

# 2025 CONDOMINIUM DIRECTOR DBPR CERTIFICATION COURSE



**Presented by:**

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**PLEASE NOTE THAT TEXT IN RED FONT WAS ADDED TO CHAPTER 718, FLORIDA STATUTES BY HB 913, CHAPTER 2025-175, LAWS OF FLORIDA.**

# 1. STRUCTURAL INTEGRITY RESERVE STUDIES (“SIRS”)

Section 718.112(2)(g), Florida Statutes -- Structural integrity reserve study.

A residential condominium association must have a structural integrity reserve study (“SIRS”) completed at least every ten (10) years after the condominium's creation for each building on the condominium property that is three (3) habitable stories or higher in height, as determined by the Florida Building Code.

## 1.1 SIRS MANDATORY ITEMS.

SIRS must include, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

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

## 1.2 SIRS BASED ON A VISUAL INSPECTION.

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

## 1.3 WHO MAY PERFORM SIRS.

- A. A structural integrity reserve study, **including the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer** licensed under chapter 471, **an architect** licensed under chapter 481, or **a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.**
- B. **Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed**

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

## 1.4 MINIMUM SIRS REQUIREMENTS.

At a minimum, a structural integrity reserve study ("SIRS") must:

- (1) Identify each item of the condominium property being visually inspected,
- (2) State the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and
- (3) Provide a reserve funding plan or schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. **At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.**

## 1.5 SIRS DISCRETIONARY ITEMS.

- A. ITEMS WITH A USEFUL LIFE OR REPLACEMENT COST CANNOT BE DETERMINED.** The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item.
- B. ITEMS WITH A USEFUL LIFE OF GREATER THAN 25 YEARS.** The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. **If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended**

reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

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

## 1.6 EXCLUDED FROM SECTION 718.112(2)(G).

This paragraph does not apply to:

- (1) buildings less than three (3) stories in height;
- (2) single-family, two-family, three-family, or four-family dwellings with three or fewer habitable stories above ground;
- (3) any portion or component of a building that has not been submitted to the condominium form of ownership; or
- (4) any portion or component of a building that is maintained by a party other than the association.

## 1.7 DEVELOPER REQUIREMENTS BEFORE TURNOVER.

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

## 1.8 ASSOCIATIONS EXISTING ON OR BEFORE JULY 1, 2022 CONTROLLED BY OWNERS.

Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025, for each building on the condominium property that is three stories or higher in height.

## 1.9 SIMULTANEOUS MILESTONE AND SIRS.

An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

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

## 1.10 COMPARABLE MILESTONE INSPECTION WITHIN LAST FIVE YEARS.

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

## 1.11 BREACH OF FIDUCIARY RELATIONSHIP.

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

## 1.12 SIRS DISTRIBUTION REQUIREMENT TO OWNERS.

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

## 1.13 SIRS COMPLIANCE STATEMENT & ONLINE ACCOUNT WITH THE DIVISION.

**Within 45 days** after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available

such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

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

## **ONLINE ACCOUNT WITH THE DIVISION.**

### **Section 718.501(3), Florida Statutes:**

(3) **On or before October 1, 2025,** all condominium associations must create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require condominium associations to provide such information no more than once per year, except that the division may require condominium associations to update the contact information in paragraph (a) within 30 days after any change. The division shall provide a condominium association at least a 45-day notice of any requirement to provide any information after the condominium association initially creates an online account. The information that the division may require from condominium associations is limited to:

(a) Contact information for the association that includes:

1. Name of the association.
2. The physical address of the condominium property.
3. Mailing address and county of the association.
- 4. E-mail address and telephone number for the association.**
- 5. Name and board title for each member of the association's board.**
6. Name and contact information of the association's community association manager or community association management firm, if applicable.
7. The hyperlink or website address of the association's website, if applicable.

(b) Total number of buildings and for each building in the association:

1. Total number of stories, including both habitable and uninhabitable stories.
2. Total number of units.
3. Age of each building based on the certificate of occupancy.
4. Any construction commenced within the common elements within the calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.
2. Purpose of the assessment or special assessment.
3. Name of the financial institution or institutions with which the association maintains accounts.

**(d) A copy of any structural integrity reserve study and any associated materials requested by the department within 5 business days after such request, in a manner prescribed by the department.**

Division of Condominiums, DBPR Online Services

<https://www.myfloridalicense.com/datamart/loginFLDBPR.do>

For help, please call (954) 202-6831 or by email at [CTMHEducation@myfloridalicense.com](mailto:CTMHEducation@myfloridalicense.com).

## 1.14 GENERAL RESERVE REQUIREMENTS.

In addition to annual operating expenses, **the budget must include reserve accounts for capital expenditures and deferred maintenance.** These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph 6., whichever is greater. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item.

If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study.

## 1.15 FUNDING MANDATORY SIRS RESERVES.

**(I) Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans. A special assessment, a line of credit, or a loan under this sub-subparagraph requires the approval of a majority vote of the total voting interests of the association.**

**(II)** A unit-owner-controlled association that must have a structural integrity reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. The line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loan must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A special assessment, a line of credit, or a loan secured under this sub-subparagraph and related details must be included in the annual financial statement that is required under s. 718.111(13) to be delivered to unit owners and required under s. 718.503 to be provided to prospective purchasers of a unit.

**(III)** This sub-subparagraph does not apply to associations controlled by a developer as defined in s. 718.103, an association in which the non-developer unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703.

**In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study.**

- With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items.
- The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.
- For a budget adopted **before December 31, 2024**, the members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection.
- **For a budget adopted on or after December 31, 2024**, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association operating a multicondominium may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method has been approved by the division.

## 1.16 BUILDING DETERMINED TO BE UNINHABITABLE DUE TO NATURAL EMERGENCY.

If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board, ~~upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than two consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This subparagraph does not apply to an association controlled by a developer as defined in s. 718.103, an association in which the non-developer unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve

contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

### 1.17 FUNDING MANDATORY RESERVES.

Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended.

### 1.18 SIRS RESERVES RESTRICTED TO STATED PURPOSES.

For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g).

### 1.19 OWNERS ELIGIBLE TO VOTE ON RESERVES.

The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question.

### 1.20 RESERVES MANDATORY PROXY STATEMENT.

Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: **WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

### 1.21 POOLING RESERVE ACCOUNTS.

An association's reserve accounts may be pooled for two or more required components. Reserve funding for components listed in paragraph (g) may only be pooled with other components listed in paragraph (g). The reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or

schedule of the most recent structural integrity reserve study. A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

## 2 MILESTONE INSPECTIONS – Section 718.112(2)(h), Florida Statutes

### 2.15 MANDATORY MILESTONE INSPECTION.

**(h) Mandatory milestone inspections.**--If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899.

### 2.16 COSTS OF MILESTONE INSPECTION.

The association is responsible for all costs associated with the milestone inspection attributable to the portions of the building which the association is responsible for maintaining under the governing documents of the association.

### 2.17 BREACH OF FIDUCIARY DUTY.

If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s. 553.899, **such failure is a breach of the officers' and directors' fiduciary relationship** to the unit owners under s. 718.111(1)(a).

### 2.18 ASSOCIATION REQUIRED NOTICE TO THE UNIT OWNERS.

**Within 14 days after receipt of a written notice from the local enforcement agency that a milestone inspection is required, the association must notify the unit owners of the required milestone inspection and provide the date by which the milestone inspection must be completed.** Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

### 2.19 REQUIREMENT TO DISTRIBUTE A COPY OF THE INSPECTION OR SUMMARY.

**Within 45 days after receiving a phase one or phase two milestone inspection report from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner,** regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter and by electronic

transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; **must post a copy of the inspector-prepared summary in a conspicuous place on the condominium property**; and **must publish the full report and inspector-prepared summary on the association's website**, if the association is required to have a website.

**Practice Note:** *Johnson v. Davis*, 480 So.2d 625 (Fla. 1985)(holding that where a seller knows of facts materially affecting value of property which are not readily observable and are not known to purchaser, seller is under a duty to disclose them to purchaser, and duty is equally applicable to all forms of real property, new and used.

