant hurricane protection by~~
 2024 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~
 2025 ~~and shall be collected as provided in this section if the~~

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2026 ~~association is responsible for the maintenance, repair, and~~
 2027 ~~replacement of the hurricane shutters, impact glass, code-~~
 2028 ~~compliant windows or doors, or other types of code-compliant~~
 2029 ~~hurricane protection pursuant to the declaration of condominium.~~
 2030 ~~However,~~ if the installation of maintenance, repair, and
 2031 ~~replacement of the hurricane shutters, impact glass, code-~~
 2032 ~~compliant windows or doors, or other types of code-compliant~~
 2033 hurricane protection is ~~are~~ the responsibility of the unit
 2034 owners pursuant to the declaration of condominium or a vote of
 2035 the unit owners under s. 718.113(5), the cost of the
 2036 installation of ~~the hurricane shutters, impact glass, code-~~
 2037 ~~compliant windows or doors, or other types of code-compliant~~
 2038 hurricane protection by the association is not a common expense
 2039 and must ~~shall~~ be charged individually to the unit owners based
 2040 on the cost of installation of ~~the hurricane shutters, impact~~
 2041 ~~glass, code-compliant windows or doors, or other types of code-~~
 2042 ~~compliant~~ hurricane protection appurtenant to the unit. The
 2043 costs of installation of hurricane protection are enforceable as
 2044 an assessment and may be collected in the manner provided under
 2045 s. 718.116.

2046 2. Notwithstanding s. 718.116(9), and regardless of
 2047 whether ~~or not~~ the declaration requires the association or unit
 2048 owners to install, maintain, repair, or replace ~~hurricane~~
 2049 ~~shutters, impact glass, code-compliant windows or doors, or~~
 2050 ~~other types of code-compliant~~ hurricane protection, the a unit

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2051 owner of a unit in which ~~who has previously installed hurricane~~
 2052 ~~shutters in accordance with s. 718.113(5) that comply with the~~
 2053 ~~current applicable building code shall receive a credit when the~~
 2054 ~~shutters are installed; a unit owner who has previously~~
 2055 ~~installed impact glass or code-compliant windows or doors that~~
 2056 ~~comply with the current applicable building code shall receive a~~
 2057 ~~credit when the impact glass or code-compliant windows or doors~~
 2058 ~~are installed; and a unit owner who has installed other types of~~
 2059 ~~code-compliant hurricane protection that~~ complies ~~comply~~ with
 2060 the current applicable building code has been installed is
 2061 excused from any assessment levied by the association or shall
 2062 receive a credit if ~~when~~ the same type of ~~other code-compliant~~
 2063 ~~hurricane protection is installed~~ by the association. A credit
 2064 is applicable if the installation of hurricane protection is for
 2065 all other units that do not have hurricane protection and the
 2066 cost of such installation is funded by the association's budget,
 2067 including the use of reserve funds. The credit must be equal to
 2068 the amount that the unit owner would have been assessed to
 2069 install the hurricane protection, ~~and the credit shall be equal~~
 2070 ~~to the pro rata portion of the assessed installation cost~~
 2071 ~~assigned to each unit. However, such unit owner remains~~
 2072 ~~responsible for the pro rata share of expenses for hurricane~~
 2073 ~~shutters, impact glass, code-compliant windows or doors, or~~
 2074 ~~other types of code-compliant hurricane protection installed on~~
 2075 ~~common elements and association property by the board pursuant~~

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2076 to s. 718.113(5) and remains responsible for a pro rata share of
 2077 the expense of the replacement, operation, repair, and
 2078 maintenance of such ~~shutters, impact glass, code-compliant~~
 2079 ~~windows or doors, or other types of code-compliant~~ hurricane
 2080 protection. Expenses for the installation, replacement,
 2081 operation, repair, or maintenance of hurricane protection on
 2082 common elements and association property are common expenses.

2083 Section 12. Paragraph (a) of subsection (4) of section
 2084 718.121, Florida Statutes, is amended to read:

2085 718.121 Liens.—

2086 (4) (a) If an association sends out an invoice for
 2087 assessments or a unit's statement of the account described in s.
 2088 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for
 2089 assessments or the unit's statement of account must be delivered
 2090 to the unit owner by first-class United States mail or by
 2091 electronic transmission to the unit owner's e-mail address
 2092 maintained in the association's official records.

2093 Section 13. Section 718.124, Florida Statutes, is amended
 2094 to read:

2095 718.124 Limitation on actions by association.—The statute
 2096 of limitations and statute of repose for any actions in law or
 2097 equity which a condominium association or a cooperative
 2098 association may have shall not begin to run until the unit
 2099 owners have elected a majority of the members of the board of
 2100 administration.

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2101 Section 14. Section 718.1224, Florida Statutes, is amended
 2102 to read:

2103 718.1224 Prohibition against SLAPP suits; other prohibited
 2104 actions.—

2105 (1) It is the intent of the Legislature to protect the
 2106 right of condominium unit owners to exercise their rights to
 2107 instruct their representatives and petition for redress of
 2108 grievances before their condominium associations and the various
 2109 governmental entities of this state as protected by the First
 2110 Amendment to the United States Constitution and s. 5, Art. I of
 2111 the State Constitution. The Legislature recognizes that
 2112 strategic lawsuits against public participation, or "SLAPP
 2113 suits," as they are typically referred to, have occurred when
 2114 association members are sued by condominium associations,
 2115 individuals, business entities, or governmental entities arising
 2116 out of a condominium unit owner's appearance and presentation
 2117 before the board of the condominium association or a
 2118 governmental entity on matters related to the condominium
 2119 association. However, it is the public policy of this state that
 2120 condominium associations, governmental entities, business
 2121 organizations, and individuals not engage in SLAPP suits,
 2122 because such actions are inconsistent with the right of
 2123 condominium unit owners to participate in their condominium
 2124 association and in the state's institutions of government.
 2125 Therefore, the Legislature finds and declares that prohibiting

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2126 such lawsuits by condominium associations, governmental
 2127 entities, business entities, and individuals against condominium
 2128 unit owners who address matters concerning their condominium
 2129 association will preserve this fundamental state policy,
 2130 preserve the constitutional rights of condominium unit owners,
 2131 ~~and~~ ensure the continuation of representative government in this
 2132 state, and ensure unit owner participation in condominium
 2133 associations. It is the intent of the Legislature that such
 2134 lawsuits be expeditiously disposed of by the courts. As used in
 2135 this subsection, the term "governmental entity" means the state,
 2136 including the executive, legislative, and judicial branches of
 2137 government; law enforcement agencies; the independent
 2138 establishments of the state, counties, municipalities,
 2139 districts, authorities, boards, or commissions; or any agencies
 2140 of these branches that are subject to chapter 286.

2141 (2) A condominium association, governmental entity,
 2142 business organization, or individual in this state may not file
 2143 or cause to be filed through its employees or agents any
 2144 lawsuit, cause of action, claim, cross-claim, or counterclaim
 2145 against a condominium unit owner without merit and solely
 2146 because such condominium unit owner has exercised the right to
 2147 instruct his or her representatives or the right to petition for
 2148 redress of grievances before the condominium association or the
 2149 various governmental entities of this state, as protected by the
 2150 First Amendment to the United States Constitution and s. 5, Art.

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2151 I of the State Constitution.

2152 (3) It is unlawful for a condominium association to fine,
 2153 discriminatorily increase a unit owner's assessments,
 2154 discriminatorily decrease services to a unit owner, or bring or
 2155 threaten to bring an action for possession or other civil
 2156 action, including a defamation, libel, slander, or tortious
 2157 interference action, based on conduct described in this
 2158 subsection. In order for the unit owner to raise the defense of
 2159 retaliatory conduct, the unit owner must have acted in good
 2160 faith and not for any improper purposes, such as to harass or to
 2161 cause unnecessary delay or for frivolous purpose or needless
 2162 increase in the cost of litigation. Examples of conduct for
 2163 which a condominium association, an officer, a director, or an
 2164 agent of an association may not retaliate include, but are not
 2165 limited to, situations in which:

2166 (a) The unit owner has in good faith complained to a
 2167 governmental agency charged with responsibility for enforcement
 2168 of a building, housing, or health code of a suspected violation
 2169 applicable to the condominium;

2170 (b) The unit owner has organized, encouraged, or
 2171 participated in a unit owners' organization;

2172 (c) The unit owner submitted information or filed a
 2173 complaint alleging criminal violations or violations of this
 2174 chapter or the rules of the division with the division, the
 2175 Office of the Condominium Ombudsman, a law enforcement agency, a

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2176 state attorney, the Attorney General, or any other governmental
 2177 agency;

2178 (d) The unit owner has exercised his or her rights under
 2179 this chapter;

2180 (e) The unit owner has complained to the association or
 2181 any of the association's representatives for the failure to
 2182 comply with this chapter or chapter 617; or

2183 (f) The unit owner has made public statements critical of
 2184 the operation or management of the association.

2185 (4) Evidence of retaliatory conduct may be raised by the
 2186 unit owner as a defense in any action brought against him or her
 2187 for possession.

2188 (5)~~(3)~~ A condominium unit owner sued by a condominium
 2189 association, governmental entity, business organization, or
 2190 individual in violation of this section has a right to an
 2191 expeditious resolution of a claim that the suit is in violation
 2192 of this section. A condominium unit owner may petition the court
 2193 for an order dismissing the action or granting final judgment in
 2194 favor of that condominium unit owner. The petitioner may file a
 2195 motion for summary judgment, together with supplemental
 2196 affidavits, seeking a determination that the condominium
 2197 association's, governmental entity's, business organization's,
 2198 or individual's lawsuit has been brought in violation of this
 2199 section. The condominium association, governmental entity,
 2200 business organization, or individual shall thereafter file its

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2201 response and any supplemental affidavits. As soon as
 2202 practicable, the court shall set a hearing on the petitioner's
 2203 motion, which shall be held at the earliest possible time after
 2204 the filing of the condominium association's, governmental
 2205 entity's, business organization's, or individual's response. The
 2206 court may award the condominium unit owner sued by the
 2207 condominium association, governmental entity, business
 2208 organization, or individual actual damages arising from the
 2209 condominium association's, governmental entity's, individual's,
 2210 or business organization's violation of this section. A court
 2211 may treble the damages awarded to a prevailing condominium unit
 2212 owner and shall state the basis for the treble damages award in
 2213 its judgment. The court shall award the prevailing party
 2214 reasonable attorney's fees and costs incurred in connection with
 2215 a claim that an action was filed in violation of this section.

2216 ~~(6)-(4)~~ Condominium associations may not expend association
 2217 funds in prosecuting a SLAPP suit against a condominium unit
 2218 owner.

2219 (7) Condominium associations may not expend association
 2220 funds in support of a defamation, libel, slander, or tortious
 2221 interference action against a unit owner or any other claim
 2222 against a unit owner based on conduct described in subsection
 2223 (3).

2224 Section 15. Section 718.128, Florida Statutes, is amended
 2225 to read:

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2226 718.128 Electronic voting.—The association may conduct
 2227 elections and other unit owner votes through an Internet-based
 2228 online voting system if a unit owner consents, electronically or
 2229 in writing, to online voting and if the following requirements
 2230 are met:

2231 (1) The association provides each unit owner with:

2232 (a) A method to authenticate the unit owner's identity to
 2233 the online voting system.

