

If you own a unit in a CONDOMINIUM ASSOCIATION regulated by Florida Statute 718 or in a CO-OP regulated by FS 719, below are the bills that will directly affect you.

CONDO (FS 718) + CO-OP (FS 719)

HB 1021: Community Associations

GENERAL BILL by Commerce Committee ; State Administration & Technology Appropriations Subcommittee ; Regulatory Reform & Economic Development Subcommittee ; Lopez, V. ; (CO-INTRODUCERS) Anderson ; Bartleman ; Benjamin ; Cross ; Garcia ; López, J. ; Mooney ; Porras ; Redondo ; Stevenson ; Valdés

An act relating to community associations; amending s. **468.4334, F.S.**; requiring community association managers and community association management firms to return official records of an association within a specified time after termination of a contract; requiring notices of termination of certain contractual agreements to be sent in a specified manner; authorizing community association managers and community association management firms to retain, for a specified timeframe, records necessary to complete an ending financial statement or report; relieving community association managers and community association management firms from certain responsibilities and liability under certain circumstances; providing a rebuttable presumption regarding noncompliance; providing penalties for the failure to timely return official records; providing an exception for certain time periods for timeshare plans; creating s. **468.4335, F.S.**; requiring community association managers and community association management firms to disclose certain conflicts of interest to the association's board; providing a rebuttable presumption as to the existence of a conflict; requiring an association to solicit multiple bids for goods or services under certain circumstances; providing requirements for an association to approve any activity and contracts that are a conflict of interest; providing that a conflict of interest in a contract which has been previously disclosed must to be noticed and voted on upon its renewal, but not during the term of the contract; authorizing certain contracts to be canceled, subject to certain requirements; specifying liability and nonliability of the association upon cancellation of such a contract; authorizing an association to cancel a contract if certain conflicts were not disclosed; specifying liability and nonliability of the association upon cancellation of a contract; defining the term

"relative"; reenacting and amending s. **468.436, F.S.**; revising the list of grounds for which the Department of Business and Professional Regulation may take disciplinary actions against community association managers or community association firms; amending s. **553.899, F.S.**; exempting certain four 46 family dwellings from requiring a milestone inspection and milestone inspection report; amending s. **718.103, F.S.**; revising and providing definitions; amending s. **718.104, F.S.**; providing requirements for the declaration of specified condominiums; requiring declarations to specify the entity responsible for the installation, maintenance, repair, or replacement of hurricane protection; amending s. **718.111, F.S.**; providing criminal penalties for any officer, director, or manager of an association who unlawfully solicits, offers to accept, or accepts a kickback; requiring such officers, directors, or managers to be removed from office and a vacancy declared; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to monitor an association's compliance with certain provisions, and issue fines and penalties if necessary, upon receipt of a complaint; revising the list of records that constitute the official records of an association; providing requirements relating to e-mail addresses and facsimile numbers of unit owners; requiring an association to redact certain personal information in certain documents; providing an exception to liability for the release of certain information; revising maintenance requirements for official records; revising requirements regarding requests to inspect or copy association records; requiring an association to provide a checklist in response to certain records requests; providing a rebuttable presumption and criminal penalties; requiring certain persons to be removed from office and a vacancy declared under certain circumstances; defining the term "repeatedly"; requiring copies of certain building permits be posted on an association's website or application; modifying the method of delivery of certain financial reports to unit owners; revising circumstances under which an association may prepare certain reports; revising criminal penalties for persons who unlawfully use a debit card issued in the name of an association; requiring certain persons to be removed from office and a vacancy declared under certain circumstances; defining the term "lawful obligation of the association"; revising the threshold for associations that must post certain documents on its website or through an application; amending s. **718.112, F.S.**; requiring the boards of certain associations to meet at least once every quarter; requiring the meeting agenda to include an opportunity for members to ask questions of the board a certain number of times a year; providing that the right to attend meetings includes the right to ask questions relating to certain topics; revising requirements regarding notice of such meetings; requiring a director to complete an educational requirement within a specified time period before or after election or appointment to the board; providing requirements for the educational curriculum; providing transitional provisions; requiring a director to complete a certain amount of continuing education each year relating to changes in the law; requiring the secretary of the association to maintain certain information for inspection for a specified