## 2.20 PURPOSE OF STATEWIDE STRUCTURAL INSPECTION PROGRAM.

**LEGISLATIVE FINDINGS -- 553.899(1) , Florida Statutes.**

The Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

## 2.7 KEY MILESTONE INSPECTION DEFINITIONS.

553.899 (2)(a) -- **“Milestone inspection”** means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, **by an architect** licensed under chapter 481 **or engineer** licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.

553.899(2)(b) -- **“Substantial structural deterioration”** means substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage,

or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

## 2.8 REQUIREMENT FOR A MILESTONE INSPECTION.

553.899(3)(a) -- An owner or owners of a building that is **three habitable stories or more in height as determined by the Florida Building Code** and that is subject, in whole or in part, to the condominium or cooperative form of ownership **as a residential condominium** under chapter 718 or a **residential cooperative** under chapter 719 **must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age**, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before **December 31, 2024**. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before **December 31, 2025**. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

## 2.9 LOCAL ENFORCEMENT AGENCY DISCRETION TO REQUIRE MILESTONE INSPECT AT 25 YEARS.

553.899(3)(b) -- The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

## 2.10 LOCAL ENFORCEMENT AGENCY DISCRETION TO EXTEND DATE BY WHICH MILESTONE INSPECTION MUST BE COMPLETED.

553.899(3)(c) -- The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

## 2.11 LOCAL ENFORCEMENT AGENCY MAY ACCEPT MILESTONE INSPECT PERFORMED BEFORE JULY 1, 2022.

553.899(3)(d) -- The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed **before July 1, 2022**, if the

inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in subsection (9). The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

## **2.12 MILESTONE INSPECTION REPORT MUST BE ARRANGED BY ASSOCIATION AND ANY OWNER OF THE BUILDING NOT SUBJECT TO CONDOMINIUM FORM OF OWNERSHIP.**

553.899(4) -- The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association.

## **2.13 EXCEPTIONS.**

**This section [553.899, Florida Statutes] does not apply to a single-family, two-family, three-family, or four-family dwelling with three or fewer habitable stories above ground.**

**Practice Note:** According to the *PREFACE*, when used in the Florida Statutes, each “Section” within a chapter is identified by a decimal number consisting of the chapter number followed by two to five digits appearing to the right of the decimal point. For example, s. 16.01 would identify a section in chapter 16 of the Florida Statutes.

## **2.14 NOTICE FROM LOCAL ENFORCEMENT AGENCY OF NEED FOR MILESTONE INSPECTION AND ASSOCIATION NOTICE TO THE OWNERS.**

553.899(5) -- Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection **within 14 days after receipt of the**

written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

## 2.15 DEADLINE FOR COMPLETION OF PHASE 1 OF THE MILESTONE INSPECTION.

553.899(6) -- Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under subsection (5). For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

## 2.16 TWO PHASES OF MILESTONE INSPECTION.

### PHASE ONE – 553.899(7)(a)

For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and non-habitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in paragraph (b), is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

### PHASE TWO – 553.899(7)(b)

A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

## 2.17 MILESTONE INSPECTION REPORT & SEPARATE SUMMARY.

553.899(8) -- Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction.

## 2.18 INSPECTION REPORT REQUIREMENTS.

553.899(8) -- **The inspection report must, at a minimum, meet all of the following criteria:**

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

## 2.19 ASSOCIATION DEADLINE TO DISTRIBUTE INSPECTION REPORT.

553.899(9) -- Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; **must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website**, if the association is required to have a website.

## 2.20 LOCAL ENFORCEMENT AGENCY MAY PRESCRIBE TIMELINES AND PENALTIES REGARDING COMPLIANCE.

553.899(10) -- A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

## 2.21 COUNTY OR CITY MAY ADOPT AN ORDINANCE THAT REQUIRES A TIMELINE FOR COMMENCING REPAIRS FOR SUBSTANTIAL STRUCTURAL DETERIORATION

(11) A board of county commissioners or municipal governing body shall adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

## 2.22 ARCHITECT OR ENGINEER NEW DISCLOSURE REQUIREMENTS

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

## 3. DIRECTOR ELECTIONS --Section 718.112(2)(d), Florida Statutes

### 3.1 WHEN A DIRECTOR ELECTION IS REQUIRED.

Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. An election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

### 3.2 CANDIDATE DEFINITION.

The term “**candidate**” means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate.

### 3.3 EXPIRATION OF DIRECTOR TERMS OF OFFICE.

Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation.

### 3.4 STATUTORY DIRECTOR TERM LIMITS.

A board member may not serve more than **8 consecutive years** unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. **Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit.**

### 3.5 MORE OPEN DIRECTOR POSITIONS THAN CANDIDATES.

If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director.

### 3.6 CO-OWNERS OF A UNIT.

In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, **co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy.**

### 3.7 DIRECTOR ELIGIBILITY DEADLINE.

A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of

the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board.

### **3.8 DIRECTOR STATUTORY ELIGIBILITY REQUIREMENTS.**

A person who has been suspended or removed by the division under this chapter, or **who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot.** For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period.

- **A person who has been convicted of any felony** in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board.
- **The validity of an action by the board is not affected** if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

### **3.9 VOTING FOR THE ELECTION OF DIRECTORS.**

The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance.

### **3.10 STATUTORY PROCEDURE TO ELECTION DIRECTORS.**

#### **A. FIRST NOTICE OF THE DATE OF THE DIRECTOR ELECTION.**

**At least 60 days before a scheduled election**, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, **a first notice of the date of the election.**

## **B. NOTICE OF INTENT TO BE A DIRECTOR CANDIDATE.**

**At least 40 days before a scheduled election**, a unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her **intent to be a candidate** to the association.

## **C. SECOND NOTICE OF THE DIRECTOR ELECTION.**

Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates **not less than 14 days or more than 34 days before the date of the election.**

## **D. CANDIDATE INFORMATION SHEET.**

**Upon request of a candidate, an information sheet**, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate **at least 35 days before the election**, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast.

## **E. NO QUORUM REQUIREMENT.**

There is no quorum requirement; **however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election.**

## **F. DIRECTOR ELECTIONS MUST OCCUR ON THE DATE OF THE ANNUAL MEMBERSHIP MEETING.**

The regular election must occur on the date of the annual meeting.

### **3.11 DIRECTOR CERTIFICATION AND EDUCATIONAL REQUIREMENTS.**

A director of a board of an association of a residential condominium shall:

(l) **Certify in writing to the secretary of the association** that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or

she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

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

- Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment.
- **A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025.** The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period.
- A director who is appointed by the developer may satisfy the educational certificate requirement in sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period.
- **One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year.**
- A director of an association of a residential condominium who fails to timely file the written certification and educational certificate **is suspended from service on the board** until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension.
- The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

### 3.12 ELECTION PROCESS CHALLENGE DEADLINE.

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

### 3.13 SMALL ASSOCIATION OPT-OUT OF STATUTORY VOTING AND ELECTION PROCEDURES.

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

## 4. RECORDKEEPING.

### 4.1 LIST OF OFFICIAL RECORDS -- 718.111(12)(a), Florida Statutes

From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).
2. A copy of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.
3. A copy of the recorded bylaws of the association and each amendment to the bylaws.
4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.
5. A copy of the current rules of the association.
6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of administration, any committee, and the unit owners, and a recording of all such meetings that are conducted by video conference. If there are approved minutes for a meeting held by video conference, recordings of meetings that are conducted by video conference must be maintained for at least 1 year after the date the video recording is posted as required under paragraph (g).
7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)5.e., the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the

association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

8. All **current** insurance policies of the association and condominiums operated by the association.
9. A **current** copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.
10. Bills of sale or transfer for all property owned by the association.
11. **Accounting records for the association and separate accounting records for each condominium that the association operates.** Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e).  
**The accounting records must include, but are not limited to:**
  - a. Accurate, itemized, and detailed records of all receipts and expenditures, **including all bank statements and ledgers.**
  - b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.
  - c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.
  - d. **All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.**
  - e. **All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.**
12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).
13. All rental records if the association is acting as agent for the rental of condominium units.
14. A copy of the **current question and answer sheet** as described in s. 718.504.
15. **A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.**
16. Bids for materials, equipment, or services.
17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).
18. A copy of all building permits.
19. **A copy of all satisfactorily completed board member educational certificates.**
20. **A copy of all affidavits required by this chapter.**
21. **All other written records of the association not specifically included in the foregoing which are related to the operation of the association.**

## 4.2 HOW LONG RECORDS MUST BE MAINTAINED BY THE ASSOCIATION.

### THREE DIFFERENT STATUTORY TIME PERIODS:

1. **PERMANENTLY.** The official records specified in subparagraphs (a)1.-6. must be permanently maintained from the inception of the association.
2. **ONE YEAR.** Bids for work to be performed or for materials, equipment, or services must be maintained for at least 1 year after receipt of the bid.
3. **SEVEN YEARS.** All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law.