2234 (b) For elections of the board, a method to transmit an
 2235 electronic ballot to the online voting system that ensures the
 2236 secrecy and integrity of each ballot.

2237 (c) A method to confirm, at least 14 days before the
 2238 voting deadline, that the unit owner's electronic device can
 2239 successfully communicate with the online voting system.

2240 (2) The association uses an online voting system that is:

2241 (a) Able to authenticate the unit owner's identity.

2242 (b) Able to authenticate the validity of each electronic
 2243 vote to ensure that the vote is not altered in transit.

2244 (c) Able to transmit a receipt from the online voting
 2245 system to each unit owner who casts an electronic vote.

2246 (d) For elections of the board of administration, able to
 2247 permanently separate any authentication or identifying
 2248 information from the electronic election ballot, rendering it
 2249 impossible to tie an election ballot to a specific unit owner.

2250 (e) Able to store and keep electronic votes accessible to

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2251 election officials for recount, inspection, and review purposes.

2252 (3) A unit owner voting electronically pursuant to this
2253 section shall be counted as being in attendance at the meeting
2254 for purposes of determining a quorum. A substantive vote of the
2255 unit owners may not be taken on any issue other than the issues
2256 specifically identified in the electronic vote, when a quorum is
2257 established based on unit owners voting electronically pursuant
2258 to this section.

2259 (4) This section applies to an association that provides
2260 for and authorizes an online voting system pursuant to this
2261 section by a board resolution. If the board authorizes online
2262 voting, the board must honor a unit owner's request to vote
2263 electronically at all subsequent elections, unless such unit
2264 owner opts out of online voting. The board resolution must
2265 provide that unit owners receive notice of the opportunity to
2266 vote through an online voting system, must establish reasonable
2267 procedures and deadlines for unit owners to consent,
2268 electronically or in writing, to online voting, and must
2269 establish reasonable procedures and deadlines for unit owners to
2270 opt out of online voting after giving consent. Written notice of
2271 a meeting at which the resolution will be considered must be
2272 mailed, delivered, or electronically transmitted to the unit
2273 owners and posted conspicuously on the condominium property or
2274 association property at least 14 days before the meeting.
2275 Evidence of compliance with the 14-day notice requirement must

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2276 | be made by an affidavit executed by the person providing the
 2277 | notice and filed with the official records of the association.

2278 | (5) A unit owner's consent to online voting is valid until
 2279 | the unit owner opts out of online voting according to the
 2280 | procedures established by the board of administration pursuant
 2281 | to subsection (4).

2282 | (6) This section may apply to any matter that requires a
 2283 | vote of the unit owners who are not members of a timeshare
 2284 | condominium association.

2285 | Section 16. Effective October 1, 2024, subsections (1) and
 2286 | (3) of section 718.202, Florida Statutes, are amended to read:

2287 | 718.202 Sales or reservation deposits prior to closing.—

2288 | (1) If a developer contracts to sell a condominium parcel
 2289 | and the construction, furnishing, and landscaping of the
 2290 | property submitted or proposed to be submitted to condominium
 2291 | ownership has not been substantially completed in accordance
 2292 | with the plans and specifications and representations made by
 2293 | the developer in the disclosures required by this chapter, the
 2294 | developer shall pay into an escrow account all payments up to 10
 2295 | percent of the sale price received by the developer from the
 2296 | buyer towards the sale price. The escrow agent shall give to the
 2297 | purchaser a receipt for the deposit, upon request. In lieu of
 2298 | the foregoing concerning residential condominiums, the division
 2299 | director has the discretion to accept other assurances,
 2300 | including, but not limited to, a surety bond or an irrevocable

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2301 letter of credit in an amount equal to the escrow requirements
2302 of this section. With respect to nonresidential condominiums,
2303 the developer may deliver to the escrow agent a surety bond or
2304 an irrevocable letter of credit in an amount equivalent to the
2305 aggregate of some or all of all payments, up to 10 percent of
2306 the sale price, received by the developer from all buyers toward
2307 the sale price. In all cases, the aggregate of the initial 10
2308 percent deposits being released must be secured by a surety bond
2309 or irrevocable letter of credit in an equivalent amount. Default
2310 determinations and refund of deposits shall be governed by the
2311 escrow release provision of this subsection. Funds shall be
2312 released from escrow as follows:

2313 (a) If a buyer properly terminates the contract pursuant
2314 to its terms or pursuant to this chapter, the funds shall be
2315 paid to the buyer together with any interest earned.

2316 (b) If the buyer defaults in the performance of his or her
2317 obligations under the contract of purchase and sale, the funds
2318 shall be paid to the developer together with any interest
2319 earned.

2320 (c) If the contract does not provide for the payment of
2321 any interest earned on the escrowed funds, interest shall be
2322 paid to the developer at the closing of the transaction.

2323 (d) If the funds of a buyer have not been previously
2324 disbursed in accordance with the provisions of this subsection,
2325 they may be disbursed to the developer by the escrow agent at

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2326 | the closing of the transaction, unless prior to the disbursement
 2327 | the escrow agent receives from the buyer written notice of a
 2328 | dispute between the buyer and developer.

2329 | (3) If the contract for sale of the condominium unit so
 2330 | provides, the developer may withdraw escrow funds in excess of
 2331 | 10 percent of the purchase price from the special account
 2332 | required by subsection (2) when the construction of improvements
 2333 | has begun. He or she may use the funds for the actual costs
 2334 | incurred by the developer in the construction and development of
 2335 | the condominium property, or the easements and rights
 2336 | appurtenant thereto, in which the unit to be sold is located.
 2337 | For purposes of this subsection, the term "actual costs"
 2338 | includes, but is not limited to, expenditures for demolition,
 2339 | site clearing, permit fees, impact fees, and utility reservation
 2340 | fees, as well as architectural, engineering, and surveying fees
 2341 | that directly relate to construction and development of the
 2342 | condominium property or the easements and rights appurtenant
 2343 | thereto. However, no part of these funds may be used for
 2344 | salaries, commissions, or expenses of salespersons; for
 2345 | advertising, marketing, or promotional purposes; or for loan
 2346 | fees and costs, principal and interest on loans, attorney fees,
 2347 | accounting fees, or insurance costs. A contract that ~~which~~
 2348 | permits use of the advance payments for these purposes must
 2349 | ~~shall~~ include the following legend conspicuously printed or
 2350 | stamped in boldfaced type on the first page of the contract and

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2351 immediately above the place for the signature of the buyer: "ANY
 2352 PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE PRICE MADE TO
 2353 DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS CONTRACT MAY BE USED
 2354 FOR CONSTRUCTION PURPOSES BY THE DEVELOPER.""

2355 Section 17. Paragraph (p) of subsection (4) of section
 2356 718.301, Florida Statutes, is amended to read:

2357 718.301 Transfer of association control; claims of defect
 2358 by association.—

2359 (4) At the time that unit owners other than the developer
 2360 elect a majority of the members of the board of administration
 2361 of an association, the developer shall relinquish control of the
 2362 association, and the unit owners shall accept control.

2363 Simultaneously, or for the purposes of paragraph (c) not more
 2364 than 90 days thereafter, the developer shall deliver to the
 2365 association, at the developer's expense, all property of the
 2366 unit owners and of the association which is held or controlled
 2367 by the developer, including, but not limited to, the following
 2368 items, if applicable, as to each condominium operated by the
 2369 association:

2370 (p) Notwithstanding when the certificate of occupancy was
 2371 issued or the height of the building, a turnover inspection
 2372 report included in the official records, under seal of an
 2373 architect or engineer authorized to practice in this state or a
 2374 person certified as a reserve specialist or professional reserve
 2375 analyst by the Community Associations Institute or the

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2376 Association of Professional Reserve Analysts, and consisting of
 2377 a structural integrity reserve study attesting to required
 2378 maintenance, condition, useful life, and replacement costs of
 2379 the following applicable condominium property:

- 2380 1. Roof.
- 2381 2. Structure, including load-bearing walls and primary
 2382 structural members and primary structural systems as those terms
 2383 are defined in s. 627.706.
- 2384 3. Fireproofing and fire protection systems.
- 2385 4. Plumbing.
- 2386 5. Electrical systems.
- 2387 6. Waterproofing and exterior painting.
- 2388 7. Windows and exterior doors.

2389 Section 18. Subsections (4) and (5) of section 718.3027,
 2390 Florida Statutes, are amended to read:

2391 718.3027 Conflicts of interest.—

2392 (4) A director or an officer, or a relative of a director
 2393 or an officer, who is a party to, or has an interest in, an
 2394 activity that is a possible conflict of interest, as described
 2395 in subsection (1), may attend the meeting at which the activity
 2396 is considered by the board and is authorized to make a
 2397 presentation to the board regarding the activity. After the
 2398 presentation, the director or officer, and any ~~or the~~ relative
 2399 of the director or officer, must leave the meeting during the
 2400 discussion of, and the vote on, the activity. A director or an

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2401 officer who is a party to, or has an interest in, the activity
 2402 must recuse himself or herself from the vote. The attendance of
 2403 a director or an officer with a possible conflict of interest at
 2404 the meeting of the board is sufficient to constitute a quorum
 2405 for the meeting and the vote in his or her absence on the
 2406 proposed activity.

2407 (5) A contract entered into between a director or an
 2408 officer, or a relative of a director or an officer, and the
 2409 association, which is not a timeshare condominium association,
 2410 that has not been properly disclosed as a conflict of interest
 2411 or potential conflict of interest as required by this section or
 2412 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
 2413 the filing of a written notice terminating the contract with the
 2414 board of directors which contains the consent of at least 20
 2415 percent of the voting interests of the association.

2416 Section 19. Subsection (5) of section 718.303, Florida
 2417 Statutes, is amended to read:

2418 718.303 Obligations of owners and occupants; remedies.—

2419 (5) An association may suspend the voting rights of a unit
 2420 owner or member due to nonpayment of any fee, fine, or other
 2421 monetary obligation due to the association which is more than
 2422 \$1,000 and more than 90 days delinquent. Proof of such
 2423 obligation must be provided to the unit owner or member 30 days
 2424 before such suspension takes effect. At least 90 days before an
 2425 election, an association must notify a unit owner or member that

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2426 his or her voting rights may be suspended due to a nonpayment of
 2427 a fee or other monetary obligation. A voting interest or consent
 2428 right allocated to a unit owner or member which has been
 2429 suspended by the association shall be subtracted from the total
 2430 number of voting interests in the association, which shall be
 2431 reduced by the number of suspended voting interests when
 2432 calculating the total percentage or number of all voting
 2433 interests available to take or approve any action, and the
 2434 suspended voting interests shall not be considered for any
 2435 purpose, including, but not limited to, the percentage or number
 2436 of voting interests necessary to constitute a quorum, the
 2437 percentage or number of voting interests required to conduct an
 2438 election, or the percentage or number of voting interests
 2439 required to approve an action under this chapter or pursuant to
 2440 the declaration, articles of incorporation, or bylaws. The
 2441 suspension ends upon full payment of all obligations currently
 2442 due or overdue the association. The notice and hearing
 2443 requirements under subsection (3) do not apply to a suspension
 2444 imposed under this subsection.

2445 Section 20. Effective October 1, 2024, section 718.407,
 2446 Florida Statutes, is created to read:

2447 718.407 Condominiums created within a portion of a
 2448 building or within a multiple parcel building.-

2449 (1) A condominium may be created in accordance with this
 2450 section within a portion of a building or within a multiple

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2451 parcel building, as defined in s. 193.0237(1).

