



2025
LEGISLATIVE GUIDE

House Bill 913

FOR PURPOSES OF THIS DOCUMENT:

“Association” means a community association;

“Board” means the board of directors of an Association;

“CAM Firm” means a community association management firm/company;

“Department” means the Department of Business and Professional Regulation;

“Division” means the Division of Florida Condominiums, Timeshares, and Mobile Homes;

“LCAM” means a Licensed Community Association Manager; and

“SIRS” means structural integrity reserve study .

COMMUNITY ASSOCIATION MANAGERS & MANAGEMENT COMPANIES

1. **New Penalties for License Revocations** (amending §468.432(2)(h))
 - Any LCAM who has had his/her license revoked cannot have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a CAM Firm during the 10-year period after the effective date of the revocation. Such person is ineligible to reapply for certification or registration for a period of 10 years after the effective date of a revocation.
2. **Creating & Maintaining an Account with the Department** (amending §468.432(3))
 - LCAMs and CAM Firms must create and maintain an online licensure account with the Department.
 - LCAMs must identify the CAM Firm for which he/she provides management services and identify which Association(s) he/she is the designated onsite LCAM.
 - LCAMs (and potentially CAM Firms) must update their online licensure account within 30 days after any change to the required information.
 - CAM Firms must identify on their online licensure account the LCAMs that it employs.
 - If an LCAM has his/her license suspended or revoked, the Department must notify both the CAM Firm and the Association for which the LCAM performs management services.
3. **Professional Standards; Contracts** (amending §468.4334(1))
 - LCAMs and CAM Firms cannot knowingly perform any act directed by the Association if such act violates any state or federal law.
 - If an LCAM or CAM Firm has a contract with an Association that is subject to the milestone inspection requirements or the structural integrity reserve requirements, the LCAM or CAM Firm must comply with those requirements as directed by the Board.
 - Each contract between an Association and an LCAM or CAM Firm must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

“The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.”
 - A contract between an LCAM or CAM Firm and an Association may not waive or limit the professional practice standards required pursuant to Part VIII of Chapter 468, Florida Statutes.
4. **Additional Duties of LCAMs** (amending §468.4334(3))
 - Previously, §468.4334(3) applied only to homeowners’ associations, not condominium associations or cooperatives. This statute now applies to all Associations. Accordingly, LCAMs and CAM Firms are now required to fulfill the statutory obligations for all Associations, not just homeowners’ associations, including, for example:
 - Attend at least one Association meeting per year
 - Provide to the members of the Association and post on the Association’s website (if otherwise required) the name and contact information of the LCAM assigned to the Association
 - Provide to any member upon request a copy of the contract between the Association and the LCAM or CAM Firm

5. Conflicts of Interest (amending §468.4335)

- An additional rebuttable presumption that a conflict of interest exists was created. Now, a rebuttable presumption that a conflict of interest exists if an LCAM or CAM Firm proposes to enter into a contract or other transaction with an Association, and it is clarified that the contract or other transaction is for services other than Association management services.
- In lieu of listing entities that may do business with an Association for the purposes of creating a rebuttable conflict of interest, reference is now made to “persons” as defined in §1.01(3), which includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.
- It is clarified that the term “compensation” means “any referral fee or other monetary benefit derived from a person as defined in s. 1.01(3) which provides products or services to the association, and any ownership interests or profit-sharing arrangements with product or service providers recommended to or used by the association.”
- If an Association receives and considers a bid exceeding \$2,500 for a good or service, other than Association management services, which is or may reasonably be construed as a conflict of interest under this statute, then the Association must solicit multiple bids. However, it is clarified that this does not apply to matters that are disclosed in the management services contract as a conflict of interest within the meaning of this statute.
- If an LCAM or CAM Firm propose to engage in an activity that is a conflict of interest under this statute, the proposed activity must be listed on the meeting agenda of the next Board meeting. The Board meeting notice must include a description of the proposed activity, disclose the possible conflict of interest, and include a copy of all contracts and transactional documents related to the proposed activity.
- If the Board finds that an LCAM or CAM Firm has violated this statute, the contract is voidable and the Association may terminate the contract by delivery of a written notice of termination. If the contract is terminated, the association is liable only for the reasonable value of the management services provided up to the time of cancellations is not liable for any termination fees, liquidate damages, or other form of penalty for such cancellation.