## 4.3 RECORDS MUST BE MAINTAINED IN AN ORGANIZED MANNER THAT FACILITATES INSPECTION.

The official records must be maintained in an organized manner that facilitates inspection of the records by a unit owner.

## 4.4 OFFICIAL RECORDS ARE LOST, DESTROYED OR OTHERWISE UNAVAILABLE.

In the event that the official records are lost, destroyed, or otherwise unavailable, the obligation to maintain the official records includes a good faith obligation to obtain and recover those records as is reasonably possible.

## 4.5 DISTANCE AND TIME REQUIREMENTS.

The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. However, such distance requirement does not apply to an association governing a timeshare condominium.

## 4.6 RECORDS MAY BE MADE AVAILABLE ON THE PROPERTY, ELECTRONICALLY VIA THE INTERNET OR VIEWED ON COMPUTER SCREEN.

This paragraph and paragraph (c) may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property, or the association may offer the option of making the records available to a unit owner electronically via the Internet as provided under paragraph (g) or by allowing the records to be viewed in electronic format on a computer screen and printed upon request.

Per Section 8 of HB 913 (CH 2025-175, LOF), the following amendment is effective as of **January 1, 2026**:

718.111(12)(g)1. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device **within 30 days after the association receives or creates an official record specified in subparagraph 2.**

#### **4.7 ASSOCIATION NOT RESPONSIBLE FOR MISUSE BY OWNERS.**

The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative in compliance with this chapter unless the association has an affirmative duty not to disclose such information under this chapter.

#### **4.8 OFFICIAL RECORDS OPEN TO INSPECTION.**

The official records of the association are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times.

#### **4.9 RIGHT TO INSPECT INCLUDES RIGHT TO COPIES.**

The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member and of the person authorized by the association member as a representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, the association's bylaws and rules, and the inspection reports described in ss. 553.899 and 718.301(4)(p).

#### **4.10 RIGHT OF THE ASSOCIATION TO ADOPT REASONABLE RULES.**

The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection.

#### **4.11 FAILURE TO TIMELY MAKE RECORDS AVAILABLE.**

The failure of an association to provide the records within **10 working days** after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. **Minimum damages are \$50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request.** The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

#### 4.12 RECORDS POSTED TO THE ASSOCIATION’S WEBSITE OR APP.

If the requested records are posted on an association’s website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

#### 4.13 CHECKLIST OF ALL RECORDS MADE AND NOT MADE AVAILABLE.

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

#### 4.14 PENALTIES FOR VIOLATIONS.

- A director or member of the board or association or a community association manager **who willfully and knowingly or intentionally** violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and must be removed from office and a vacancy declared.
- A person who **willfully and** knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who **willfully and knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members,** commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; is personally subject to a civil penalty pursuant to s. 718.501(1)(d); and must be removed from office and a vacancy declared.
- A person who **willfully and knowingly or intentionally** refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be removed from office and a vacancy declared.

#### 4.15 MAINTAIN AN ADEQUATE NUMBER OF CERTAIN DOCUMENTS ON THE CONDOMINIUM PROPERTY.

5. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and **the most recent annual financial statement and annual budget** required under this section, **on the condominium property** to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents.

#### **4.16 USE OF PORTABLE DEVICE TO MAKE COPIES.**

An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device.

#### **4.17 RECORDS NOT ACCESSIBLE TO THE UNIT OWNERS.**

Notwithstanding this paragraph, **the following records are not accessible to unit owners:**

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

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

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

d. **Medical records of unit owners.**

e. **Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements.**

Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the

association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

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

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

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

#### **4.18 OUTGOING BOARD MEMBERS.**

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

#### **4.19 WEBSITES.**

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. **Unless a shorter period is otherwise required, a document must be made available on the association’s website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.**

Per Section 8 of HB 913 (CH 2025-175, LOF), the following amendment is effective as of **January 1, 2026:**

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

...

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

f. **The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners that are conducted by video conference over the preceding 12 months.**

...

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

## 5. FINANCIAL LITERACY & TRANSPARENCY

### 5.1 REQUIRED ITEMS IN THE ANNUAL BUDGET.

Section 718.112(2)(f), Fl. Stat. and Rule 61B-22.003(1), F.A.C. provides that the annual budget for each association shall:

- (a) State the estimated common expenses or expenditures on at least an annual basis;
- (b) Disclose the beginning and ending dates of the period covered by the budget;
- (c) Show the total assessment for each unit type according to proportion of ownership on a monthly basis, or for any other period for which assessments will be due;
- (d) Include all estimated common expenses or expenditures of the association including the categories set forth in Section 718.504(21)(c), Florida Statutes. Reserves for capital expenditures and deferred maintenance required by Section 718.112(2)(f), Florida Statutes, **must be included in the proposed annual budget and shall not be waived or reduced prior to the mailing to unit owners of a proposed annual budget.** If the estimated common expense for any category set forth in the statute is not applicable, the category shall be listed followed by an indication that the expense is not applicable;
- (e) Unless the association maintains a pooled account for reserves required by Section 718.112(2)(f) 2., Florida Statutes, the association shall include a schedule stating each reserve account for capital expenditures and deferred maintenance as a separate line item with the following minimum disclosures:

1. **The total estimated useful life of the asset;**
2. **The estimated remaining useful life of the asset;**
3. **The estimated replacement cost or deferred maintenance expense of the asset;**
4. **The estimated fund balance as of the beginning of the period for which the budget will be in effect; and**
5. **The developer's total funding obligation, when all units are sold, for each converter reserve account established pursuant to Section 718.618, Florida Statutes, if applicable.**

Section 718.504(21), Florida Statutes provides that the **operating budget** for the condominium and the association shall contain the following information:

- (a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.
- (b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the

association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

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

1. Expenses for the association and condominium:
  - a. Administration of the association.
  - b. Management fees.
  - c. Maintenance.
  - d. Rent for recreational and other commonly used facilities.
  - e. Taxes upon association property.
  - f. Taxes upon leased areas.
  - g. Insurance.
  - h. Security provisions.
  - i. Other expenses.
  - j. Operating capital.
  - k. Reserves for all applicable items referenced in s. 718.112(2)(g).
  - l. Fees payable to the division.

## **5.2 DEADLINE FOR ADOPTION OF THE ANNUAL BUDGET.**

The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

## **5.3 MULTICONDOMINIUM BUDGET REQUIREMENTS.**

A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association.

## **5.4 LIMITED COMMON ELEMENTS AND EXPENSES.**

In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

## 5.5 STATUTORY NOTICE REQUIREMENTS FOR THE BOARD'S BUDGET MEETING

### Section 718.112(2)(c)1. and (e)1., Fl. Stat.

- Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency.
- At least 14 days prior to such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget.
- Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments.
- Any meeting at which a proposed annual budget of an association **will be considered** by the board or unit owners shall be open to all unit owners.
- A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by **video conference**. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be heard by the board or committee members attending in person, as well as any unit owners present at the meeting.
- An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

## 5.6 ADOPTION AND AMENDMENT OF THE ANNUAL BUDGET.

- Directors should review the governing documents of the Association to confirm that the Board of Directors has the authority to adopt the annual budget and if there are any financial or other limitations on the Board's authority.
- If the governing documents provide the Board the authority to adopt the annual budget, a majority of the directors at the Board meeting at which a quorum has been obtained must vote in favor of the motion to approve the annual budget unless otherwise provided in the governing documents.