2452 (2) The common elements of a condominium created within a
 2453 portion of a building or within a multiple parcel building are
 2454 only those portions of the building submitted to the condominium
 2455 form of ownership, excluding the units of such condominium.

2456 (3) The declaration of condominium that creates a
 2457 condominium within a portion of a building or within a multiple
 2458 parcel building, the recorded instrument that creates the
 2459 multiple parcel building, and any other recorded instrument
 2460 applicable under this section must specify all of the following:

2461 (a) The portions of the building which are included in the
 2462 condominium and the portions of the building which are excluded.

2463 (b) The party responsible for maintaining and operating
 2464 those portions of the building which are shared facilities,
 2465 including, but not limited to, the roof, the exterior of the
 2466 building, the windows, the balconies, the elevators, the
 2467 building lobby, the corridors, the recreational amenities, and
 2468 the utilities.

2469 (c)1. The manner in which the expenses for the maintenance
 2470 and operation of the shared facilities will be apportioned. An
 2471 owner of a portion of a building which is not submitted to the
 2472 condominium form of ownership or the condominium association, as
 2473 applicable to the portion of the building submitted to the
 2474 condominium form of ownership, must approve any increase to the
 2475 apportionment of expenses to such portion of the building. The

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2476 apportionment of the expenses for the maintenance and operation
 2477 of the shared facilities may be based on any of the following
 2478 criteria or any combination thereof:

2479 a. The area or volume of each portion of the building in
 2480 relation to the total area or volume of the entire building,
 2481 exclusive of the shared facilities.

2482 b. The initial estimated market value of each portion of
 2483 the building in comparison to the total initial estimated market
 2484 value of the entire building.

2485 c. The extent to which the unit owners are permitted to
 2486 use various shared facilities.

2487 2. This paragraph does not preclude an alternative
 2488 apportionment of expenses as long as such apportionment is
 2489 stated in the declaration of condominium that creates a
 2490 condominium within a portion of a building or within a multiple
 2491 parcel building, the recorded instrument that creates the
 2492 multiple parcel building, or any other recorded instrument
 2493 applicable under this section.

2494 (d) The party responsible for collecting the shared
 2495 expenses.

2496 (e) The rights and remedies that are available to enforce
 2497 payment of the shared expenses.

2498 (4) The association of a condominium subject to this
 2499 section may inspect and copy the books and records upon which
 2500 the costs for maintaining and operating the shared facilities

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2501 are based and to receive an annual budget with respect to such
 2502 costs.

2503 (5) Each contract for the sale of a unit in a condominium
 2504 subject to this section must contain in conspicuous type a
 2505 clause that substantially states:

2506

2507 DISCLOSURE SUMMARY

2508 THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS CREATED
 2509 WITHIN A PORTION OF A BUILDING OR WITHIN A MULTIPLE PARCEL
 2510 BUILDING. THE COMMON ELEMENTS OF THE CONDOMINIUM CONSIST
 2511 ONLY OF THE PORTIONS OF THE BUILDING SUBMITTED TO THE
 2512 CONDOMINIUM FORM OF OWNERSHIP.

2513

2514 BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:

2515

2516 (1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.

2517 (2) PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE
 2518 CONDOMINIUM ARE OR WILL BE GOVERNED BY A SEPARATE RECORDED
 2519 INSTRUMENT. SUCH INSTRUMENT CONTAINS IMPORTANT PROVISIONS
 2520 AND RIGHTS AND IS OR WILL BE AVAILABLE IN PUBLIC RECORDS.

2521 (3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION
 2522 OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN
 2523 THE CONDOMINIUM DETERMINES THE BUDGET FOR THE OPERATION AND
 2524 MAINTENANCE OF SUCH PORTIONS. HOWEVER, THE ASSOCIATION AND
 2525 UNIT OWNERS ARE STILL RESPONSIBLE FOR THEIR SHARE OF SUCH

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2526 EXPENSES.
 2527 (4) THE ALLOCATION BETWEEN THE UNIT OWNERS AND THE OWNERS
 2528 OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN
 2529 THE CONDOMINIUM OF THE COSTS TO MAINTAIN AND OPERATE THE
 2530 BUILDING CAN BE FOUND IN THE DECLARATION OF CONDOMINIUM OR
 2531 OTHER RECORDED INSTRUMENT.

2532
 2533 (6) The creation of a multiple parcel building is not a
 2534 subdivision of the land upon which such building is situated
 2535 provided the land itself is not subdivided.

2536 Section 21. Subsections (1) and (2) of section 718.501,
 2537 Florida Statutes, are amended to read:

2538 718.501 Authority, responsibility, and duties of Division
 2539 of Florida Condominiums, Timeshares, and Mobile Homes.—

2540 (1) The division may enforce and ensure compliance with
 2541 this chapter and rules relating to the development,
 2542 construction, sale, lease, ownership, operation, and management
 2543 of residential condominium units and complaints related to the
 2544 procedural completion of milestone inspections under s. 553.899.
 2545 In performing its duties, the division has complete jurisdiction
 2546 to investigate complaints and enforce compliance with respect to
 2547 associations that are still under developer control or the
 2548 control of a bulk assignee or bulk buyer pursuant to part VII of
 2549 this chapter and complaints against developers, bulk assignees,
 2550 or bulk buyers involving improper turnover or failure to

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2551 turnover, pursuant to s. 718.301. However, after turnover has
 2552 occurred, the division has jurisdiction to investigate
 2553 complaints related only to:

2554 (a)1. Procedural aspects and records relating to financial
 2555 issues, including annual financial reporting under s.
 2556 718.111(13); assessments for common expenses, fines, and
 2557 commingling of reserve and operating funds under s. 718.111(14);
 2558 use of debit cards for unintended purposes under s. 718.111(15);
 2559 the annual operating budget and the allocation of reserve funds
 2560 under s. 718.112(2)(f); financial records under s.
 2561 718.111(12)(a)11.; and any other record necessary to determine
 2562 the revenues and expenses of the association.

2563 2. Elections, including election and voting requirements
 2564 under s. 718.112(2)(b) and (d), recall of board members under s.
 2565 718.112(2)(1), electronic voting under s. 718.128, and elections
 2566 that occur during an emergency under s. 718.1265(1)(a).
 2567 ~~financial issues, elections, and~~

2568 3. The maintenance of and unit owner access to association
 2569 records under s. 718.111(12).

2570 4. The procedural aspects of meetings, including unit
 2571 owner meetings, quorums, voting requirements, proxies, board of
 2572 administration meetings, and budget meetings under s.
 2573 718.112(2).

2574 5. The disclosure of conflicts of interest under ss.
 2575 718.111(1)(a) and 718.3027, including limitations contained in

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2576 s. 718.111(3)(f).

2577 6. The removal of a board director or officer under ss.
 2578 718.111(1)(a) and (15) and 718.112(2)(p) and (q).~~and~~

2579 7. The procedural completion of structural integrity
 2580 reserve studies under s. 718.112(2)(g).

2581 8. Any written inquiries by unit owners to the association
 2582 relating to such matters, including written inquiries under s.
 2583 718.112(2)(a)2.

2584 (b)1.~~(a)1.~~ The division may make necessary public or
 2585 private investigations within or outside this state to determine
 2586 whether any person has violated this chapter or any rule or
 2587 order hereunder, to aid in the enforcement of this chapter, or
 2588 to aid in the adoption of rules or forms.

2589 2. The division may submit any official written report,
 2590 worksheet, or other related paper, or a duly certified copy
 2591 thereof, compiled, prepared, drafted, or otherwise made by and
 2592 duly authenticated by a financial examiner or analyst to be
 2593 admitted as competent evidence in any hearing in which the
 2594 financial examiner or analyst is available for cross-examination
 2595 and attests under oath that such documents were prepared as a
 2596 result of an examination or inspection conducted pursuant to
 2597 this chapter.

2598 (c)~~(b)~~ The division may require or permit any person to
 2599 file a statement in writing, under oath or otherwise, as the
 2600 division determines, as to the facts and circumstances

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2601 concerning a matter to be investigated.

2602 (d)~~(e)~~ For the purpose of any investigation under this
 2603 chapter, the division director or any officer or employee
 2604 designated by the division director may administer oaths or
 2605 affirmations, subpoena witnesses and compel their attendance,
 2606 take evidence, and require the production of any matter which is
 2607 relevant to the investigation, including the existence,
 2608 description, nature, custody, condition, and location of any
 2609 books, documents, or other tangible things and the identity and
 2610 location of persons having knowledge of relevant facts or any
 2611 other matter reasonably calculated to lead to the discovery of
 2612 material evidence. Upon the failure by a person to obey a
 2613 subpoena or to answer questions propounded by the investigating
 2614 officer and upon reasonable notice to all affected persons, the
 2615 division may apply to the circuit court for an order compelling
 2616 compliance.

2617 (e)~~(d)~~ Notwithstanding any remedies available to unit
 2618 owners and associations, if the division has reasonable cause to
 2619 believe that a violation of any provision of this chapter or
 2620 related rule has occurred, the division may institute
 2621 enforcement proceedings in its own name against any developer,
 2622 bulk assignee, bulk buyer, association, officer, or member of
 2623 the board of administration, or its assignees or agents, as
 2624 follows:

- 2625 1. The division may permit a person whose conduct or

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2626 actions may be under investigation to waive formal proceedings
2627 and enter into a consent proceeding whereby orders, rules, or
2628 letters of censure or warning, whether formal or informal, may
2629 be entered against the person.

2630 2. The division may issue an order requiring the
2631 developer, bulk assignee, bulk buyer, association, developer-
2632 designated officer, or developer-designated member of the board
2633 of administration, developer-designated assignees or agents,
2634 bulk assignee-designated assignees or agents, bulk buyer-
2635 designated assignees or agents, community association manager,
2636 or community association management firm to cease and desist
2637 from the unlawful practice and take such affirmative action as
2638 in the judgment of the division carry out the purposes of this
2639 chapter. If the division finds that a developer, bulk assignee,
2640 bulk buyer, association, officer, or member of the board of
2641 administration, or its assignees or agents, is violating or is
2642 about to violate any provision of this chapter, any rule adopted
2643 or order issued by the division, or any written agreement
2644 entered into with the division, and presents an immediate danger
2645 to the public requiring an immediate final order, it may issue
2646 an emergency cease and desist order reciting with particularity
2647 the facts underlying such findings. The emergency cease and
2648 desist order is effective for 90 days. If the division begins
2649 nonemergency cease and desist proceedings, the emergency cease
2650 and desist order remains effective until the conclusion of the

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2651 proceedings under ss. 120.569 and 120.57.

2652 3. If a developer, bulk assignee, or bulk buyer fails to
 2653 pay any restitution determined by the division to be owed, plus
 2654 any accrued interest at the highest rate permitted by law,
 2655 within 30 days after expiration of any appellate time period of
 2656 a final order requiring payment of restitution or the conclusion
 2657 of any appeal thereof, whichever is later, the division must
 2658 bring an action in circuit or county court on behalf of any
 2659 association, class of unit owners, lessees, or purchasers for
 2660 restitution, declaratory relief, injunctive relief, or any other
 2661 available remedy. The division may also temporarily revoke its
 2662 acceptance of the filing for the developer to which the
 2663 restitution relates until payment of restitution is made.

