



2025-2026 Legislative Update

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BILLS THAT PASSED 2025 SESSION

HB913 – Condominium 4.0

HB913 - Management

- Manager who has license revoked may not have an indirect or direct ownership, or be an employee, partner, officer, director or trustee of a community association management firm for 10 years after revocation of license.
- Managers must maintain an online licensure account with the DBPR identifying their management firm and the associations that they provide services as manager. Changes must be updated within 30 days of a change. If manager's license is suspended or revoked, written notice must be given to the management firm and the Association.
- Section 718.111 revised to require Board to check license of manager/management firm before hiring and entering into contract. If license is revoked or suspended, Association may immediately terminate the contract.
- Community association manager or management firms are prohibited from knowingly taking any action directed by the Association that violates state or federal law.
- All management contracts must provide in at least 12 point the following statement:
 - "The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of Chapter 468, Florida Statutes."

HB913 - Management

- Contracts between association and manager/management firm cannot limit or waive professional standards.
- Managers must:
 - 1. attend at least one member or board meeting in person each year
 - 2. give the members the name, contact details and hours of availability of each manager assigned to the condominium as well as a summary of their responsibilities.
 - Must also be posted on Association website for those Associations which are required to maintain a website
- Conflict of interest changes:
 - A conflict of interest is presumed if the manager, management firm, or its directors, officers, or relatives enters into a contract for goods or services (other than management services) without prior disclosure
 - A conflict of interest exists if they receive compensation from a person who provides goods and services to the Association such as profit sharing, referral bonuses, etc.
 - Conflicts of interest must be put on the agenda for the next board meeting. The notice must describe the activity and disclose the potential conflict, and include copies of all related contracts/documents. Failure to do so renders the contract voidable and the Association can also terminate its management contract with the manager or firm.

HB913 – Structural Integrity Reserves (SIRS) & Milestone Inspection

- Clarified that only buildings with three or more “habitable” floors are required to complete milestone inspections and structural integrity reserve study
- Local jurisdictions must adopt ordinances that require to perform necessary repairs required by a phase II inspection within 365 days after receipt of the report
- Local jurisdictions must provide statistics/information to the DBPR for those condominiums within their jurisdiction subject to milestone
- Engineers/architects bidding to perform milestone inspections must disclose in writing their intent to bid on any repairs work required by the milestone inspection. All disclosures must be in writing and contract can be voided. Professional is subject to discipline by DBPR for failure to disclose

HB913 – Video Conferenced Meetings

- Defines video conference in Section 718.103 as “a real time audio and video based meeting between two or more people in different locations using video enabled and audio enabled devices.”
- Notice of any meeting held by video conference must include a hyperlink and call in conference telephone number for unit owners to attend meeting
- Notice must provide physical location where unit owners can attend meeting in person
- All meetings utilizing video conference must be recorded and recordings must be maintained as part of the Association’s official records
- Videos must be posted to the Association website;
- If it is an annual meeting, a quorum of the Board must be physically present at the physical location of the meeting;
- Unit owners attending members meeting video conference shall be permitted to vote electronically as provided in Section 718.128, Florida Statutes
- Physical location of annual meeting must be as provided in By-Laws and if not set forth, within 15 miles of the condominium
- Removes language in Section 718.112 authorizing broadcast notice in lieu of physical posting of notices on the property

HB913 – Electronic Voting

- Removes requirement that resolution adopting electronic voting must be mailed at least 14 days in advance of meeting
- Resolution can now be adopted at normal 48 hour board of directors meetings
- Allows 25% of unit owners to petition that the Board adopt electronic voting procedures for the next scheduled election
 - If petition received, Board must hold meeting within 21 days to adopt resolution for electronic voting
 - Petition must be received within 180 days of the date of the last scheduled annual meeting
- If the Board has not formally adopted electronic voting, it must designate an email address for the receipt of electronically submitted ballots
 - Owner can email instead of using double envelope system
 - Ballot must include:
 - 1. A space for unit owner to type his or her unit number
 - 2. A space for the unit owner to type his or her first and last name which functions as signature
 - 3. The following statement in capitalized letters in a font larger than any other font used in the email

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 EMAIL 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.