MANDATORY STRUCTURAL INSPECTIONS FOR CONDOMINIUMS AND COOPERATIVES

1. Milestone Inspections (amending §553.899)

- Milestone inspections now apply to buildings that have a residential condominium or cooperative component and at least three habitable stories as determined by the Florida Building Code.
- A board of county commissioners or municipal governing body must adopt an ordinance requiring a condominium or cooperative association that is subject to this statute to schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report.
- A licensed architect or engineer who bids to perform a milestone inspection must disclose in writing to the Association his/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 §558.002 or contractor licensed under Chapter 489 who submits a bid to the Association for performing any services recommended by the milestone inspection cannot have an interest, directly or indirectly, in the firm or entity providing the milestone inspection or be a relative (within the third degree of consanguinity by blood or marriage) of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the Association in writing.
- 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 statute. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his/her profession for failure to provide the written disclosure of the relationship.

2. Local Enforcement Agencies (amending §553.899)

- On or before December 31, 2025, and on or before each December 31 thereafter, the local enforcement agency responsible for milestone inspections must provide the Department, in an electronic format determined by the Department, information that must include, but is not limited to:
 - The number of buildings required to have a milestone inspection within the agency's jurisdiction.
 - The number of buildings for which a phase one milestone inspection has been completed.
 - The number of buildings granted an extension of the date by which the initial milestone inspection must be completed.
 - The number of buildings required to have a phase two milestone inspection.
 - The number of buildings for which a phase two milestone inspection has been completed.
 - The number, type, and value of permit applications received to complete repairs required by a phase two milestone inspection.
 - A list of buildings deemed to be unsafe or uninhabitable as determined by a milestone inspection.
 - The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

CONDOMINIUM ASSOCIATIONS

1. Video Conferences (adding §718.103(33))

- The term “video conference” was added to mean 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.
- There must also be a physical location where unit owners can 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.

2. Material Amendments to Nonresidential Condominium Declaration (amending §718.110(4))

- The declaration of a nonresidential condominium formed on or after July 1, 2025, may be amended to change the configuration or size of a unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium, if the record owners of all affected units and all record owners of liens on the affected units join in the execution of the amendment. The approval of the record owners of the nonaffected units in such condominium is not required.

3. Associations and CAMs (amending §718.111(3))

- If an Association contracts with an LCAM or CAM Firm, the LCAM or CAM Firm must possess all applicable licenses required by Part VIII of Chapter 468.
- All directors or officers of an Association that contracts with an LCAM or CAM Firm have a duty to ensure that the LCAM or CAM Firm is properly licensed before entering into a contract.
- If a contract is between an LCAM and the Association, and the LCAM has his/her license suspended or revoked during the term of the contract, the Association may terminate the contract upon delivery of a written notice to the LCAM, effective on the date the LCAM became unlicensed.
- If a CAM 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 CAM Firm, effective on the date the CAM Firm became unlicensed.

4. Insurance (amending §718.111(11))

- It is clarified that every condominium must have adequate property insurance as determined under §718.111(11)(a), regardless of any requirement in the declaration of condominium for certain coverage by the Association.
- An association or group of associations may provide adequate property insurance as determined under this paragraph through a self-insurance fund that complies with the requirements of ss. 624.460-624.488.
- The amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may (no longer “must”) be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or an update of a previous appraisal. The replacement cost must be determined at least once every three years, at minimum.
- The association’s obligation to obtain and provide adequate property insurance coverage for a group of at least three communities created an operating under this chapter, chapter 719, chapter 720, or chapter 721 may be satisfied by obtaining and maintaining for such communities insurance

coverage sufficient to cover an amount equal to the probable maximum loss for the Communities for a 250 year windstorm event.

5. Official Records (amending §718.111(12))

- In addition to its previous official record requirements, an Association must now maintain:
 - A “copy” of the official records rather than a “photocopy” (as the prior term expressed).
 - A book or books or electronic records that contain the minutes of all meetings of the Association, the Board, 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 one year after the date the video recording is posted on the Association’s website.
 - Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.
 - A copy of all affidavits required by Chapter 718.
- A director or member of the Board or Association or an LCAM who willfully and knowingly or intentionally violates the official records inspection requirements commits a misdemeanor of the second degree and must be removed from office and a vacancy declared. There is no longer the requirement that such violation occur “repeatedly” for the conduct to be punishable.
- In addition to maintaining an adequate number of copies of the governing documents and “question and answer sheet” on the condominium property to ensure their availability to unit owners and prospective purchasers, the Association must also maintain the most recent annual financial statement and annual budget. The Association may still charge its actual costs for preparing and furnishing these documents to those requesting the documents.