2664 4. The division may petition the court for appointment of
 2665 a receiver or conservator. If appointed, the receiver or
 2666 conservator may take action to implement the court order to
 2667 ensure the performance of the order and to remedy any breach
 2668 thereof. In addition to all other means provided by law for the
 2669 enforcement of an injunction or temporary restraining order, the
 2670 circuit court may impound or sequester the property of a party
 2671 defendant, including books, papers, documents, and related
 2672 records, and allow the examination and use of the property by
 2673 the division and a court-appointed receiver or conservator.

2674 5. The division may apply to the circuit court for an
 2675 order of restitution whereby the defendant in an action brought

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2676 | under subparagraph 4. is ordered to make restitution of those
2677 | sums shown by the division to have been obtained by the
2678 | defendant in violation of this chapter. At the option of the
2679 | court, such restitution is payable to the conservator or
2680 | receiver appointed under subparagraph 4. or directly to the
2681 | persons whose funds or assets were obtained in violation of this
2682 | chapter.

2683 | 6. The division may impose a civil penalty against a
2684 | developer, bulk assignee, or bulk buyer, or association, or its
2685 | assignee or agent, for any violation of this chapter or related
2686 | rule. The division may impose a civil penalty individually
2687 | against an officer or board member who willfully and knowingly
2688 | violates this chapter, an adopted rule, or a final order of the
2689 | division; may order the removal of such individual as an officer
2690 | or from the board of administration or as an officer of the
2691 | association; and may prohibit such individual from serving as an
2692 | officer or on the board of a community association for a period
2693 | of time. The term "willfully and knowingly" means that the
2694 | division informed the officer or board member that his or her
2695 | action or intended action violates this chapter, a rule adopted
2696 | under this chapter, or a final order of the division and that
2697 | the officer or board member refused to comply with the
2698 | requirements of this chapter, a rule adopted under this chapter,
2699 | or a final order of the division. The division, before
2700 | initiating formal agency action under chapter 120, must afford

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2701 | the officer or board member an opportunity to voluntarily
 2702 | comply, and an officer or board member who complies within 10
 2703 | days is not subject to a civil penalty. A penalty may be imposed
 2704 | on the basis of each day of continuing violation, but the
 2705 | penalty for any offense may not exceed \$5,000. The division
 2706 | shall adopt, by rule, penalty guidelines applicable to possible
 2707 | violations or to categories of violations of this chapter or
 2708 | rules adopted by the division. The guidelines must specify a
 2709 | meaningful range of civil penalties for each such violation of
 2710 | the statute and rules and must be based upon the harm caused by
 2711 | the violation, upon the repetition of the violation, and upon
 2712 | such other factors deemed relevant by the division. For example,
 2713 | the division may consider whether the violations were committed
 2714 | by a developer, bulk assignee, or bulk buyer, or owner-
 2715 | controlled association, the size of the association, and other
 2716 | factors. The guidelines must designate the possible mitigating
 2717 | or aggravating circumstances that justify a departure from the
 2718 | range of penalties provided by the rules. It is the legislative
 2719 | intent that minor violations be distinguished from those which
 2720 | endanger the health, safety, or welfare of the condominium
 2721 | residents or other persons and that such guidelines provide
 2722 | reasonable and meaningful notice to the public of likely
 2723 | penalties that may be imposed for proscribed conduct. This
 2724 | subsection does not limit the ability of the division to
 2725 | informally dispose of administrative actions or complaints by

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2726 stipulation, agreed settlement, or consent order. All amounts
 2727 collected shall be deposited with the Chief Financial Officer to
 2728 the credit of the Division of Florida Condominiums, Timeshares,
 2729 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
 2730 bulk buyer fails to pay the civil penalty and the amount deemed
 2731 to be owed to the association, the division shall issue an order
 2732 directing that such developer, bulk assignee, or bulk buyer
 2733 cease and desist from further operation until such time as the
 2734 civil penalty is paid or may pursue enforcement of the penalty
 2735 in a court of competent jurisdiction. If an association fails to
 2736 pay the civil penalty, the division shall pursue enforcement in
 2737 a court of competent jurisdiction, and the order imposing the
 2738 civil penalty or the cease and desist order is not effective
 2739 until 20 days after the date of such order. Any action commenced
 2740 by the division shall be brought in the county in which the
 2741 division has its executive offices or in the county in which
 2742 ~~where~~ the violation occurred.

2743 7. If a unit owner presents the division with proof that
 2744 the unit owner has requested access to official records in
 2745 writing by certified mail, and that after 10 days the unit owner
 2746 again made the same request for access to official records in
 2747 writing by certified mail, and that more than 10 days has
 2748 elapsed since the second request and the association has still
 2749 failed or refused to provide access to official records as
 2750 required by this chapter, the division shall issue a subpoena

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2751 requiring production of the requested records at the location in
 2752 which ~~where~~ the records are kept pursuant to s. 718.112. Upon
 2753 receipt of the records, the division must provide to the unit
 2754 owner who was denied access to such records the produced
 2755 official records without charge.

2756 8. In addition to subparagraph 6., the division may seek
 2757 the imposition of a civil penalty through the circuit court for
 2758 any violation for which the division may issue a notice to show
 2759 cause under paragraph (t) ~~(r)~~. The civil penalty shall be at
 2760 least \$500 but no more than \$5,000 for each violation. The court
 2761 may also award to the prevailing party court costs and
 2762 reasonable attorney fees and, if the division prevails, may also
 2763 award reasonable costs of investigation.

2764 9. The division may issue citations and promulgate rules
 2765 to provide for citation bases and citation procedures in
 2766 accordance with this paragraph.

2767 (f) ~~(e)~~ The division may prepare and disseminate a
 2768 prospectus and other information to assist prospective owners,
 2769 purchasers, lessees, and developers of residential condominiums
 2770 in assessing the rights, privileges, and duties pertaining
 2771 thereto.

2772 (g) ~~(f)~~ The division may adopt rules to administer and
 2773 enforce this chapter.

2774 (h) ~~(g)~~ The division shall establish procedures for
 2775 providing notice to an association and the developer, bulk

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2776 assignee, or bulk buyer during the period in which the
 2777 developer, bulk assignee, or bulk buyer controls the association
 2778 if the division is considering the issuance of a declaratory
 2779 statement with respect to the declaration of condominium or any
 2780 related document governing such condominium community.

2781 (i)~~(h)~~ The division shall furnish each association that
 2782 pays the fees required by paragraph (2)(a) a copy of this
 2783 chapter, as amended, and the rules adopted thereto on an annual
 2784 basis.

2785 (j)~~(i)~~ The division shall annually provide each
 2786 association with a summary of declaratory statements and formal
 2787 legal opinions relating to the operations of condominiums which
 2788 were rendered by the division during the previous year.

2789 (k)~~(j)~~ The division shall provide training and educational
 2790 programs for condominium association board members and unit
 2791 owners. The training may, in the division's discretion, include
 2792 web-based electronic media and live training and seminars in
 2793 various locations throughout the state. The division may review
 2794 and approve education and training programs for board members
 2795 and unit owners offered by providers and shall maintain a
 2796 current list of approved programs and providers and make such
 2797 list available to board members and unit owners in a reasonable
 2798 and cost-effective manner. The division shall provide the
 2799 division-approved provider with the template certificate for
 2800 issuance directly to the association's board of directors who

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2801 have satisfactorily completed the requirements under s.
 2802 718.112(2)(d). The division shall adopt rules to implement this
 2803 section.

2804 (l)~~(k)~~ The division shall maintain a toll-free telephone
 2805 number accessible to condominium unit owners.

2806 (m)~~(l)~~ The division shall develop a program to certify
 2807 both volunteer and paid mediators to provide mediation of
 2808 condominium disputes. The division shall provide, upon request,
 2809 a list of such mediators to any association, unit owner, or
 2810 other participant in alternative dispute resolution proceedings
 2811 under s. 718.1255 requesting a copy of the list. The division
 2812 shall include on the list of volunteer mediators only the names
 2813 of persons who have received at least 20 hours of training in
 2814 mediation techniques or who have mediated at least 20 disputes.
 2815 In order to become initially certified by the division, paid
 2816 mediators must be certified by the Supreme Court to mediate
 2817 court cases in county or circuit courts. However, the division
 2818 may adopt, by rule, additional factors for the certification of
 2819 paid mediators, which must be related to experience, education,
 2820 or background. Any person initially certified as a paid mediator
 2821 by the division must, in order to continue to be certified,
 2822 comply with the factors or requirements adopted by rule.

2823 (n)~~(m)~~ If a complaint is made, the division must conduct
 2824 its inquiry with due regard for the interests of the affected
 2825 parties. Within 30 days after receipt of a complaint, the

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2826 | division shall acknowledge the complaint in writing and notify
2827 | the complainant whether the complaint is within the jurisdiction
2828 | of the division and whether additional information is needed by
2829 | the division from the complainant. The division shall conduct
2830 | its investigation and, within 90 days after receipt of the
2831 | original complaint or of timely requested additional
2832 | information, take action upon the complaint. However, the
2833 | failure to complete the investigation within 90 days does not
2834 | prevent the division from continuing the investigation,
2835 | accepting or considering evidence obtained or received after 90
2836 | days, or taking administrative action if reasonable cause exists
2837 | to believe that a violation of this chapter or a rule has
2838 | occurred. If an investigation is not completed within the time
2839 | limits established in this paragraph, the division shall, on a
2840 | monthly basis, notify the complainant in writing of the status
2841 | of the investigation. When reporting its action to the
2842 | complainant, the division shall inform the complainant of any
2843 | right to a hearing under ss. 120.569 and 120.57. The division
2844 | may adopt rules regarding the submission of a complaint against
2845 | an association.

2846 | (o)~~(n)~~ Condominium association directors, officers, and
2847 | employees; condominium developers; bulk assignees, bulk buyers,
2848 | and community association managers; and community association
2849 | management firms have an ongoing duty to reasonably cooperate
2850 | with the division in any investigation under this section. The

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2851 | division shall refer to local law enforcement authorities any
 2852 | person whom the division believes has altered, destroyed,
 2853 | concealed, or removed any record, document, or thing required to
 2854 | be kept or maintained by this chapter with the purpose to impair
 2855 | its verity or availability in the department's investigation.
 2856 | The division shall refer to local law enforcement authorities
 2857 | any person whom the division believes has engaged in fraud,
 2858 | theft, embezzlement, or other criminal activity or when the
 2859 | division has cause to believe that fraud, theft, embezzlement,
 2860 | or other criminal activity has occurred.

2861 | (p) The division director or any officer or employee of
 2862 | the division and the condominium ombudsman or any employee of
 2863 | the Office of the Condominium Ombudsman may attend and observe
 2864 | any meeting of the board of administration or any unit owner
 2865 | meeting, including any meeting of a subcommittee or special
 2866 | committee, which is open to members of the association for the
 2867 | purpose of performing the duties of the division or the Office
 2868 | of the Condominium Ombudsman under this chapter.

2869 | (q)~~(o)~~ The division may:

- 2870 | 1. Contract with agencies in this state or other
- 2871 | jurisdictions to perform investigative functions; or
- 2872 | 2. Accept grants-in-aid from any source.

2873 | (r)~~(p)~~ The division shall cooperate with similar agencies
 2874 | in other jurisdictions to establish uniform filing procedures
 2875 | and forms, public offering statements, advertising standards,

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2876 and rules and common administrative practices.