- The association may amend a previously approved annual budget. In order to do so the board of directors shall follow the provisions of Section 718.112(2)(e), Florida Statutes. For example, the board shall mail a meeting notice and copies of the proposed amended annual budget to the unit owners not less than 14 days prior to the meeting at which the budget amendment will be considered.

## 5.7 EXCESS ANNUAL BUDGET

### 718.112(2)(e)2.a., Florida Statutes.

- If a board **proposes** in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall **simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget. The substitute budget must be proposed at the budget meeting before the adoption** of the annual budget.
- At least 14 days **before such budget meeting in which a substitute budget will be proposed**, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners **must** consider and **may** adopt a substitute budget at the meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If a substitute budget is not adopted, the annual budget previously initially proposed by the board **may be adopted**.
- Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for **required** reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis **for the repair, maintenance, or replacement of the items listed in paragraph (g), and insurance premiums.**
- If the developer controls the board, assessments shall not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

## 5.8 MULTICONDOMINIUM ASSOCIATION BUDGETS.

Multicondominium associations shall comply with the following requirements:

- (a) Provide a **separate budget for each condominium operated by the association as well as for the association.**

**Each such budget shall disclose:**

1. Estimated expenses **specific to a condominium** such as the maintenance, deferred maintenance or replacement of the common elements of the condominium which shall be provided for in the budget of the specific condominium;
2. **Estimated expenses of the association that are not specific to a condominium** such as the maintenance, deferred maintenance or replacement of the property serving more than one condominium which shall be provided for in the association budget; and
3. Multicondominium associations created after June 30, 2000, or that have created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall include each unit's share of the estimated expenses of the association, referred to in subsection (2) of this rule, which shall be shown on the individual condominium budgets. Multicondominium associations created prior to July 1, 2000, that have not created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall include each condominium's share of the estimated expenses of the association, referred to in subsection (2) of this rule, which shall be shown on the individual condominium budgets.
4. The budgets of multicondominium associations created after June 30, 2000 or of multicondominium associations that have created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall show the estimated revenues of each condominium and of the association.

(b) Associations that operate separate condominiums in a consolidated fashion pursuant to Section 718.111(6), Florida Statutes, may utilize a single consolidated budget.

## 5.9 RESERVES.

Rule 61B-22.001(5), Florida Administrative Code defines "Reserves" as follows:

**"Reserves"** means any funds, other than operating funds, that are restricted for deferred maintenance and capital expenditures, including the items required by Section 718.112(2)(f) 2., Florida Statutes, and any other funds restricted as to use by the condominium documents or the condominium association. Funds that are not restricted as to use by Section 718.112(2)(f), Florida Statutes, the condominium documents or by the association shall not be considered reserves within the meaning of this rule.

In addition to annual operating expenses, the annual budget MUST include reserve accounts for capital expenditures and deferred maintenance.

**"Capital Expenditure"** means any expenditure of funds for: (1) the purchase of an asset whose useful life is greater than one year in length; (2) the replacement of an asset whose useful life is greater than one year in length; or (3) the addition of an asset that extends the useful life of the previously existing asset for a period greater than one year in length.

**"Deferred Maintenance"** means any maintenance or repair that (1) will be performed less frequently than yearly and (2) will result in maintaining the useful life of an asset.

## 5.10 MANDATORY STATUTORY RESERVE ACCOUNTS.

These accounts must include, but are not limited to:

- (1) roof replacement,
- (2) building painting,
- (3) pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and
- (4) any other item that has a deferred maintenance expense or replacement cost that exceeds **\$25,000 or the inflation-adjusted amount determined by the division under subparagraph 6., whichever is greater.**

The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum \$25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

## 5.11 NON-SIRS RESERVE FUNDING FORMULAS.

The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

### A. COMPONENT METHOD OF FUNDING RESERVES (aka STRAIGHT-LINE METHOD)

The association shall include a schedule stating each reserve account for capital expenditures and deferred maintenance as a separate line item with the following minimum disclosures:

1. The total estimated useful life of the asset;
2. The estimated remaining useful life of the asset;
3. The estimated replacement cost or deferred maintenance expense of the asset;
4. The estimated fund balance as of the beginning of the period for which the budget will be in effect; and
5. The developer's total funding obligation, when all units are sold, for each converter reserve account established pursuant to Section 718.618, Florida Statutes, if applicable.

## B. POOLED METHOD OF FUNDING RESERVES

If the association maintains a pooled account for reserves required by Section 718.112(2)(f) 2., Florida Statutes, the association shall include a separate schedule of any pooled reserves with the following minimum disclosures:

1. The total estimated useful life of each asset within the pooled analysis;
2. The estimated remaining useful life of each asset within the pooled analysis;
3. The estimated replacement cost or deferred maintenance expense of each asset within the pooled analysis; and
4. The estimated fund balance of the pooled reserve account as of the beginning of the period for which the budget will be in effect.

An association's reserve accounts may be pooled for two or more required components. Reserve funding for components identified in paragraph (g) may only be pooled with other components identified in paragraph (g). The reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or schedule of the most recent structural integrity reserve study. A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

**C. OTHER RESERVE FUNDS:** The Association may include a separate schedule of any other reserve funds to be restricted by the association as a separate line item with the following minimum disclosures: 1. The intended use of the restricted funds; and 2. The estimated fund balance of the item as of the beginning of the period for which the budget will be in effect

## 5.12 OWNER VOTE TO WAIVE OR REDUCE NON-SIRS RESERVES.

The members of a unit-owner-controlled association may determine, **by a majority vote of the total voting interests of the association**, to provide no reserves or less reserves than required by this subsection.

Any vote to waive or reduce reserves for capital expenditures and deferred maintenance required by Section 718.112(2)(f) 2., Florida Statutes, shall be effective **for only one annual budget**.

## 5.13 OWNER VOTE TO USE NON-SIRS RESERVES FOR OTHER PURPOSES.

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

## 5.14 OWNERS ELIGIBLE TO VOTE ON RESERVE QUESTIONS.

The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question.

## 5.15 PROXY RESERVE QUESTION STATEMENT.

Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: **WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

## 5.16 TIMELY FUNDING OF RESERVES.

Reserves included in the adopted budget are common expenses and must be fully funded unless properly waived or reduced. Reserves shall be funded in at least the same frequency that assessments are due from the unit owners (e.g., monthly or quarterly).

## 5.17 ASSESSMENTS.

**Definition of "Assessment"** -- **Assessment** means a share of the funds which are required for the payment of common expenses, which from time to time is assessed against the unit owners.

## 5.18 COMMON EXPENSES –

Section 718.103(10), Florida Statutes defines "**Common Expenses**" to mean all expenses properly incurred by the Association in the performance of its duties, including expenses specified in s. 718.115.

**Section 718.115(1), Florida Statutes provides that:**

(1)(a) Common expenses include the expenses of the operation, maintenance, repair, replacement, or protection of the common elements and association property, costs of carrying out the powers and duties of the association, and any other expense, whether or not included in the foregoing, designated as common expense by this chapter, the declaration, the documents creating the association, or the bylaws. Common expenses also include reasonable transportation services, insurance for directors and officers, road maintenance and operation expenses, in-house communications, and security services, which are reasonably

related to the general benefit of the unit owners even if such expenses do not attach to the common elements or property of the condominium. However, such common expenses must either have been services or items provided on or after the date control of the association is transferred from the developer to the unit owners or must be services or items provided for in the condominium documents or bylaws. Unless the manner of payment or allocation of expenses is otherwise addressed in the declaration of condominium, the expenses of any items or services required by any federal, state, or local governmental entity to be installed, maintained, or supplied to the condominium property by the association, including, but not limited to, firesafety equipment or water and sewer service where a master meter serves the condominium, shall be common expenses whether or not such items or services are specifically identified as common expenses in the declaration of condominium, articles of incorporation, or bylaws of the association.