6. Website – Official Records (amending §718.111(12)(g))

- Unless a shorter period is otherwise required, a document must be made available on the Association’s website or for download through a mobile device application within 30 days after the Association receives or creates an official record.
- In addition to its previous official record posting requirements, an Association must also post:
 - The approved minutes of all Board meetings over the preceding 12 months.
 - The video recording or a hyperlink to the video recording for all meetings of the Association, the Board, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.
 - A copy of all affidavits required by Chapter 718.
- *Reminder: Commencing January one, 2026 a condominium association with 25 or more units must have a website and comply with all of the statutory website requirements .*

7. Financial Reports (amending §718.111(13))

- 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 must deliver to each unit owner by U.S. 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 five 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.

- If approved by a majority vote of all the voting interests of an Association, the Association may prepare an alternative report in lieu of a compiled, reviewed, or audited financial statement.

8. Investment of Association Funds (adding §718.111(16))

- 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.
- 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.

9. Bylaws (amending §718.112(2))

- **Board Meetings:**

- Board meetings may be conducted in person or by video conference, and the Division must adopt rules governing the requirements for Board meetings.
- If the Board meeting is to be conducted via video conference, the notice must state that the meeting will be via video conference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via video conference, as well as the address of the physical location where the unit owners can attend the meeting in person.
- If the meeting is conducted via video conference, it must be recorded, and such recording must be maintained as an official record of the Association.

- **Unit Owner Meetings:**

- If the bylaws do not provide the location at which the annual meeting of the unit owners must be held, the annual meeting must be held within 15 miles (previously 45 miles) of the condominium property or within the same county as the condominium property.
- All unit owner meetings may be conducted in person or via video conference.
- If the annual meeting is conducted via video conference, a quorum of the Board must be physically present at the physical location where unit owners can attend the annual meeting.
- If a 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.
 - A unit owner may vote electronically in the manner provided in §718.128.
- The Division must adopt rules governing the requirements for unit owner meetings.
- Broadcasting unit owner meeting notices on a closed-circuit cable television system serving the Association is no longer an alternative to physically posting meeting notices.

- **Budget Meetings:**

- A meeting of the Board or unit owners at which a proposed annual budget will be considered may be conducted by video conference, and the Division must adopt rules governing the requirements for such meetings.
- A sound transmitting device must be used so that the conversation of members may be heard by the Board or committee members attending in person and by any unit owners present at the meeting.
- If a Board proposes in any fiscal year an annual budget which requires assessments against unit owners which exceed 115% of assessments for the preceding fiscal year, the Board must simultaneously propose, at the budget meeting before adoption of the annual budget, a

substitute budget that does not include any discretionary expenditures that are not required to be in the budget.

- The calculation of whether the budget exceeds 115% over the prior year excludes:
 - reserves for repair and replacement of the condominium property,
 - the structural integrity reserves, and
 - insurance premiums.
 - Unit owners must consider and may adopt the substitute budget, *prior to* the Board's adoption of the budget that exceeds the 115% threshold. An adoption of the substitute budget requires the affirmative approval of the majority of all of the voting interests unless a higher percentage is required by the bylaws.
 - *On its face this new legislation would appear to allow unit owners to vote on the substitute budget at the Board's budget meeting, however members should only vote at properly noticed members' meeting. Therefore, the Board could recess the Board's budget meeting followed by a members' meeting for consideration of adoption of the substitute budget, followed by a resumption of Board's budget meeting. (Of course both the Board's budget meeting and members' meeting require proper meeting notices and agendas, etc.)*
 - If a substitute budget is not adopted, the annual budget previously initially proposed by the Board may be adopted.
 - At least 14 days before a budget meeting in which a substitute budget will be proposed, the Board must hand deliver or mail to each unit owner a notice of the meeting (*or such longer notice periods as may be required by the bylaws*).
- **Reserves:**
 - By amendment to the term “alternative funding method,” the option of a multicondominium association to provide no reserves or less reserves than required if an alternative funding method has been approved by the Division is no longer limited to multicondominium associations operating at least 25 condominiums.
 - Reserves must now include any item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the Division, whichever is greater, in lieu of the previous \$10,000 threshold.
 - The Division must 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.
 - Membership approval is no longer required for the Board to pause the contribution to its reserves or reduce reserve funding if the local building official determines that the entire condominium building is uninhabitable due to a natural emergency as defined in §252.34.
 - An association's reserve accounts may be pooled for two or more required components. However, reserve funding for SIRS components may only be pooled with other SIRS components.
 - 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 SIRS.
 - A vote of the membership is not required for the Board to change from pooling to straight-line method or straight-line to pooling method of accounting.