2877 (s)~~(q)~~ The division shall consider notice to a developer,
 2878 bulk assignee, or bulk buyer to be complete when it is delivered
 2879 to the address of the developer, bulk assignee, or bulk buyer
 2880 currently on file with the division.

2881 (t)~~(r)~~ In addition to its enforcement authority, the
 2882 division may issue a notice to show cause, which must provide
 2883 for a hearing, upon written request, in accordance with chapter
 2884 120.

2885 (u) If the division receives a complaint regarding access
 2886 to official records on the association's website or through an
 2887 application that can be downloaded on a mobile device under s.
 2888 718.111(12)(g), the division may request access to the
 2889 association's website or application and investigate. The
 2890 division may adopt rules to carry out this paragraph.

2891 (v)~~(s)~~ The division shall submit to the Governor, the
 2892 President of the Senate, the Speaker of the House of
 2893 Representatives, and the chairs of the legislative
 2894 appropriations committees an annual report that includes, but
 2895 need not be limited to, the number of training programs provided
 2896 for condominium association board members and unit owners, the
 2897 number of complaints received by type, the number and percent of
 2898 complaints acknowledged in writing within 30 days and the number
 2899 and percent of investigations acted upon within 90 days in
 2900 accordance with paragraph (n) ~~(m)~~, and the number of

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2901 investigations exceeding the 90-day requirement. The annual
 2902 report must also include an evaluation of the division's core
 2903 business processes and make recommendations for improvements,
 2904 including statutory changes. After December 31, 2024, the
 2905 division must include a list of the associations that have
 2906 completed the structural integrity reserve study required under
 2907 s. 718.112(2)(g). The report shall be submitted by September 30
 2908 following the end of the fiscal year.

2909 (2)(a) Each condominium association that ~~which~~ operates
 2910 more than two units shall pay to the division an annual fee in
 2911 the amount of \$4 for each residential unit in condominiums
 2912 operated by the association. If the fee is not paid by March 1,
 2913 the association shall be assessed a penalty of 10 percent of the
 2914 amount due, and the association will not have standing to
 2915 maintain or defend any action in the courts of this state until
 2916 the amount due, plus any penalty, is paid.

2917 (b) All fees shall be deposited in the Division of Florida
 2918 Condominiums, Timeshares, and Mobile Homes Trust Fund as
 2919 provided by law.

2920 (c) On the certification form provided by the division,
 2921 the directors of the association shall certify that each
 2922 director of the association has completed the written
 2923 certification and educational certificate requirements in s.
 2924 718.112(2)(d)4.b. This certification requirement does not apply
 2925 to the directors of an association governing a timeshare

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2926 condominium.

2927 Section 22. Subsection (2) of section 718.5011, Florida
 2928 Statutes, is amended to read:

2929 718.5011 Ombudsman; appointment; administration.—

2930 (2) The secretary of the Department of Business and
 2931 Professional Regulation ~~Governor~~ shall appoint the ombudsman.
 2932 The ombudsman ~~must be an attorney admitted to practice before~~
 2933 ~~the Florida Supreme Court and~~ shall serve at the pleasure of the
 2934 Governor. A vacancy in the office shall be filled in the same
 2935 manner as the original appointment. An officer or full-time
 2936 employee of the ombudsman's office may not actively engage in
 2937 any other business or profession that directly or indirectly
 2938 relates to or conflicts with his or her work in the ombudsman's
 2939 office; serve as the representative of any political party,
 2940 executive committee, or other governing body of a political
 2941 party; serve as an executive, officer, or employee of a
 2942 political party; receive remuneration for activities on behalf
 2943 of any candidate for public office; or engage in soliciting
 2944 votes or other activities on behalf of a candidate for public
 2945 office. The ombudsman or any employee of his or her office may
 2946 not become a candidate for election to public office unless he
 2947 or she first resigns from his or her office or employment.

2948 Section 23. Effective October 1, 2024, paragraphs (a) and
 2949 (d) of subsection (2) and subsection (3) of section 718.503,
 2950 Florida Statutes, are amended to read:

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2951 718.503 Developer disclosure prior to sale; nondeveloper
 2952 unit owner disclosure prior to sale; voidability.—
 2953 (2) NONDEVELOPER DISCLOSURE.—
 2954 (a) Each unit owner who is not a developer as defined by
 2955 this chapter must comply with this subsection before the sale of
 2956 his or her unit. Each prospective purchaser who has entered into
 2957 a contract for the purchase of a condominium unit is entitled,
 2958 at the seller's expense, to a current copy of all of the
 2959 following:
 2960 1. The declaration of condominium.
 2961 2. Articles of incorporation of the association.
 2962 3. Bylaws and rules of the association.
 2963 4. An annual financial statement and annual budget of the
 2964 condominium association ~~Financial information required by s.~~
 2965 ~~718.111.~~
 2966 5. A copy of the inspector-prepared summary of the
 2967 milestone inspection report as described in s. 553.899, if
 2968 applicable.
 2969 6. The association's most recent structural integrity
 2970 reserve study or a statement that the association has not
 2971 completed a structural integrity reserve study.
 2972 7. A copy of the inspection report described in s.
 2973 718.301(4)(p) and (q) for a turnover inspection performed on or
 2974 after July 1, 2023.
 2975 8. The document entitled "Frequently Asked Questions and

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2976 | Answers" required by s. 718.504.

2977 | (d) Each contract entered into after July 1, 1992, for the
2978 | resale of a residential unit shall contain in conspicuous type
2979 | either:

2980 | 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
2981 | THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
2982 | OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,
2983 | BYLAWS AND RULES OF THE ASSOCIATION, ~~AND~~ A COPY OF THE MOST
2984 | RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, YEAR-END
2985 | ~~FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS
2986 | DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND
2987 | LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2988 | 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
2989 | BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
2990 | CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
2991 | HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
2992 | BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
2993 | OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF
2994 | THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL
2995 | STATEMENT AND ANNUAL BUDGET, AND A COPY OF THE MOST RECENT YEAR-
2996 | ~~END FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND
2997 | ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED
2998 | WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
2999 | MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3
3000 | DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER

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3001 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,
 3002 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST
 3003 RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED
 3004 QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S
 3005 RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

3006
 3007 A contract that does not conform to the requirements of this
 3008 paragraph is voidable at the option of the purchaser prior to
 3009 closing.

3010 (3) OTHER DISCLOSURES ~~DISCLOSURE~~.—

3011 (a) If residential condominium parcels are offered for
 3012 sale or lease prior to completion of construction of the units
 3013 and of improvements to the common elements, or prior to
 3014 completion of remodeling of previously occupied buildings, the
 3015 developer must ~~shall~~ make available to each prospective
 3016 purchaser or lessee, for his or her inspection at a place
 3017 convenient to the site, a copy of the complete plans and
 3018 specifications for the construction or remodeling of the unit
 3019 offered to him or her and of the improvements to the common
 3020 elements appurtenant to the unit.

3021 (b) Sales brochures, if any, must ~~shall~~ be provided to
 3022 each purchaser, and the following caveat in conspicuous type
 3023 must ~~shall~~ be placed on the inside front cover or on the first
 3024 page containing text material of the sales brochure, or
 3025 otherwise conspicuously displayed: "ORAL REPRESENTATIONS CANNOT

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3026 BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE
 3027 DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS
 3028 BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503,
 3029 FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR
 3030 LESSEE." If timeshare estates have been or may be created with
 3031 respect to any unit in the condominium, the sales brochure must
 3032 ~~shall~~ contain the following statement in conspicuous type:
 3033 "UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES."

3034 (c) If a unit is located within a condominium that is
 3035 created within a portion of a building or within a multiple
 3036 parcel building, the developer or nondeveloper unit owner must
 3037 provide the disclosures required by s. 718.407(5).

3038 Section 24. Effective October 1, 2024, section 718.504,
 3039 Florida Statutes, is amended to read:

3040 718.504 Prospectus or offering circular.—Every developer
 3041 of a residential condominium which contains more than 20
 3042 residential units, or which is part of a group of residential
 3043 condominiums which will be served by property to be used in
 3044 common by unit owners of more than 20 residential units, shall
 3045 prepare a prospectus or offering circular and file it with the
 3046 Division of Florida Condominiums, Timeshares, and Mobile Homes
 3047 prior to entering into an enforceable contract of purchase and
 3048 sale of any unit or lease of a unit for more than 5 years and
 3049 shall furnish a copy of the prospectus or offering circular to
 3050 each buyer. In addition to the prospectus or offering circular,

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3051 each buyer shall be furnished a separate page entitled
3052 "Frequently Asked Questions and Answers," which shall be in
3053 accordance with a format approved by the division and a copy of
3054 the financial information required by s. 718.111. This page
3055 shall, in readable language, inform prospective purchasers
3056 regarding their voting rights and unit use restrictions,
3057 including restrictions on the leasing of a unit; shall indicate
3058 whether and in what amount the unit owners or the association is
3059 obligated to pay rent or land use fees for recreational or other
3060 commonly used facilities; shall contain a statement identifying
3061 that amount of assessment which, pursuant to the budget, would
3062 be levied upon each unit type, exclusive of any special
3063 assessments, and which shall further identify the basis upon
3064 which assessments are levied, whether monthly, quarterly, or
3065 otherwise; shall state and identify any court cases in which the
3066 association is currently a party of record in which the
3067 association may face liability in excess of \$100,000; shall
3068 state whether the condominium is created within a portion of a
3069 building or within a multiple parcel building; and which shall
3070 further state whether membership in a recreational facilities
3071 association is mandatory, and if so, shall identify the fees
3072 currently charged per unit type. The division shall by rule
3073 require such other disclosure as in its judgment will assist
3074 prospective purchasers. The prospectus or offering circular may
3075 include more than one condominium, although not all such units

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3076 are being offered for sale as of the date of the prospectus or
 3077 offering circular. The prospectus or offering circular must
 3078 contain the following information:

3079 (1) The front cover or the first page must contain only:

3080 (a) The name of the condominium.

3081 (b) The following statements in conspicuous type:

3082 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT
 3083 MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

3084 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN
 3085 NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES,
 3086 ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES
 3087 MATERIALS.

3088 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY
 3089 STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS
 3090 PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT
 3091 REPRESENTATIONS.

3092 (2) Summary: The next page must contain all statements
 3093 required to be in conspicuous type in the prospectus or offering
 3094 circular.

3095 (3) A separate index of the contents and exhibits of the
 3096 prospectus.

3097 (4) Beginning on the first page of the text (not including
 3098 the summary and index), a description of the condominium,
 3099 including, but not limited to, the following information:

3100 (a) Its name and location.

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3101 (b) A description of the condominium property, including,
 3102 without limitation:

3103 1. The number of buildings, the number of units in each
 3104 building, the number of bathrooms and bedrooms in each unit, and
 3105 the total number of units, if the condominium is not a phase
 3106 condominium, or the maximum number of buildings that may be
 3107 contained within the condominium, the minimum and maximum
 3108 numbers of units in each building, the minimum and maximum
 3109 numbers of bathrooms and bedrooms that may be contained in each
 3110 unit, and the maximum number of units that may be contained
 3111 within the condominium, if the condominium is a phase
 3112 condominium.

3113 2. The page in the condominium documents where a copy of
 3114 the plot plan and survey of the condominium is located.

3115 3. The estimated latest date of completion of
 3116 constructing, finishing, and equipping. In lieu of a date, the
 3117 description shall include a statement that the estimated date of
 3118 completion of the condominium is in the purchase agreement and a
 3119 reference to the article or paragraph containing that
 3120 information.