(b) The **common expenses of a condominium within a multicondominium** are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

(c) The **common expenses of a multicondominium association** may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws as originally recorded or as amended under the procedures provided therein of each condominium within the multicondominium association. This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

**Section 718.111(6), Florida Statutes provides:**

**(6) OPERATION OF CONDOMINIUMS CREATED PRIOR TO 1977.**—Notwithstanding any provision of this chapter, an association may operate two or more residential condominiums in which the initial condominium declaration was recorded prior to January 1, 1977, and may continue to so operate such condominiums as a single condominium for purposes of financial matters, including budgets, assessments, accounting, recordkeeping, and similar matters, if provision is made for such consolidated operation in the applicable declarations of each such condominium or in the bylaws. An association for such condominiums may also provide for consolidated financial operation as described in this section either by amending its declaration pursuant to s. 718.110(1)(a) or by amending its bylaws and having the amendment approved by not less than two-thirds of the total voting interests. Notwithstanding any provision in this chapter, common expenses for residential condominiums in such a project being operated by a single association may be assessed against all unit owners in such project pursuant to the proportions or percentages established therefor in the declarations as initially recorded or in the bylaws as initially adopted, subject, however, to the limitations of ss. 718.116 and 718.302.

## 5.19 COMMINGLING

### Section 718.111(14), Florida Statutes:

COMMINGLING.—All funds collected by an association shall be maintained separately in the association’s name. For investment purposes only, reserve funds may be commingled with operating funds of the association. Commingled operating and reserve funds shall be accounted for separately, and a commingled account shall not, at any time, be less than the amount identified as reserve funds. This subsection does not prohibit a multicondominium association from commingling the operating funds of separate condominiums or the reserve funds of separate condominiums. Furthermore, for investment purposes only, a multicondominium association may commingle the operating funds of separate condominiums with the reserve funds of separate condominiums. A manager or business entity required to be licensed or registered under s. 468.432, or an agent, employee, officer, or director of an association, shall not commingle any association funds with his or her funds or with the funds of any other condominium association or the funds of a community association as defined in s. 468.431.

## 5.20 SPECIAL ASSESSMENTS.

### Section 718.112(2)(c)1., Florida Statutes:

- **Notice.** Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.
- **Purpose.** The specific purpose or purposes of any special assessment, including any contingent special assessment levied in conjunction with the purchase of an insurance policy authorized by s. 718.111(11), approved in accordance with the condominium documents shall be set forth in a written notice of such assessment sent or delivered to each unit owner. The funds collected pursuant to a special assessment shall be used only for the specific purpose or purposes set forth in such notice. However, upon completion of such specific purpose or purposes, any excess funds will be considered common surplus, and may, at the discretion of the board, either be returned to the unit owners or applied as a credit toward future assessments.
- **Authority to Levy.** Please do not assume that the Board of Directors has unbridled authority and discretion to levy one or more special assessments. The recorded documents of the Association must be carefully reviewed to determine if the Board has authority to levy a special assessment and whether there are any financial or other limitations on such authority.

- **Emergency Board Powers. – Section 718.1265, Florida Statutes**
- To the extent allowed by law, **unless specifically prohibited by the declaration of condominium, the articles, or the bylaws of an association**, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the locale in which the condominium is located, may exercise the following powers:

(l) ***Regardless of any provision to the contrary and even if such authority does not specifically appear in the declaration of condominium, articles, or bylaws of the association, levy special assessments without a vote of the owners.***

## 5.21 STATUTORY ACCOUNTING RECORDS –

Section 718.111(12), Florida Statutes:

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

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

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

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

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

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

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

- All financial and accounting records must be maintained for a period of **at least 7 years** unless the governing documents of the Association require a longer period of time.

## 5.22 STATUTORY FINANCIAL REPORTING -- Section 718.111(13), Florida Statutes –

- **Deadline for Financial Report.** Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year.
- **Distribution of Financial Report or Notice.** Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 180 days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association’s notice requirements, **a copy of the most recent financial report, or a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner.** Evidence of compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association.
- **Type of Financial Reports.** Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles.

The financial statements must be based upon the association’s **total annual revenues**, as follows:

An association with total annual revenues of **less than \$150,000** shall prepare a **report of cash receipts and expenditures.**

**Practice Note:** A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

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

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

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

## 5.23 ASSOCIATION MAY INCREASE LEVEL OF FINANCIAL STATEMENTS.

Section 718.111(13)(c), Florida Statutes provides that:

- (c) An association may prepare, without a meeting of or approval by the unit owners:
1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;
  2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or
  3. Audited financial statements if the association is required to prepare reviewed financial statements.

## 5.24 OWNER VOTE TO WAIVE STATUTORY FINANCIAL REPORTS.

Section 718.111(13)(d), Florida Statutes provides that:

**If approved by a majority vote of all the voting interests present at a properly called meeting of the association, an association may prepare:**

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

**Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken.**

**An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years.**

If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee

of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

## 5.25 KICKBACKS – 718.111(1)(A), FLORIDA STATUTES

**An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback.** Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts a kickback commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; is subject to a civil penalty pursuant to s. 718.501(1)(e); and must be removed from office and a vacancy declared. **However, this paragraph does not prohibit an officer, a director, or a manager from accepting services or items received in connection with trade fairs or education programs.** An association may operate more than one condominium.

**“Kickback”** means any thing or service of value, for which consideration has not been provided, for an officer’s, a director’s, or a manager’s own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association.

## 5.26 FIDELITY BONDING.

Section 718.111(11)(h), Florida Statutes provides as follows:

**The Association shall maintain insurance or fidelity bonding of all persons who control or disburse funds of the association.** **The insurance policy or fidelity bond must cover the maximum funds that will be in the custody of the association or its management agent at any one time.** Upon receipt of a complaint, the division shall monitor an association for compliance with this paragraph and may issue fines and penalties established by the division for failure of an association to maintain the required insurance policy or fidelity bond.

As used in this paragraph, the term “persons who control or disburse funds of the association” includes, but is not limited to, those individuals authorized to sign checks on behalf of the association, and the president, secretary, and treasurer of the association. The association shall bear the cost of any such bonding.

**Practice Note:** The association should include in its calculation of its “maximum funds” all anticipated special assessments. If necessary, the association must promptly increase the amount of its insurance or fidelity bond to cover any unexpected funds such as insurance payments for hurricane or other damage.

## 5.27 Compensation of Directors and Officers.

Section 718.112(2)(a)1., Florida Statutes:

Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board of administration. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

## 5.28 DEBIT CARDS.

### Section 718.111(15), Florida Statutes:

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

(b) A person who uses a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association commits theft under s. 812.014 and must be removed from office and a vacancy declared. For the purposes of this paragraph, the term “lawful obligation of the association” means an obligation that has been properly preapproved by the board and is reflected in the meeting minutes or the written budget.

## 5.29 COMPETITIVE BIDS.

### Section 718.3026, Florida Statutes:

Associations with 10 or fewer units may opt out of the provisions of this section if two-thirds of the unit owners vote to do so, which opt-out may be accomplished by a proxy specifically setting forth the exception from this section.

(1) All contracts as further described herein or any contract that is not to be fully performed within 1 year after the making thereof, for the purchase, lease, or renting of materials or equipment to be used by the association in accomplishing its purposes under this chapter, and all contracts for the provision of services, shall be in writing. If a contract for the purchase, lease, or renting of materials or equipment, or for the provision of services, requires payment by the association on behalf of any condominium operated by the association in the aggregate that exceeds 5 percent of the total annual budget of the association, including reserves, the association shall obtain competitive bids for the materials, equipment, or services. Nothing contained herein shall be construed to require the association to accept the lowest bid.

(2)(a) Notwithstanding the foregoing, contracts with employees of the association, and contracts for attorney, accountant, architect, community association manager, timeshare management firm, engineering, and landscape architect services are not subject to the provisions of this section.

(b) Nothing contained herein is intended to limit the ability of an association to obtain needed products and services in an emergency.

(c) This section shall not apply if the business entity with which the association desires to enter into a contract is the only source of supply within the county serving the association.