- **Funding SIRS Reserves:**
 - If an Association votes to terminate the condominium in accordance with §718.117, the members may vote to waive the maintenance of reserves recommended by the Association's most recent SIRS.
 - SIRS reserves may be funded by regular assessments, special assessments, lines of credit, or loans.
 - A special assessment, line of credit, or loan requires the approval of a majority vote of the total voting interests of the Association.
 - A special assessment, a line of credit, or a loan secured for such purposes and related details must be included in the annual financial statement.
 - A unit-owner-controlled Association that must have a SIRS may secure a line of credit or a loan to fund capital expenses required by a milestone inspection or a SIRS.
 - This does not apply to a developer-controlled Association, an Association in which the nondeveloper unit owners have been in control for less than one year, or an Association controlled by one or more bulk assignees or bulk buyers. (Note: It is unclear if this exception also applies to the funding of SIRS reserves by regular assessments, special assessments, lines of credit, or loans.)
 - 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 and the most recent SIRS.
 - 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.
 - For a budget adopted on or before December 31, 2028, if the Association has completed a milestone inspection within the previous two 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 does not apply to a developer-controlled Association, an Association in which the nondeveloper unit owners have been in control for less than one year, or an Association controlled by one or more bulk assignees or bulk buyers.
 - An association that has paused reserve contributions must have a SIRS performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.
- **SIRS Requirements:**
 - A residential condominium association must have a SIRS completed at least every 10 years after the condominium's creation for each building on the condominium property that is at least three habitable stories as determined by the Florida Building Code.
 - A SIRS must now include any item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the Division, whichever is greater, in lieu of the previous \$10,000 threshold.
 - The Division must 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.

- A SIRS, including the visual inspection portion of the SIRS, must be performed or verified by a licensed engineer, a licensed architect, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.
 - At a minimum, the SIRS 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 SIRS may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the Association's maintenance obligation.
 - If the SIRS recommends reserves for any item that is not a SIRS component, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required under a SIRS.
 - The SIRS 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 SIRS is performed before the Association has approved a special assessment or secured a line of credit or a loan, the SIRS 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 SIRS 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 SIRS 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 SIRS.
 - In addition to the existing exceptions, a SIRS is not required for four-family dwellings with three or fewer stories above ground.
 - Associations existing on or before July 1, 2022, 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.
 - If the Association completes a milestone inspection, or an inspection completed for a similar local requirement, the Association may delay performance of a required SIRS for no more than the two 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.
 - An officer or a director of an Association (not the LCAM) must sign an affidavit acknowledging receipt of the completed SIRS.
 - The Division must adopt by rule the form for the SIRS in coordination with the Florida Building Commission.
- **SIRS Reserves; Conflicts of Interest:**
 - Any design professional or licensed contractor who bids to perform a SIRS must disclose in writing to the Association his/her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the SIRS.
 - Any design professional licensed contractor submits a bid to the Association for performing any services recommended by the SIRS may not have an interest, directly or indirectly, in the firm or entity providing the Association's SIRS or be a relative (within the third degree of consanguinity by blood or marriage) of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the Association in writing.

- 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.
- A design professional or licensed contractor may be subject to discipline under the applicable practice act for his/her profession for failure to provide the written disclosure of the interests or relationships.

10. Hurricane Protection (amending §718.113(5))

- Unless otherwise provided in the declaration as originally recorded, or as amended, a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the Association is responsible.
- The Board must determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the Association if the declaration as originally recorded, or as amended, does not specify who is responsible for such costs.

11. Evacuations from the Condominium (amending §718.1265(1)(h))

- In the event of an evacuation order (mandatory or voluntary) in the locale in which a condominium is located, the Board can require the evacuation of the condominium property.
- If a unit owner or other occupant fails or refuses to comply with the Board’s evacuation requirement, the Association is immune from liability or injury to persons or property arising from such failure or refusal.

12. Electronic Voting (amending §718.128)

- A Board meeting at which a resolution of the Board authorizing an online voting system is no longer required to be noticed 14 days before the Board meeting.
- If at least 25% 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 if the petition is received within 180 days after the date of the last scheduled annual meeting.

● **Electronic Ballots (distinct from electronic voting through an online voting system)**

- Unless the Association has adopted electronic voting, the Association must designate an e-mail address for receipt of electronically transmitted ballots.
- A unit owner may electronically transmit a ballot to the e-mail address designated by the Association without complying with 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 so long as the completed ballots include all the following:
 - A space for the unit owner to type in his/her unit number.
 - A space for the unit owner to type in his/her first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot.
 - 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.