3121 (c) The maximum number of units that will use facilities
 3122 in common with the condominium. If the maximum number of units
 3123 will vary, a description of the basis for variation and the
 3124 minimum amount of dollars per unit to be spent for additional
 3125 recreational facilities or enlargement of such facilities. If

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3126 | the addition or enlargement of facilities will result in a
 3127 | material increase of a unit owner's maintenance expense or
 3128 | rental expense, if any, the maximum increase and limitations
 3129 | thereon shall be stated.

3130 | (5) (a) A statement in conspicuous type describing whether
 3131 | the condominium is created and being sold as fee simple
 3132 | interests or as leasehold interests. If the condominium is
 3133 | created or being sold on a leasehold, the location of the lease
 3134 | in the disclosure materials shall be stated.

3135 | (b) If timeshare estates are or may be created with
 3136 | respect to any unit in the condominium, a statement in
 3137 | conspicuous type stating that timeshare estates are created and
 3138 | being sold in units in the condominium.

3139 | (6) A description of the recreational and other commonly
 3140 | used facilities that will be used only by unit owners of the
 3141 | condominium, including, but not limited to, the following:

3142 | (a) Each room and its intended purposes, location,
 3143 | approximate floor area, and capacity in numbers of people.

3144 | (b) Each swimming pool, as to its general location,
 3145 | approximate size and depths, approximate deck size and capacity,
 3146 | and whether heated.

3147 | (c) Additional facilities, as to the number of each
 3148 | facility, its approximate location, approximate size, and
 3149 | approximate capacity.

3150 | (d) A general description of the items of personal

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3151 property and the approximate number of each item of personal
 3152 property that the developer is committing to furnish for each
 3153 room or other facility or, in the alternative, a representation
 3154 as to the minimum amount of expenditure that will be made to
 3155 purchase the personal property for the facility.

3156 (e) The estimated date when each room or other facility
 3157 will be available for use by the unit owners.

3158 (f)1. An identification of each room or other facility to
 3159 be used by unit owners that will not be owned by the unit owners
 3160 or the association;

3161 2. A reference to the location in the disclosure materials
 3162 of the lease or other agreements providing for the use of those
 3163 facilities; and

3164 3. A description of the terms of the lease or other
 3165 agreements, including the length of the term; the rent payable,
 3166 directly or indirectly, by each unit owner, and the total rent
 3167 payable to the lessor, stated in monthly and annual amounts for
 3168 the entire term of the lease; and a description of any option to
 3169 purchase the property leased under any such lease, including the
 3170 time the option may be exercised, the purchase price or how it
 3171 is to be determined, the manner of payment, and whether the
 3172 option may be exercised for a unit owner's share or only as to
 3173 the entire leased property.

3174 (g) A statement as to whether the developer may provide
 3175 additional facilities not described above; their general

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3176 | locations and types; improvements or changes that may be made;
 3177 | the approximate dollar amount to be expended; and the maximum
 3178 | additional common expense or cost to the individual unit owners
 3179 | that may be charged during the first annual period of operation
 3180 | of the modified or added facilities.

3181 |
 3182 | Descriptions as to locations, areas, capacities, numbers,
 3183 | volumes, or sizes may be stated as approximations or minimums.

3184 | (7) A description of the recreational and other facilities
 3185 | that will be used in common with other condominiums, community
 3186 | associations, or planned developments which require the payment
 3187 | of the maintenance and expenses of such facilities, directly or
 3188 | indirectly, by the unit owners. The description shall include,
 3189 | but not be limited to, the following:

3190 | (a) Each building and facility committed to be built and a
 3191 | summary description of the structural integrity of each building
 3192 | for which reserves are required pursuant to s. 718.112(2)(g).

3193 | (b) Facilities not committed to be built except under
 3194 | certain conditions, and a statement of those conditions or
 3195 | contingencies.

3196 | (c) As to each facility committed to be built, or which
 3197 | will be committed to be built upon the happening of one of the
 3198 | conditions in paragraph (b), a statement of whether it will be
 3199 | owned by the unit owners having the use thereof or by an
 3200 | association or other entity which will be controlled by them, or

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3201 others, and the location in the exhibits of the lease or other
 3202 document providing for use of those facilities.

3203 (d) The year in which each facility will be available for
 3204 use by the unit owners or, in the alternative, the maximum
 3205 number of unit owners in the project at the time each of all of
 3206 the facilities is committed to be completed.

3207 (e) A general description of the items of personal
 3208 property, and the approximate number of each item of personal
 3209 property, that the developer is committing to furnish for each
 3210 room or other facility or, in the alternative, a representation
 3211 as to the minimum amount of expenditure that will be made to
 3212 purchase the personal property for the facility.

3213 (f) If there are leases, a description thereof, including
 3214 the length of the term, the rent payable, and a description of
 3215 any option to purchase.

3216
 3217 Descriptions shall include location, areas, capacities, numbers,
 3218 volumes, or sizes and may be stated as approximations or
 3219 minimums.

3220 (8) Recreation lease or associated club membership:

3221 (a) If any recreational facilities or other facilities
 3222 offered by the developer and available to, or to be used by,
 3223 unit owners are to be leased or have club membership associated,
 3224 the following statement in conspicuous type shall be included:

3225 "THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS

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3226 CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS
 3227 CONDOMINIUM." There shall be a reference to the location in the
 3228 disclosure materials where the recreation lease or club
 3229 membership is described in detail.

3230 (b) If it is mandatory that unit owners pay a fee, rent,
 3231 dues, or other charges under a recreational facilities lease or
 3232 club membership for the use of facilities, there shall be in
 3233 conspicuous type the applicable statement:

3234 1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS
 3235 MANDATORY FOR UNIT OWNERS; or

3236 2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP,
 3237 TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3238 3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE
 3239 COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP,
 3240 REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES
 3241 LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

3242 4. A similar statement of the nature of the organization
 3243 or the manner in which the use rights are created, and that unit
 3244 owners are required to pay.

3245
 3246 Immediately following the applicable statement, the location in
 3247 the disclosure materials where the development is described in
 3248 detail shall be stated.

3249 (c) If the developer, or any other person other than the
 3250 unit owners and other persons having use rights in the

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3251 facilities, reserves, or is entitled to receive, any rent, fee,
 3252 or other payment for the use of the facilities, then there shall
 3253 be the following statement in conspicuous type: "THE UNIT OWNERS
 3254 OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR
 3255 RECREATIONAL OR OTHER COMMONLY USED FACILITIES." Immediately
 3256 following this statement, the location in the disclosure
 3257 materials where the rent or land use fees are described in
 3258 detail shall be stated.

3259 (d) If, in any recreation format, whether leasehold, club,
 3260 or other, any person other than the association has the right to
 3261 a lien on the units to secure the payment of assessments, rent,
 3262 or other exactions, there shall appear a statement in
 3263 conspicuous type in substantially the following form:

3264 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
 3265 UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS
 3266 UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE
 3267 TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF
 3268 THE LIEN; or

3269 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
 3270 UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER
 3271 EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP,
 3272 OR REPAIR OF THE RECREATIONAL OR COMMONLY USED
 3273 FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE
 3274 PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

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3276 Immediately following the applicable statement, the location in
 3277 the disclosure materials where the lien or lien right is
 3278 described in detail shall be stated.

3279 (9) If the developer or any other person has the right to
 3280 increase or add to the recreational facilities at any time after
 3281 the establishment of the condominium whose unit owners have use
 3282 rights therein, without the consent of the unit owners or
 3283 associations being required, there shall appear a statement in
 3284 conspicuous type in substantially the following form:

3285 "RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT
 3286 CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)." Immediately
 3287 following this statement, the location in the disclosure
 3288 materials where such reserved rights are described shall be
 3289 stated.

3290 (10) A statement of whether the developer's plan includes
 3291 a program of leasing units rather than selling them, or leasing
 3292 units and selling them subject to such leases. If so, there
 3293 shall be a description of the plan, including the number and
 3294 identification of the units and the provisions and term of the
 3295 proposed leases, and a statement in boldfaced type that: "THE
 3296 UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE."

3297 (11) The arrangements for management of the association
 3298 and maintenance and operation of the condominium property and of
 3299 other property that will serve the unit owners of the
 3300 condominium property, and a description of the management

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3301 contract and all other contracts for these purposes having a
 3302 term in excess of 1 year, including the following:

- 3303 (a) The names of contracting parties.
- 3304 (b) The term of the contract.
- 3305 (c) The nature of the services included.
- 3306 (d) The compensation, stated on a monthly and annual
 3307 basis, and provisions for increases in the compensation.
- 3308 (e) A reference to the volumes and pages of the
 3309 condominium documents and of the exhibits containing copies of
 3310 such contracts.

3311
 3312 Copies of all described contracts shall be attached as exhibits.
 3313 If there is a contract for the management of the condominium
 3314 property, then a statement in conspicuous type in substantially
 3315 the following form shall appear, identifying the proposed or
 3316 existing contract manager: "THERE IS (IS TO BE) A CONTRACT FOR
 3317 THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE
 3318 CONTRACT MANAGER)." Immediately following this statement, the
 3319 location in the disclosure materials of the contract for
 3320 management of the condominium property shall be stated.

- 3321 (12) If the developer or any other person or persons other
 3322 than the unit owners has the right to retain control of the
 3323 board of administration of the association for a period of time
 3324 which can exceed 1 year after the closing of the sale of a
 3325 majority of the units in that condominium to persons other than

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3326 successors or alternate developers, then a statement in
 3327 conspicuous type in substantially the following form shall be
 3328 included: "THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO
 3329 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS
 3330 HAVE BEEN SOLD." Immediately following this statement, the
 3331 location in the disclosure materials where this right to control
 3332 is described in detail shall be stated.

3333 (13) If there are any restrictions upon the sale,
 3334 transfer, conveyance, or leasing of a unit, then a statement in
 3335 conspicuous type in substantially the following form shall be
 3336 included: "THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED
 3337 OR CONTROLLED." Immediately following this statement, the
 3338 location in the disclosure materials where the restriction,
 3339 limitation, or control on the sale, lease, or transfer of units
 3340 is described in detail shall be stated.

3341 (14) If the condominium is part of a phase project, the
 3342 following information shall be stated:

3343 (a) A statement in conspicuous type in substantially the
 3344 following form: "THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND
 3345 AND UNITS MAY BE ADDED TO THIS CONDOMINIUM." Immediately
 3346 following this statement, the location in the disclosure
 3347 materials where the phasing is described shall be stated.

3348 (b) A summary of the provisions of the declaration which
 3349 provide for the phasing.

3350 (c) A statement as to whether or not residential buildings

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3351 and units which are added to the condominium may be
 3352 substantially different from the residential buildings and units
 3353 originally in the condominium. If the added residential
 3354 buildings and units may be substantially different, there shall
 3355 be a general description of the extent to which such added
 3356 residential buildings and units may differ, and a statement in
 3357 conspicuous type in substantially the following form shall be
 3358 included: "BUILDINGS AND UNITS WHICH ARE ADDED TO THE
 3359 CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER
 3360 BUILDINGS AND UNITS IN THE CONDOMINIUM." Immediately following
 3361 this statement, the location in the disclosure materials where
 3362 the extent to which added residential buildings and units may
 3363 substantially differ is described shall be stated.