## 5.30 CONFLICTS OF INTEREST

### Section 718.3027, Florida Statutes:

(1) **Directors and officers of a board of an association** that is not a timeshare condominium association, and the relatives of such directors and officers, **must disclose to the board any activity that may reasonably be construed to be a conflict of interest.** A rebuttable presumption of a conflict of interest exists if any of the following occurs without prior notice, as required in subsection (5):

(a) A director or an officer, or a relative of a director or an officer, enters into a contract for goods or services with the association.

(b) A director or an officer, or a relative of a director or an officer, holds an interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.

(2) **If a director or an officer, or a relative of a director or an officer, proposes to engage in an activity that is a conflict of interest, as described in subsection (1), the proposed activity must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to, the meeting agenda.** The association shall comply with the requirements of s. 617.0832, and the disclosures required by s. 617.0832 shall be entered into the written minutes of the meeting. **Approval of the contract or other transaction requires an affirmative vote of two-thirds of all other directors present.** At the next regular or special meeting of the members, the existence of the contract or other transaction shall be disclosed to the members. **Upon motion of any member, the contract or transaction shall be brought up for a vote and may be canceled by a majority vote of the members present.** If the contract is canceled, the association is only liable for the reasonable value of the goods and services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

(3) If the board votes against the proposed activity, the director or officer, or the relative of the director or officer, must notify the board in writing of his or her intention not to pursue the proposed activity or to withdraw from office. If the board finds that an officer or a director has violated this subsection, the officer or director shall be deemed removed from office. The vacancy shall be filled according to general law.

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

(5) **A contract entered into between a director or an officer, or a relative of a director or an officer, and the association, which is not a timeshare condominium association, that has not been properly**

disclosed as a conflict of interest or potential conflict of interest as required by this section or s. 617.0832 is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors which contains the consent of at least 20 percent of the voting interests of the association.

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

### 5.31 INVESTMENT OF ASSOCIATION FUNDS.

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union without a vote of the unit owners.

### 5.32 CAM OR CAM-F CONTRACT

Section 718.111(3), Florida Statutes:

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

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. **All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.**

(h) If a contract is between a **community association manager** and the association, and the community association manager has his or her license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association manager whose license has been revoked or suspended, effective on the date the community association manager became unlicensed.

(i) If a **community association management firm** has its license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association management firm whose license has been revoked or suspended, effective on the date the community association management firm became unlicensed.

## 6. LEVYING OF FINES.

### 6.1 STATUTORY FINING AUTHORITY.

Section 718.303(3), Florida Statutes:

The association may levy reasonable fines for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association.

### 6.2 FINES SHALL NOT BECOME A LIEN AGAINST A UNIT.

**A fine may not become a lien against a unit.**

### 6.3 BASIS AND AMOUNT OF FINES.

A fine may be levied by the board on the basis of each day of a continuing violation, with a single notice and opportunity for hearing before a committee as provided in paragraph (b). **However, the fine may not exceed \$100 per violation, or \$1,000 in the aggregate.**

### 6.4 MANDATORY STATUTORY FINING PROCEDURE.

A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice to the unit owner and, if applicable, any tenant, licensee, or invitee of the unit owner sought to be fined or suspended, and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

The role of the committee is limited to determining whether to **confirm or reject the fine** or suspension levied by the board. **If the committee does not approve the proposed fine or suspension by majority vote, the fine or suspension may not be imposed.**

If the proposed fine or suspension is approved by the committee, **the fine payment is due 5 days after notice of the approved fine is provided to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner.**

**The association must provide written notice of such fine or suspension by mail or hand delivery to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner.**

## 6.5 COMMON ELEMENT SUSPENSION FOR NON-PAYMENT OF A FINE.

- If a unit owner is more than 90 days delinquent in paying a fee, fine, or other monetary obligation due to the association, **the association may suspend the right of the unit owner or the unit's occupant, licensee, or invitee to use common elements, common facilities, or any other association property until the fee, fine, or other monetary obligation is paid in full.** This subsection does not apply to limited common elements intended to be used only by that unit, common elements needed to access the unit, utility services provided to the unit, parking spaces, or elevators. The notice and hearing requirements above do not apply to suspensions imposed under this subsection.
- An association may suspend the voting rights of a unit owner or member due to nonpayment of any fee, fine, or other monetary obligation due to the association which is more than \$1,000 and more than 90 days delinquent. Proof of such obligation must be provided to the unit owner or member 30 days before such suspension takes effect. At least 90 days before an election, an association must notify a unit owner or member that his or her voting rights may be suspended due to a nonpayment of a fee or other monetary obligation. A voting interest or consent right allocated to a unit owner or member which has been suspended by the association shall be subtracted from the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the declaration, articles of incorporation, or bylaws. The suspension ends upon full payment of all obligations currently due or overdue the association. The notice and hearing requirements under subsection (3) do not apply to a suspension imposed under this subsection.
- All suspensions imposed pursuant to subsection (4) or subsection (5) must be approved at a properly noticed board meeting. Upon approval, the association must notify the unit owner and, if applicable, the unit's occupant, licensee, or invitee by mail or hand delivery.
- The suspensions permitted by paragraph (3)(a) and subsections (4) and (5) apply to a member and, when appropriate, the member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple units owned by a member.

## 7. NOTICE AND MEETING REQUIREMENTS

### 7.1 Board of Directors Meetings.

“Board of Administration” or “Board” means the board of directors or other representative body that is responsible for the administration of the association. See, 718.103(5), Florida Statutes.

#### 7.1.1 “Meeting of the Board of Directors” Definition.

- “Meeting of the board of administration” means any gathering of the members of the board of directors, at which a quorum of the members is present, for purpose of conducting association business.”  
See, Rule 61B-23.001(1)(a), Fl. Admin. Code

**Practice Note:** The word “workshop” is not found in Chapter 718, Florida Statutes. We, therefore, recommend against its use.

#### 7.1.2 Who May Call a Board Meeting.

- Section 617.0820(3), Florida Statutes provides that meetings of the board of directors may be called by the chair of the board or by the president unless otherwise provided in the articles of incorporation or the bylaws.
- In addition, please review the Articles of Incorporation and Bylaws for additional requirements and provisions.

#### 7.1.3 Board Meeting Once a Quarter & Owner Questions

Section 718.112(2)(c), Florida Statutes:

- In a residential condominium association of more than 10 units, the board of directors shall meet at least once each quarter.
- At least four (4) times each year, the meeting agenda must include an opportunity for members to ask questions of the board.
- Section 617.0820(1), Florida Statutes, provides that the board of directors may hold regular or special meetings in or out of this state.

### 7.1.4 Open Board Meetings – Section 718.112(2)(c), Florida Statutes

Except as otherwise provided by law, meetings of the board of directors at which a quorum of the members is present are open to all unit owners.

### 7.1.5 Closed Board Meeting – Section 718.112(2)(c), Florida Statutes

Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to: a. meetings between the board or a committee and the Association’s attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or b. board meetings held for the purpose of discussing personnel matters.