- A unit owner must transmit his/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.
- 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, officer, or agent of the Association, or an LCAM, provides a sworn affidavit attesting to such review.

13. Nonresidential Condominiums Consisting of 10 or Fewer Units (amending §718.301 & §718.302)

- The following events no longer trigger turnover for nonresidential condominiums consisting of 10 or fewer units:
 - Three years after 50% of the units that will be operated ultimately by the Association have been conveyed to purchasers.
 - When all the units that will be operated ultimately by the Association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business.
 - When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business.
 - Seven years after the date of the recording of the certificate of a surveyor and mapper or the recording of 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, whichever occurs first; or, in the case of an Association that may ultimately operate more than one condominium, seven years after the date of the recording of the certificate of a surveyor and mapper or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, for the first condominium it operates; or, in the case of an Association operating a phase condominium, seven years after the date of the recording of the certificate of a surveyor and mapper or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first.
- If the Association operates only one condominium and the unit owners other than the developer have assumed control of the Association, or if unit owners other than the developer own at least 75% of the voting interests in the condominium or own at least 90% of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, the cancellation of a contract providing for the operation, maintenance, or management of the condominium association or property serving the unit owners must be by concurrence of the owners of at least 75% of the voting interests other than the voting interests owned by the developer.
- If the Association operates more than one condominium and the unit owners other than the developer have not assumed control of the Association, and if unit owners other than the developer own at least 75% of the voting interests in the condominiums operated by the Association or own at least 90% of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, any grant, reservation, or contract for maintenance, management, or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium may be canceled by concurrence of the owners of at least 75%, or the owners of at least 90% if the condominium is a nonresidential condominium consisting of 10 or fewer units, of the voting interests in the condominium other than the voting interests owned by the developer.

14. Condominiums Created Within a Portion of a Building or Within a Multiple Parcel Building (amending §718.407(4))

- Within 60 days after the end of each fiscal year, the owner of a portion of a building that is not subject to the condominium form of ownership must provide to the Association a complete financial report of all costs for maintaining and operating the shared facilities.
 - Such report must include copies of all receipts and invoices.
 - If such owner fails to provide the report and copies of the receipts and invoices to the condominium association within the 60-day period, the Division may impose penalties and otherwise enforce and ensure compliance.
- ***New Statute of Limitation:*** Within 60 days after receipt of the complete financial report, the Association may challenge any apportionment of costs for the maintenance and operation of the shared facilities. Such challenge is governed by §720.311.

15. Authority of the Division (amending §718.501)

- The authority and jurisdiction of the Division has been expanded to permit the Division to review records and investigate complaints related to:
 - Milestone inspections.
 - Completion of repairs required by milestone inspections.
 - The requirement for condominium associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the condominium association.
 - Condominium Board member education requirements.
 - Reporting requirements for structural integrity reserve studies.

16. Creating an Online Account with the Division (adding §718.501)

- 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 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 within 30 days after any change.
- The Division must 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 the Division may require from condominium associations is limited to:
 - The Association's contact information, including:
 - Name of the Association.
 - Physical address of the condominium property.
 - Mailing address and county of the Association.
 - E-mail address and telephone number for the Association.
 - Name and Board title for each member of the Association's Board.
 - Name and contact information of the Association's LCAM or CAM Firm, if applicable.
 - Hyperlink or website address of the Association's website, if applicable.
 - Total number of buildings and for each building in the Association:
 - Total number of stories, including both habitable and uninhabitable stories.
 - Total number of units.
 - Age of each building based on the certificate of occupancy.
 - Any construction commenced within the common elements within the calendar year.
 - The Association's assessments, including the:
 - Amount of assessment or special assessment by unit type, including reserves.

- Purpose of the assessment or special assessment.
- Name of the financial institution or institutions with which the Association maintains accounts.
- A copy of any SIRS and any associated materials requested by the Department within five business days after such request, in a manner prescribed by the Department.

COOPERATIVE ASSOCIATIONS

1. Investment of Association Funds (adding §719.104(13))

- 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.
- An 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.