3364 (d) A statement of the maximum number of buildings
 3365 containing units, the maximum and minimum numbers of units in
 3366 each building, the maximum number of units, and the minimum and
 3367 maximum square footage of the units that may be contained within
 3368 each parcel of land which may be added to the condominium.

3369 (15) If a condominium created on or after July 1, 2000, is
 3370 or may become part of a multicondominium, the following
 3371 information must be provided:

3372 (a) A statement in conspicuous type in substantially the
 3373 following form: "THIS CONDOMINIUM IS (MAY BE) PART OF A
 3374 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL
 3375 (MAY) BE OPERATED BY THE SAME ASSOCIATION." Immediately

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3376 following this statement, the location in the prospectus or
 3377 offering circular and its exhibits where the multicondominium
 3378 aspects of the offering are described must be stated.

3379 (b) A summary of the provisions in the declaration,
 3380 articles of incorporation, and bylaws which establish and
 3381 provide for the operation of the multicondominium, including a
 3382 statement as to whether unit owners in the condominium will have
 3383 the right to use recreational or other facilities located or
 3384 planned to be located in other condominiums operated by the same
 3385 association, and the manner of sharing the common expenses
 3386 related to such facilities.

3387 (c) A statement of the minimum and maximum number of
 3388 condominiums, and the minimum and maximum number of units in
 3389 each of those condominiums, which will or may be operated by the
 3390 association, and the latest date by which the exact number will
 3391 be finally determined.

3392 (d) A statement as to whether any of the condominiums in
 3393 the multicondominium may include units intended to be used for
 3394 nonresidential purposes and the purpose or purposes permitted
 3395 for such use.

3396 (e) A general description of the location and approximate
 3397 acreage of any land on which any additional condominiums to be
 3398 operated by the association may be located.

3399 (16) If the condominium is created by conversion of
 3400 existing improvements, the following information shall be

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3401 | stated:

3402 | (a) The information required by s. 718.616.

3403 | (b) A caveat that there are no express warranties unless

3404 | they are stated in writing by the developer.

3405 | (17) A summary of the restrictions, if any, to be imposed

3406 | on units concerning the use of any of the condominium property,

3407 | including statements as to whether there are restrictions upon

3408 | children and pets, and reference to the volumes and pages of the

3409 | condominium documents where such restrictions are found, or if

3410 | such restrictions are contained elsewhere, then a copy of the

3411 | documents containing the restrictions shall be attached as an

3412 | exhibit.

3413 | (18) If there is any land that is offered by the developer

3414 | for use by the unit owners and that is neither owned by them nor

3415 | leased to them, the association, or any entity controlled by

3416 | unit owners and other persons having the use rights to such

3417 | land, a statement shall be made as to how such land will serve

3418 | the condominium. If any part of such land will serve the

3419 | condominium, the statement shall describe the land and the

3420 | nature and term of service, and the declaration or other

3421 | instrument creating such servitude shall be included as an

3422 | exhibit.

3423 | (19) The manner in which utility and other services,

3424 | including, but not limited to, sewage and waste disposal, water

3425 | supply, and storm drainage, will be provided and the person or

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3426 | entity furnishing them.

3427 | (20) An explanation of the manner in which the
3428 | apportionment of common expenses and ownership of the common
3429 | elements has been determined.

3430 | (21) An estimated operating budget for the condominium and
3431 | the association, and a schedule of the unit owner's expenses
3432 | shall be attached as an exhibit and shall contain the following
3433 | information:

3434 | (a) The estimated monthly and annual expenses of the
3435 | condominium and the association that are collected from unit
3436 | owners by assessments.

3437 | (b) The estimated monthly and annual expenses of each unit
3438 | owner for a unit, other than common expenses paid by all unit
3439 | owners, payable by the unit owner to persons or entities other
3440 | than the association, as well as to the association, including
3441 | fees assessed pursuant to s. 718.113(1) for maintenance of
3442 | limited common elements where such costs are shared only by
3443 | those entitled to use the limited common element, and the total
3444 | estimated monthly and annual expense. There may be excluded from
3445 | this estimate expenses which are not provided for or
3446 | contemplated by the condominium documents, including, but not
3447 | limited to, the costs of private telephone; maintenance of the
3448 | interior of condominium units, which is not the obligation of
3449 | the association; maid or janitorial services privately
3450 | contracted for by the unit owners; utility bills billed directly

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3451 to each unit owner for utility services to his or her unit;
 3452 insurance premiums other than those incurred for policies
 3453 obtained by the condominium; and similar personal expenses of
 3454 the unit owner. A unit owner's estimated payments for
 3455 assessments shall also be stated in the estimated amounts for
 3456 the times when they will be due.

3457 (c) The estimated items of expenses of the condominium and
 3458 the association, except as excluded under paragraph (b),
 3459 including, but not limited to, the following items, which shall
 3460 be stated as an association expense collectible by assessments
 3461 or as unit owners' expenses payable to persons other than the
 3462 association:

- 3463 1. Expenses for the association and condominium:
- 3464 a. Administration of the association.
- 3465 b. Management fees.
- 3466 c. Maintenance.
- 3467 d. Rent for recreational and other commonly used
- 3468 facilities.
- 3469 e. Taxes upon association property.
- 3470 f. Taxes upon leased areas.
- 3471 g. Insurance.
- 3472 h. Security provisions.
- 3473 i. Other expenses.
- 3474 j. Operating capital.
- 3475 k. Reserves for all applicable items referenced in s.

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3476 718.112 (2) (g) .

3477 1. Fees payable to the division.

3478 2. Expenses for a unit owner:

3479 a. Rent for the unit, if subject to a lease.

3480 b. Rent payable by the unit owner directly to the lessor
 3481 or agent under any recreational lease or lease for the use of
 3482 commonly used facilities, which use and payment is a mandatory
 3483 condition of ownership and is not included in the common expense
 3484 or assessments for common maintenance paid by the unit owners to
 3485 the association.

3486 (d) The following statement in conspicuous type:

3487
 3488 THE BUDGET CONTAINED IN THIS OFFERING CIRCULAR HAS
 3489 BEEN PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT
 3490 AND IS A GOOD FAITH ESTIMATE ONLY AND REPRESENTS AN
 3491 APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND
 3492 CIRCUMSTANCES EXISTING AT THE TIME OF ITS PREPARATION.
 3493 ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED
 3494 COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL
 3495 ADVERSE CHANGES IN THE OFFERING.

3496
 3497 (e) Each budget for an association prepared by a developer
 3498 consistent with this subsection shall be prepared in good faith
 3499 and shall reflect accurate estimated amounts for the required
 3500 items in paragraph (c) at the time of the filing of the offering

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3501 circular with the division, and subsequent increased amounts of
 3502 any item included in the association's estimated budget that are
 3503 beyond the control of the developer shall not be considered an
 3504 amendment that would give rise to rescission rights set forth in
 3505 s. 718.503(1)(a) or (b), nor shall such increases modify, void,
 3506 or otherwise affect any guarantee of the developer contained in
 3507 the offering circular or any purchase contract. It is the intent
 3508 of this paragraph to clarify existing law.

3509 (f) The estimated amounts shall be stated for a period of
 3510 at least 12 months and may distinguish between the period prior
 3511 to the time unit owners other than the developer elect a
 3512 majority of the board of administration and the period after
 3513 that date.

3514 (22) A schedule of estimated closing expenses to be paid
 3515 by a buyer or lessee of a unit and a statement of whether title
 3516 opinion or title insurance policy is available to the buyer and,
 3517 if so, at whose expense.

3518 (23) The identity of the developer and the chief operating
 3519 officer or principal directing the creation and sale of the
 3520 condominium and a statement of its and his or her experience in
 3521 this field.

3522 (24) Copies of the following, to the extent they are
 3523 applicable, shall be included as exhibits:

3524 (a) The declaration of condominium, or the proposed
 3525 declaration if the declaration has not been recorded.

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- 3526 (b) The articles of incorporation creating the
- 3527 association.
- 3528 (c) The bylaws of the association.
- 3529 (d) The ground lease or other underlying lease of the
- 3530 condominium.
- 3531 (e) The management agreement and all maintenance and other
- 3532 contracts for management of the association and operation of the
- 3533 condominium and facilities used by the unit owners having a
- 3534 service term in excess of 1 year.
- 3535 (f) The estimated operating budget for the condominium,
- 3536 the required schedule of unit owners' expenses, and the
- 3537 association's most recent structural integrity reserve study or
- 3538 a statement that the association has not completed a structural
- 3539 integrity reserve study.
- 3540 (g) A copy of the floor plan of the unit and the plot plan
- 3541 showing the location of the residential buildings and the
- 3542 recreation and other common areas.
- 3543 (h) The lease of recreational and other facilities that
- 3544 will be used only by unit owners of the subject condominium.
- 3545 (i) The lease of facilities used by owners and others.
- 3546 (j) The form of unit lease, if the offer is of a
- 3547 leasehold.
- 3548 (k) A declaration of servitude of properties serving the
- 3549 condominium but not owned by unit owners or leased to them or
- 3550 the association.

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3551 (l) The statement of condition of the existing building or
 3552 buildings, if the offering is of units in an operation being
 3553 converted to condominium ownership.

3554 (m) The statement of inspection for termite damage and
 3555 treatment of the existing improvements, if the condominium is a
 3556 conversion.

3557 (n) The form of agreement for sale or lease of units.

3558 (o) A copy of the agreement for escrow of payments made to
 3559 the developer prior to closing.

3560 (p) A copy of the documents containing any restrictions on
 3561 use of the property required by subsection (17).

3562 (q) A copy of the inspector-prepared summary of the
 3563 milestone inspection report as described in ss. 553.899 and
 3564 718.301(4)(p), as applicable.

3565 (25) Any prospectus or offering circular complying, prior
 3566 to the effective date of this act, with the provisions of former
 3567 ss. 711.69 and 711.802 may continue to be used without amendment
 3568 or may be amended to comply with this chapter.

3569 (26) A brief narrative description of the location and
 3570 effect of all existing and intended easements located or to be
 3571 located on the condominium property other than those described
 3572 in the declaration.

3573 (27) If the developer is required by state or local
 3574 authorities to obtain acceptance or approval of any dock or
 3575 marina facilities intended to serve the condominium, a copy of

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3576 any such acceptance or approval acquired by the time of filing
 3577 with the division under s. 718.502(1) or a statement that such
 3578 acceptance or approval has not been acquired or received.

3579 (28) Evidence demonstrating that the developer has an
 3580 ownership, leasehold, or contractual interest in the land upon
 3581 which the condominium is to be developed.

3582 Section 25. Paragraph (k) of subsection (1) of section
 3583 719.106, Florida Statutes, is amended to read:

3584 719.106 Bylaws; cooperative ownership.—

3585 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 3586 documents shall provide for the following, and if they do not,
 3587 they shall be deemed to include the following:

3588 (k) *Structural integrity reserve study*.—

3589 1. A residential cooperative association must have a
 3590 structural integrity reserve study completed at least every 10
 3591 years for each building on the cooperative property that is
 3592 three stories or higher in height, as determined by the Florida
 3593 Building Code, that includes, at a minimum, a study of the
 3594 following items as related to the structural integrity and
 3595 safety of the building:

3596 a. Roof.

3597 b. Structure, including load-bearing walls and other
 3598 primary structural members and primary structural systems as
 3599 those terms are defined in s. 627.706.