**Practice Note:** *Vegas v. The Clarendon Condo. Ass’n, Inc.*, Arb. Case No. 23-06-1977 (Summary Final Order 3/5/2024) held that the president erred when he closed several board meetings because matters involving private property management companies were **not “personnel” matters** which would only apply to employees of the Association. The management companies involved were not employees of the Association who were paid salaries by the Association and given W2 forms for tax purposes. The companies were third party independent contractors who served as agents for the Association. The arbitrator then cited Rule 61B-23.0022, Florida Administrative Code, which provides in part: “For purposes of this rule, a worker shall be considered an employee of an association where the association pays or deducts, for or on behalf of the worker, social security tax, unemployment compensation taxes, and federal withholding taxes.” The arbitrator then notably held that **“any decisions made by the Board at closed board meetings relating to the selection of a property management company are void and must be made at a properly noticed open board meeting where members are allowed to observe and participate in accordance with section 718.112(2)(c), Florida Statutes.”**

### 7.1.6 Owner Right to Attend & Speak

#### Section 718.112(2)(c), Florida Statutes:

- Except as otherwise provided in the Condominium Act, members have a statutory right to attend all meetings of the board. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium.
- The Association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

## 7.1.7 Owner Right to Record & Videotape a Board Meeting

### Section 718.112(2)(c), Florida Statutes:

- A unit owner may tape record or videotape meetings of the board of directors.
- The Division shall adopt reasonable rules governing the tape recording and videotaping of a board meeting. **Rule 61B-23.002(10), F.A.C.** provides in pertinent part as follows:

*(10) Any unit owner may tape record or videotape meetings of the board of administration, committee meetings, or unit owner meetings, subject to the following restrictions:*

*(a) The only audio and video equipment and devices which unit owners are authorized to utilize at any such meeting is equipment which does not produce distracting sound or light emissions.*

*(b) If adopted in advance by the board or unit owners as a written rule, audio and video equipment shall be assembled and placed in position in advance of the commencement of the meeting.*

*(c) If adopted in advance by the board or unit owners as a written rule, anyone videotaping or recording a meeting shall not be permitted to move about the meeting room in order to facilitate the recording.*

*(d) If adopted in advance by the board or unit owners as a written rule, advance notice shall be given to the board by any unit owner desiring to utilize any audio or video equipment.*

## 7.1.8 Statutory Notice Requirements – Section 718.112(2)(c)1., Florida Statutes

### A. Statutory Notice of Regular Board of Directors' Meetings

- Adequate notice of all board meetings must specifically identify all agenda items for the meeting.
- The notice and agenda of all board meetings must be posted conspicuously on the condominium property at least **48 continuous hours before the meeting**, except in an emergency. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting.

### B. Statutory Notice of Special Board of Directors' Meetings - Section 718.112(2)(c)3.

- **Assessments.** Notice of any meeting in which regular or special assessments against unit owners are to be **considered** must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments.

- **Contract for Goods or Services.** If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.
- **Special Assessments or Rules Regarding Parcel Use.** Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting.
- **Resolution Authorizing Electronic Voting Per Section 718.128, Florida Statutes.**
- **Affidavit of Notice.** Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

### 7.1.9 Rule Regarding Posting of Notices

- Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. If there is no condominium property at which notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting.
- In lieu of or in addition to the physical posting of the notice on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

## 7.1.10 Email or Facsimile Notice of Board Meetings

### Section 718.112(2)(c)6., Florida Statutes:

- Notice of meetings of the board may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.
- **Rule 61B-23.0029(2), Fl. Admin Code**
  - (1) Definitions. “Electronic transmission”** means any form of communication, not directly involving the physical transmission or transfer of paper, that creates a record that may be retained, retrieved, and reviewed by the recipient and that may be directly reproduced in a comprehensible and legible paper form by the recipient through an automated process such as a printer or a copy machine. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmission of images, and text that is sent via electronic mail between computers. Electronic transmission does not include oral communication by telephone.
  - (2) Association Notices.**
    - (a) Associations may opt to deliver meeting notices by electronic transmission by following these rules or by adopting bylaws that are consistent with these requirements.
    - (b) Associations that decide to stop delivery of notices by electronic transmission shall notify all owners by electronic transmission of the date on which electronic transmission of notices will cease. Associations must mail the notice to those owners whose consent has been revoked or was never given.
  - (3)(a) Consent and Revocation of Consent.** In order to be effective, any consent given by a unit owner to receive notices via electronic transmission, and any revocation of consent, must be in writing and must be signed by the owner of record or by a person holding a power of attorney executed by the owner of record. Consent or revocation of consent may be delivered to the association via electronic transmission, by hand-delivery, by United States mail, by certified United States mail, or by other commercial delivery service. The unit owner bears the risk of ensuring delivery.
  - (b) Delivery of Consent or Revocation of Consent.** Any consent given by a unit owner to receive notices via electronic transmission must be actually received by a current officer, board member, or manager of the association, or by the association's registered agent. Unless otherwise agreed to by an association in advance of delivery of any consent or revocation of consent, delivery to an attorney who has represented the association in other legal matters will not be effective unless that attorney is also a board member, officer, or registered agent of the association.
  - (c) Automatic Revocation of Consent.** Consent shall be automatically revoked if the association is unsuccessful in providing notice via electronic transmission for two consecutive transmissions to an owner, if and when the association becomes aware of such electronic failures.
  - (4) Attachments and Other Information.** In order to be effective notice, notice of a meeting delivered via electronic transmission must contain all attachments and information required by law. For example, but not by way of limitation, the second notice of election provided by section 718.112(2)(d) 3., F.S., must contain a second notice of the election along with the ballot and any valid candidate information sheets

that are timely received. As a further example, electronic transmission of the budget meeting shall only be effective if a copy of the proposed annual budget accompanies the notice of budget meeting.

(5) **Effect of Sending Electronic Meeting Notice.** Notice of a meeting is effective when sent by the association, regardless of when the notice is actually received by the owner, if directed to the correct address, location or number, or if posted on a web site or internet location to which the owner has consented. The owner, by consenting to notice via electronic transmission, accepts the risk of not receiving electronic notice, except as provided in paragraph (2)(c) of this rule, so long as the association correctly directed the transmission to the address, number, or location provided by the owner. An affidavit of the secretary or other authorized agent of the association filed among the official records of the association that the notice has been duly provided via electronic transmission is verification that valid electronic transmission of the notice has occurred. An association may elect to provide, but is not required to provide, notice of meetings via non-electronic transmission even if notice has been sent to the same owner or owners via electronic transmission.

(6) **Official Records.** The association shall maintain among its official records, which shall be accessible to the owners or their duly authorized representatives, all consent forms including electronic numbers, addresses and locations, all affidavits, all fax receipts of notice and related communications, copies of all electronic notices and attachments sent by the association, and any other record created or received by the association related to the electronic transmission of meeting notices, except as provided in section 718.111(12)(a) 7., F.S. Electronic records may be maintained in electronic or paper format, but must be available for inspection and copying upon unit owner request.

### 7.1.11 Director Attendance in Person, by Phone, or Videoconference.

#### Section 718.112(2)(b)5., Florida Statutes:

- **A board meeting may be conducted in person or by video conference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.**

#### Section 718.103(33), Florida Statutes:

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

- A board member’s participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

## 7.1.12 20% Owner Petition the Board to Address an Item of Business.

### Section 718.112(2)(c)1. Florida Statutes:

- If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose.
- The board shall give all members notice of the meeting at which the petitioned item shall be addressed in accordance with the 14-day notice requirement pursuant to Section 720.303(2)(c)2., Florida Statutes.
- Each member shall have the right to speak for at least 3 minutes on each matter placed on the agenda by petition, provided that the member signs the sign-up sheet, if one is provided, or submits a written request to speak prior to the meeting.
- Other than addressing the petitioned item at the meeting, the board is not obligated to take any other action requested by the petition.

## 7.1.13 Director Voting

### Section 718.112(2)(b) and (c), Florida Statutes:

- A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.
- Members of the Board may use e-mail as a means communication but may not cast a vote on an association matter via e-mail.

### Section 718.111(1)(b), Florida Statutes:

- A director of the association who is present at a meeting of its board at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless he or she votes against such action or abstains from voting.
- A director of the association who abstains from voting on any action taken on any corporate matter shall be presumed to have taken no position with regard to the action.
- Directors may not vote by proxy or by secret ballot at board meetings, except that officers may be elected by secret ballot.
- A vote or abstention for each member present shall be recorded in the minutes.

## 7.1.14 GENERAL STANDARDS FOR DIRECTORS.

Section 617.0830, Florida Statutes:

(1) A director shall discharge his or her duties as a director, including his or her duties as a member of a committee:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner he or she reasonably believes to be in the best interests of the corporation.

(2) In discharging his or her duties, a director may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(a) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;

(b) Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the persons' professional or expert competence; or

(c) A committee of the board of directors of which he or she is not a member if the director reasonably believes the committee merits confidence.

(3) A director is not acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) unwarranted.

(4) A director is not liable for any action taken as a director, or any failure to take any action, if he or she performed the duties of his or her office in compliance with this section.