2. Reserves (amending §719.106(1))

- Reserves must now include any item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the Division, whichever is greater, in lieu of the previous \$10,000 threshold.
 - The Division must 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.
- If the local building official determines that the entire cooperative building is uninhabitable due to a natural emergency as defined in §252.34, the Board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the cooperative building is habitable.
 - Any reserve account funds held by the Association may be expended, pursuant to the Board's determination, to make the cooperative building and its structures habitable.
 - Upon the determination by the local building official that the cooperative building is habitable, the Association must immediately resume contributing funds to its reserves.
- An Association's reserve accounts may be pooled for two or more required components. However, reserve funding for SIRS components can only be pooled with other SIRS components.
 - 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 SIRS.
 - 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.
- **Funding SIRS Reserves:**
 - SIRS reserves may be funded by regular assessments, special assessments, lines of credit, or loans.
 - A special assessment, a line of credit, or a loan requires the approval of a majority vote of the total voting interests of the Association.
 - A special assessment, line of credit, or loan secured for such purposes must be included in the annual financial statement.
 - A unit-owner-controlled Association that is required to have a SIRS may secure a line of credit or a loan to fund capital expenses required by a milestone inspection or a SIRS.
 - The lines of credit or loans must be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount and the most recent SIRS.

- Funding from the line of credit or loans 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.
 - For a budget adopted on or before December 31, 2028, if the Association has completed a milestone inspection within the previous two 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 does not apply to a developer-controlled Association and an Association in which the nondeveloper unit owners have been in control for less than one year.
 - An association that has paused reserve contributions must have a SIRS performed before the continuation of reserve contributions in order to determine the Association’s reserve funding needs and to recommend a reserve funding plan.
- **SIRS Requirements:**
 - A residential cooperative association must have a SIRS completed at least every 10 years for each building on the cooperative property that is at least three habitable stories as determined by the Florida Building Code.
 - A SIRS must now include any item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the Division, whichever is greater, in lieu of the previous \$10,000 threshold.
 - The Division must 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.
 - A SIRS, including the visual inspection portion of the SIRS, must be performed or verified by a licensed engineer, a licensed architect, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.
 - At a minimum, the SIRS 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 SIRS may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the Association’s maintenance obligation.
 - If the SIRS recommends reserves for any item that is not a SIRS component, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required under a SIRS.
 - The SIRS 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 SIRS is performed before the Association has approved a special assessment or secured a line of credit or a loan, the SIRS 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 SIRS 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 SIRS 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 SIRS.
 - If the Association completes a milestone inspection, or an inspection completed for a similar local requirement, the Association may delay performance of a required SIRS for no more than the two 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.
 - An officer or a director of an association must sign an affidavit acknowledging receipt of the completed SIRS.
 - The Division must adopt by rule the form for the SIRS in coordination with the Florida Building Commission.
- **SIRS Reserves; Conflicts of Interest:**
 - Any design professional or licensed contractor who bids to perform a SIRS must disclose in writing to the Association his/her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the SIRS.
 - Any design professional or licensed contractor who submits a bid to the Association for performing any services recommended by the SIRS may not have an interest, directly or indirectly, in the firm or entity providing the Association's SIRS or be a relative (within the third degree of consanguinity by blood or marriage) of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the Association in writing.
 - 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.
 - A design professional or licensed contractor may be subject to discipline under the applicable practice act for his/her profession for failure to provide written disclosure of the relationship.

3. **Creating an Online Account with the Division** (amending §719.501)

- On or before October 1, 2025, all cooperative 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 may require cooperative associations to provide such information no more than once per year, except that the Division may require cooperative associations to update their contact information within 30 days after any change.
- The Division must provide a cooperative association at least a 45-day notice of any requirement to provide any required information after the cooperative association creates an online account.
- The information the Division may require cooperative associations to provide is limited to:
 - The Association's contact information, including:
 - Name of the Association.
 - Physical address of the cooperative property.
 - Mailing address and county of the Association.
 - E-mail address and telephone number for the Association.
 - Name and Board title for each member of the Association's Board.
 - Name and contact information of the Association's LCAM or CAM Firm, if applicable.
 - Hyperlink or website address of the Association's website, if applicable.
 - The total number of buildings and for each building in the Association:
 - Total number of stories, including both habitable and uninhabitable stories.
 - Total number of units.

- Age based on the certificate of occupancy.
- Any construction commenced on the common elements within the previous calendar year.
- The Association's assessments, including the:
 - Amount of assessment or special assessment by unit type, including reserves.
 - Purpose of the assessment or special assessment.
 - Name of the financial institution or institutions with which the Association maintains accounts.
- A copy of any SIRS and any associated materials requested by the Department. The Association must provide such materials within five business days after such request, in a manner prescribed by the Department.