number of years; authorizing members of an association to pause the contribution to reserves or reduce reserves under certain circumstances and for a limited time; authorizing the board to expend reserve account funds to make the condominium building and structures habitable; requiring an association to distribute or deliver copies of a structural integrity reserve study to unit owners within a specified timeframe; specifying the manner of distribution or delivery; requiring an association to provide a specified statement to the division within a specified timeframe; revising the circumstances under which a director or an officer must be removed from office after being charged by information or indictment of certain crimes; prohibiting such officers and directors with pending criminal charges from accessing the official records of any association; providing an exception; providing criminal penalties for certain fraudulent voting activities relating to association elections; amending s. **718.113, F.S.**; providing applicability; specifying that certain actions are not material alterations or substantial additions; authorizing the boards of residential and mixed-use condominiums to install or require unit owners to install hurricane protection; requiring a vote of the unit owners for the installation of hurricane protection; requiring that such vote be attested to in a certificate and recorded in certain public records; requiring the board to provide, in various manners, to the unit owners a copy of the recorded certificate; providing that the validity or enforceability of a vote is not affected if the board fails to take certain actions; providing that a vote of the unit owners is not required under certain circumstances; prohibiting installation of the same type of hurricane protection previously installed; providing exceptions; prohibiting the boards of residential and mixed-use condominiums from refusing to approve certain hurricane protections; authorizing the board to require owners to adhere to certain guidelines regarding the external appearance of a condominium; revising responsibility for the cost of the removal or reinstallation of hurricane protection, including exterior windows, doors, or apertures; prohibiting the association from charging certain expenses to unit owners; requiring reimbursement or a credit toward future assessments to the unit owner in certain circumstances; authorizing the association to collect certain charges and specifying that such charges are enforceable as assessments under certain circumstances; amending s. **718.115, F.S.**; specifying when the cost of installation of hurricane protection is not a common expense; authorizing certain expenses to be enforceable as assessments; requiring certain unit owners to be excused from certain assessments or to receive a credit for hurricane protection that has been installed; providing credit applicability under certain circumstances; providing for the amount of credit that a unit owner must receive; specifying that certain expenses are common expenses; amending s. **718.121, F.S.**; conforming a cross-reference; amending s. **718.124, F.S.**; providing the statute of limitations and repose for certain actions; amending s. **718.1224, F.S.**; revising legislative findings and intent; revising the definition of the term "governmental entity"; prohibiting an association from filing strategic lawsuits, taking certain actions

against unit owners, and expending funds to support certain actions; amending s. **718.128, F.S.**; providing that a unit owner may consent to electronic voting electronically; providing that a board must honor a unit owner's request to vote electronically until the owner opts out; amending s. **718.202, F.S.**; providing sales and reservation deposit requirements for nonresidential condominiums; amending s. **718.301, F.S.**; requiring developers to deliver a structural integrity reserve report to an association upon relinquishing control of the association; amending s. **718.3027, F.S.**; revising requirements regarding attendance at a board meeting in the event of a conflict of interest; modifying circumstances under which a contract may be voided; revising a cross reference; amending s. **718.303, F.S.**; requiring an association to provide certain notice to a unit owner by a specified time before an election; creating s. **718.407, F.S.**; authorizing a condominium to be created within a portion of a building or within a multiple parcel building; specifying that the common elements are only those portions of the building submitted to the condominium form of ownership; providing requirements for the declaration of such condominiums and other certain recorded instruments; providing for the apportionment of expenses for such condominiums; authorizing the association to inspect and copy certain books and records; requiring a specified disclosure summary for contracts of sale for a unit in certain condominiums; providing that the creation of a multiple parcel building is not a subdivision of the land; amending s. **718.501, F.S.**; revising circumstances under which the division has jurisdiction to investigate and enforce complaints relating to certain matters; requiring that the division provide official records, without charge, to a unit owner denied access; authorizing the division to issue certain citations; requiring the division to provide a division-approved training provider with the template for the certificate issued to certain directors of a board of administration; requiring that the division refer suspected criminal acts to the appropriate law enforcement authority; authorizing certain division officials to attend association meetings; authorizing the division to request access to an association's website or application to investigate complaints under certain circumstances; requiring the division to include certain information in its annual report to the Governor and Legislature after a specified date; specifying requirements for the annual certification; authorizing the division to adopt rules; providing applicability; amending s. **718.5011, F.S.**; providing that the secretary of the Department of Business and Professional Regulation, rather than the Governor, appoints the condominium ombudsman; amending s. **718.503, F.S.**; requiring nondeveloper unit owners to include an annual financial statement and annual budget in information provided to a prospective purchaser; revising information that must be included in contracts for the resale of a residential unit; requiring certain disclosures be made if a unit is located in a specified type of condominium; amending s. **718.504, F.S.**; requiring certain information provided to prospective purchasers to state whether the condominium is created within a portion of a building or within a multiple parcel building; amending

s. **719.106, F.S.**; requiring an association to distribute or deliver copies of a structural integrity reserve study to unit owners within a specified timeframe; specifying the manner of distribution or delivery; requiring an association to provide a specified statement to the division within a specified timeframe; amending s. **719.129, F.S.**; providing that a unit owner may consent electronically to electronic voting; amending s. **719.301, F.S.**; requiring developers to deliver a structural integrity reserve study to a cooperative association upon relinquishing control of association property; requiring the division to conduct a review of statutory requirements regarding posting of official records on a condominium association's website or application; requiring the division to submit its findings, including any recommendations, to the Governor and the Legislature by a specified date; requiring the division to create a database on its website with certain information by a date certain; providing appropriations; providing construction and retroactive application; requiring the Florida Building Commission to perform a study for specified purposes; requiring the commission to submit a report of its recommendations to the Governor and Legislature by a date certain; providing effective dates.

Effective Date: 7/1/2024