## 7.2 Membership Meetings

### 7.2.1 Annual Membership Meeting

Section 718.112(2)(d), Florida Statutes:

- **Agenda.** Written notice of an annual meeting must include an agenda.
- **Location.** An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property. If a unit owner meeting is conducted via video conference, a unit owner may vote electronically in the manner provided in s. 718.128.
- Unit owner meetings, including the annual meeting of the unit owners, may be conducted in person or via video conference. **If the annual meeting of the unit owners is conducted via video conference, a quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting.** The location must be provided in the association

bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property. If the unit owner meeting is conducted via video conference, the video conference must be recorded and such recording must be maintained as an official record of the association. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

- **Notice.** Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting.
- **Notice to Each Unit Owner.** Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner.
- **Where Notices are Sent.** Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record.
- **Affidavit of Notice Required.** An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.
- **Director Election.** The regular election must occur on the date of the annual meeting.

#### Section 718.112(2)(d), Florida Statutes:

- **Agenda.** Written notice of a meeting other than an annual membership meeting must include an agenda.
- **Notice of SMM.** Written notice of a meeting other than an annual meeting must be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting.

**7.2.3 Rule Specifying Where Notices are Posted.** Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property

at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices.

#### **7.2.4 Broadcast Notice on Closed Circuit Cable Television. I**

In addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association.

- If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property.
- Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

**7.2.5 Unit Owner Approval.** Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decision making, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

**7.2.6 Waiver of Notice.** Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law.

**7.2.7 Electronic Transmission of Notice.** Notice of meetings of the unit owner meetings, except unit owner meetings called to recall board members, may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

**7.2.8 Right to Participate & Speak.** Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

- **Rule 61B-23.002(9), Florida Statutes** provides that subject to reasonable restrictions, any unit owner has the right to speak at unit owner meetings, with respect to all designated agenda items.

**7.2.9 Recording of Membership Meeting.** A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the Division. A unit owner may tape record or videotape meetings of the membership as provided in and subject to Rule 61B-23.002(10), F.A.C.

## 7.2.10 Membership Voting.

**Section 718.112(2)(b)2., Florida Statutes:**

- A. **Voting In Person.** Unit owners may vote in person at unit owner meetings.
- B. **Voting by Proxy.** Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum.
  - **Limited Proxies.** Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners.
  - **General Proxies.** General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for non-substantive changes to items for which a limited proxy is required and given.
  - **Proxies Not Used to Elect Directors.** Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium.
  - **Effectiveness of Proxy.** A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.
  - **Copy or Reproduction of Proxy.** Notwithstanding any provision to the contrary in the articles of incorporation or bylaws, any copy, facsimile transmission, or other reliable reproduction of the original proxy may be substituted or used in lieu of the original proxy for any purpose for which the original proxy could be used if the copy, facsimile transmission, or other reproduction is a complete reproduction of

the entire proxy. An appointment of a proxy is not valid after 11 months following the date of its execution unless otherwise provided in the proxy. **See**, Section 617.0721(2), Fl. Stat.

- **Voting for a Unit Owned by the Association.** A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise.

### C. Electronic Voting – Section 718.128, Florida Statutes:

The association may conduct elections and other membership votes through an **Internet-based online voting system** if a member consents, electronically or in writing, to online voting and if the following requirements are met:

(1) The association provides each unit owner with: (a) a method to authenticate the unit owner’s identity to the online voting system, (b) for elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot, and (c) a method to confirm, at least 14 days before the voting deadline, that the unit owner’s electronic device can successfully communicate with the online voting system.

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

- (a) Able to authenticate the unit owner’s identity.
- (b) Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
- (c) Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote.
- (d) For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner.
- (e) Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.

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

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by **a board resolution**. If the board authorizes online voting, the board must honor a unit owner’s request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. **The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to**

**consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent.**

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

(6) If at least 25 percent of the voting interests of a condominium petition the board to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt such resolution. The board must receive the petition within 180 days after the date of the last scheduled annual meeting.

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

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

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

1. A space for the unit owner to type in his or her unit number.
2. A space for the unit owner to type in his or her first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot.
3. The following statement in capitalized letters and in a font size larger than any other font size used in the e-mail from the association to the unit owner:

**WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON.**

(d) **A unit owner must transmit his or her completed ballot to the e-mail address designated by the association no later than the scheduled date and time of the meeting during which the matter is being voted on.**

(e) **There is a rebuttable presumption that an association has reviewed all folders associated with the e-mail address designated by the association to receive ballots if a board member, an officer, or an agent of the association, or a manager licensed under part VIII of chapter 468, provides a sworn affidavit attesting to such review.**

## D. Voting by Means of Remote Communication –

### Section 617.0721(30, Florida Statutes:

- If authorized by the board of directors, and subject to such guidelines and procedures as the board of directors may adopt, members and proxy holders who are not physically present at a meeting may, by means of remote communication: (a) participate in the meeting, (b) be deemed to be present in person and vote at the meeting if: 1. The corporation implements reasonable means to verify that each person deemed present and authorized to vote by means of remote communication is a member or proxy holder; and 2. The corporation implements reasonable measures to provide such members or proxy holders with a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate and to read or hear the proceedings of the meeting substantially concurrent with the proceedings.
- If any member or proxy holder votes or takes other action by means of remote communication, a record of that member's participation in the meeting must be maintained by the corporation in accordance with s. 617.1601.

### 7.2.14 Quorum & Default Membership Vote.

#### Section 718.112(2)(b)1., Florida Statutes:

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

## 7.3 Committee Meetings

**7.3.1 Definition of a Committee.** Committee means a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the proposed annual budget or to take action on behalf of the board. See, Section 718.103(8), Florida Statutes.

**7.3.2 Definition of a Committee Meeting.** **Committee Meeting** means any gathering of a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the association budget or take action on behalf of

the board at which a quorum of the members of that committee is present. For example, a meeting of an executive committee, as defined in section 617.0825, F.S., or as that section may subsequently be renumbered, would be included in this definition as would a meeting of a group charged with developing a proposed budget. See, Rule 61B-23.001(1)(b), F.A.C.

### 7.3.3 Statutory Notice Requirements

#### Section 718.112(2)(c)4., Florida Statutes:

- **Committees Subject to Section 718.112(2)(c), Florida Statutes:** Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph.
- **Committees Not Subject to Section 718.112(2)(c), Florida Statutes:** Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget **are subject to this section**, unless those meetings are exempted from this section by the bylaws of the association.

**7.3.4 Written Agreement.** A member of a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

**7.3.5 Participation by Telephone or Videoconferencing.** A committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such a member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the committee members attending in person as well as by any unit owners present at a meeting.

**7.3.6 Closed Committee Meetings.** Notwithstanding any other law, the requirement that committee meetings be open to the unit owners does not apply to meetings between a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice.

**7.3.7 Electronic Notice of Committee Meetings.** Notice of meetings of committees may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

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

**7.3.9 Owner Right to Attend & Speak at Committee Meetings.** Unit owners have the right to attend and observe all meetings of the Board and its Committees. See, Rule 61B-23.001(2), F.A.C. Subject to reasonable restrictions, any unit owner has the right to speak at committee meetings with respect to all designated agenda items. See, Rule 61B-23.002(9), F.A.C.

### **7.3.10 Owner Right to Tape Record or Videotape Meetings of a Committee.**

**Rule 61B-23.002(10), F.A.C. provides as follows:**

*(10) Any unit owner may tape record or videotape meetings of the board of administration, committee meetings, or unit owner meetings, subject to the following restrictions:*

*(a) The only audio and video equipment and devices which unit owners are authorized to utilize at any such meeting is equipment which does not produce distracting sound or light emissions.*

*(b) If adopted in advance by the board or unit owners as a written rule, audio and video equipment shall be assembled and placed in position in advance of the commencement of the meeting.*

*(c) If adopted in advance by the board or unit owners as a written rule, anyone videotaping or recording a meeting shall not be permitted to move about the meeting room in order to facilitate the recording.*

*(d) If adopted in advance by the board or unit owners as a written rule, advance notice shall be given to the board by any unit owner desiring to utilize any audio or video equipment.*

*(e) Unit owners are entitled to tape record or videotape board meetings and committee meetings occurring on or after April 1, 1992*