3600 c. Fireproofing and fire protection systems.

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3601 d. Plumbing.

3602 e. Electrical systems.

3603 f. Waterproofing and exterior painting.

3604 g. Windows and exterior doors.

3605 h. Any other item that has a deferred maintenance expense

3606 or replacement cost that exceeds \$10,000 and the failure to

3607 replace or maintain such item negatively affects the items

3608 listed in sub-subparagraphs a.-g., as determined by the visual

3609 inspection portion of the structural integrity reserve study.

3610 2. A structural integrity reserve study is based on a

3611 visual inspection of the cooperative property. A structural

3612 integrity reserve study may be performed by any person qualified

3613 to perform such study. However, the visual inspection portion of

3614 the structural integrity reserve study must be performed or

3615 verified by an engineer licensed under chapter 471, an architect

3616 licensed under chapter 481, or a person certified as a reserve

3617 specialist or professional reserve analyst by the Community

3618 Associations Institute or the Association of Professional

3619 Reserve Analysts.

3620 3. At a minimum, a structural integrity reserve study must

3621 identify each item of the cooperative property being visually

3622 inspected, state the estimated remaining useful life and the

3623 estimated replacement cost or deferred maintenance expense of

3624 each item of the cooperative property being visually inspected,

3625 and provide a reserve funding schedule with a recommended annual

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3626 | reserve amount that achieves the estimated replacement cost or
3627 | deferred maintenance expense of each item of cooperative
3628 | property being visually inspected by the end of the estimated
3629 | remaining useful life of the item. The structural integrity
3630 | reserve study may recommend that reserves do not need to be
3631 | maintained for any item for which an estimate of useful life and
3632 | an estimate of replacement cost cannot be determined, or the
3633 | study may recommend a deferred maintenance expense amount for
3634 | such item. The structural integrity reserve study may recommend
3635 | that reserves for replacement costs do not need to be maintained
3636 | for any item with an estimated remaining useful life of greater
3637 | than 25 years, but the study may recommend a deferred
3638 | maintenance expense amount for such item.

3639 | 4. This paragraph does not apply to buildings less than
3640 | three stories in height; single-family, two-family, or three-
3641 | family dwellings with three or fewer habitable stories above
3642 | ground; any portion or component of a building that has not been
3643 | submitted to the cooperative form of ownership; or any portion
3644 | or component of a building that is maintained by a party other
3645 | than the association.

3646 | 5. Before a developer turns over control of an association
3647 | to unit owners other than the developer, the developer must have
3648 | a turnover inspection report in compliance with s. 719.301(4)(p)
3649 | and (q) for each building on the cooperative property that is
3650 | three stories or higher in height.

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3651 6. Associations existing on or before July 1, 2022, which
3652 are controlled by unit owners other than the developer, must
3653 have a structural integrity reserve study completed by December
3654 31, 2024, for each building on the cooperative property that is
3655 three stories or higher in height. An association that is
3656 required to complete a milestone inspection on or before
3657 December 31, 2026, in accordance with s. 553.899 may complete
3658 the structural integrity reserve study simultaneously with the
3659 milestone inspection. In no event may the structural integrity
3660 reserve study be completed after December 31, 2026.

3661 7. If the milestone inspection required by s. 553.899, or
3662 an inspection completed for a similar local requirement, was
3663 performed within the past 5 years and meets the requirements of
3664 this paragraph, such inspection may be used in place of the
3665 visual inspection portion of the structural integrity reserve
3666 study.

3667 8. If the officers or directors of an association
3668 willfully and knowingly fail to complete a structural integrity
3669 reserve study pursuant to this paragraph, such failure is a
3670 breach of an officer's and director's fiduciary relationship to
3671 the unit owners under s. 719.104(9).

3672 9. Within 45 days after receiving the structural integrity
3673 reserve study, the association must distribute a copy of the
3674 study to each unit owner or deliver to each unit owner a notice
3675 that the completed study is available for inspection and copying

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3676 upon a written request. Distribution of a copy of the study or
3677 notice must be made by United States mail or personal delivery
3678 at the mailing address, property address, or any other address
3679 of the owner provided to fulfill the association's notice
3680 requirements under this chapter, or by electronic transmission
3681 to the e-mail address or facsimile number provided to fulfill
3682 the association's notice requirements to unit owners who
3683 previously consented to receive notice by electronic
3684 transmission.

3685 10. Within 45 days after receiving the structural
3686 integrity reserve study, the association must provide the
3687 division with a statement indicating that the study was
3688 completed and that the association provided or made available
3689 such study to each unit owner in accordance with this section.
3690 Such statement must be provided to the division in the manner
3691 established by the division using a form posted on the
3692 division's website.

3693 Section 26. Section 719.129, Florida Statutes, is amended
3694 to read:

3695 719.129 Electronic voting.—The association may conduct
3696 elections and other unit owner votes through an Internet-based
3697 online voting system if a unit owner consents, electronically or
3698 in writing, to online voting and if the following requirements
3699 are met:

3700 (1) The association provides each unit owner with:

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3701 (a) A method to authenticate the unit owner's identity to
 3702 the online voting system.

3703 (b) For elections of the board, a method to transmit an
 3704 electronic ballot to the online voting system that ensures the
 3705 secrecy and integrity of each ballot.

3706 (c) A method to confirm, at least 14 days before the
 3707 voting deadline, that the unit owner's electronic device can
 3708 successfully communicate with the online voting system.

3709 (2) The association uses an online voting system that is:

3710 (a) Able to authenticate the unit owner's identity.

3711 (b) Able to authenticate the validity of each electronic
 3712 vote to ensure that the vote is not altered in transit.

3713 (c) Able to transmit a receipt from the online voting
 3714 system to each unit owner who casts an electronic vote.

3715 (d) For elections of the board of administration, able to
 3716 permanently separate any authentication or identifying
 3717 information from the electronic election ballot, rendering it
 3718 impossible to tie an election ballot to a specific unit owner.

3719 (e) Able to store and keep electronic votes accessible to
 3720 election officials for recount, inspection, and review purposes.

3721 (3) A unit owner voting electronically pursuant to this
 3722 section shall be counted as being in attendance at the meeting
 3723 for purposes of determining a quorum. A substantive vote of the
 3724 unit owners may not be taken on any issue other than the issues
 3725 specifically identified in the electronic vote, when a quorum is

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3726 established based on unit owners voting electronically pursuant
 3727 to this section.

3728 (4) This section applies to an association that provides
 3729 for and authorizes an online voting system pursuant to this
 3730 section by a board resolution. If the board authorizes online
 3731 voting, the board must honor a unit owner's request to vote
 3732 electronically at all subsequent elections, unless such unit
 3733 owner opts out of online voting. The board resolution must
 3734 provide that unit owners receive notice of the opportunity to
 3735 vote through an online voting system, must establish reasonable
 3736 procedures and deadlines for unit owners to consent,
 3737 electronically or in writing, to online voting, and must
 3738 establish reasonable procedures and deadlines for unit owners to
 3739 opt out of online voting after giving consent. Written notice of
 3740 a meeting at which the resolution will be considered must be
 3741 mailed, delivered, or electronically transmitted to the unit
 3742 owners and posted conspicuously on the condominium property or
 3743 association property at least 14 days before the meeting.
 3744 Evidence of compliance with the 14-day notice requirement must
 3745 be made by an affidavit executed by the person providing the
 3746 notice and filed with the official records of the association.

3747 (5) A unit owner's consent to online voting is valid until
 3748 the unit owner opts out of online voting pursuant to the
 3749 procedures established by the board of administration pursuant
 3750 to subsection (4).

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3751 (6) This section may apply to any matter that requires a
 3752 vote of the unit owners who are not members of a timeshare
 3753 cooperative association.

3754 Section 27. Paragraph (p) of subsection (4) of section
 3755 719.301, Florida Statutes, is amended to read:

3756 719.301 Transfer of association control.—

3757 (4) When unit owners other than the developer elect a
 3758 majority of the members of the board of administration of an
 3759 association, the developer shall relinquish control of the
 3760 association, and the unit owners shall accept control.

3761 Simultaneously, or for the purpose of paragraph (c) not more
 3762 than 90 days thereafter, the developer shall deliver to the
 3763 association, at the developer's expense, all property of the
 3764 unit owners and of the association held or controlled by the
 3765 developer, including, but not limited to, the following items,
 3766 if applicable, as to each cooperative operated by the
 3767 association:

3768 (p) Notwithstanding when the certificate of occupancy was
 3769 issued or the height of the building, a turnover inspection
 3770 report included in the official records, under seal of an
 3771 architect or engineer authorized to practice in this state or a
 3772 person certified as a reserve specialist or professional reserve
 3773 analyst by the Community Associations Institute or the
 3774 Association of Professional Reserve Analysts, consisting of a
 3775 structural integrity reserve study attesting to required

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3776 maintenance, condition, useful life, and replacement costs of
 3777 the following applicable cooperative property:

- 3778 1. Roof.
- 3779 2. Structure, including load-bearing walls and primary
 3780 structural members and primary structural systems as those terms
 3781 are defined in s. 627.706.
- 3782 3. Fireproofing and fire protection systems.
- 3783 4. Plumbing.
- 3784 5. Electrical systems.
- 3785 6. Waterproofing and exterior painting.
- 3786 7. Windows and exterior doors.

3787 Section 28. The Division of Florida Condominiums,
 3788 Timeshares, and Mobile Homes of the Department of Business and
 3789 Professional Regulation shall complete a review of the website
 3790 or application requirements for official records under s.
 3791 718.111(12)(g), Florida Statutes, and make recommendations
 3792 regarding any additional official records of a condominium
 3793 association that should be included in the record maintenance
 3794 requirements in the statute. The division shall submit to the
 3795 Governor, the President of the Senate, and the Speaker of the
 3796 House of Representatives the findings of its review by January
 3797 1, 2025.

3798 Section 29. By January 1, 2025, the Division of Florida
 3799 Condominiums, Timeshares, and Mobile Homes of the Department of
 3800 Business and Professional Regulation shall create a database on

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3801 its website of the associations that have reported the
3802 completion of the structural integrity reserve study under ss.
3803 718.112(2)(g) and 719.106(1)(k), Florida Statutes.

3804 Section 30. For the 2024-2025 fiscal year, the sums of
3805 \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds
3806 from the General Revenue Fund are appropriated to the Department
3807 of Business and Professional Regulation, and 65 full-time
3808 equivalent positions with associated salary rate of 3,180,319
3809 are authorized, for the purpose of implementing this act.

3810 Section 31. The amendments made to ss. 718.103(14) and
3811 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as
3812 created by this act, are intended to clarify existing law and
3813 shall apply retroactively. However, such amendments do not
3814 revive or reinstate any right or interest that has been fully
3815 and finally adjudicated as invalid before October 1, 2024.

3816 Section 32. The Florida Building Commission shall perform
3817 a study on standards to prevent water intrusion through the
3818 tracks of sliding glass doors, including the consideration of
3819 devices designed to further prevent such water intrusion. By
3820 December 1, 2024, the Florida Building Commission must provide a
3821 written report of its recommendations to the Governor, the
3822 President of the Senate, the Speaker of the House of
3823 Representatives, and the chairs of the legislative
3824 appropriations committees and appropriate substantive committees
3825 with jurisdiction over chapter 718, Florida Statutes.

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3826 | Section 33. Except as otherwise expressly provided in this
3827 | act, this act shall take effect July 1, 2024.