HB913 – Official Records

- Associations must maintain a recording of all meetings conducted by video conference for at least 1 year after the meeting date;
- Condominium Act specifically states that bank statements and ledgers must be maintained as part of the official records
- Association must maintain copies of all affidavits required by the Condominium Act (e.g. affidavits of mailing, affidavits of receipt of SIRS reports, etc.)
- Association must maintain sufficient extra copies of financial statements and budget on the property to be provided to owners and purchasers (similar to copies of the Association's governing documents)
- Modified language for failure to provide access to records from “knowingly, willfully and repeatedly” to “willfully and knowingly or intentionally”
 - Removed language of persons with repeated violations (two or more in 12 months) were criminally liable
- For those Associations required to have a website, all official records received must be posted within 30 days after receipt/creation.

HB913 – Investment of Association Funds

- Association must use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds
- Association's may invest reserve funds in Certificates of Deposit or depository accounts at community bank, savings bank, commercial bank, savings and loan association or credit union without a vote of the unit owners

HB913 – Financial Reporting

- Condominium Act amended to extend time frame for completing financial report (audit, review, compilation, or cash receipts report) to 180 days (up from 120 days) after end of fiscal year
- Association must provide affidavit by officer or director evidencing that the Association delivered a copy of the report or letter advising that it is available to the owner at no charge
- Increased voting requirement to waive financial report requirement from majority of those present at a meeting to a majority of all owners;

HB913 – Hurricane Protection

- Hurricane protection installation obligations exceptions can be defined in the Declaration as originally recorded or amended
- If Declaration does not specify responsibility for removal and reinstallation during Association project, then statutory language applies
- Removed language that allowed Association under certain circumstances to charge unit owners for hurricane protection removal/reinstallation and to collect it as assessment

HB913 – Budgeting

- If the Board proposes budget that exceeds 115% of assessments from the prior year, the Board must simultaneously propose a substitute budget that does not include ANY discretionary expenditures that are not required to be included in the budget
- Required reserves, repair of items required by the Structural Integrity Reserve Study and insurance premiums may be excluded from the calculation in reaching the 115%
- Board must provide at least 14 days notice via hand delivery and mail to the members of the meeting at which the substitute budget is being considered
 - Substitute budget must be adopted by a majority of all voting interests
 - If substitute budget is not adopted, the boards initial proposed budget may be implemented

HB913 – Reserves

- Increased threshold for reserve funding from \$10,000 to \$25,000.00 (subject to increase by consumer price index)
- For a budget adopted before December 31, 2028, if the Association has completed a milestone inspection pursuant to Section 553.899 within the previous 2 calendar years, the Board upon approval of a majority of the total voting interests may temporarily pause for a period of no more than 2 consecutive budgets the reserve contribution or otherwise reduce the funding requirements recommended by the structural integrity reserve study for the purpose of funding repairs recommended by the milestone inspection
 - Does not apply to developers or Associations that have recently go through turnover, or bulk buyers
- Any Association which pauses funding pursuant to this paragraph must obtain a new SIRS report before implementing the budget requiring reserves (new SIRs must set forth the recommended reserve funding plan)
- If members vote to terminate condominium, the association may waive the reserves recommended by any SIRS
- Association may vote to pause reserve funding with Board vote if the local building official determines the entire condominium is uninhabitable

HB913 – Reserves (SIRS)

- Provides additional year for completion of SIRS report (must be completed by December 31, 2025)
- Officer or director must sign an affidavit acknowledging receipt of the completed report (DBPR will adopt a standardized form)
- Clarifies that SIRS does not apply to buildings that are three or fewer habitable stories above ground
- Also specifically adds four family dwelling units with three or fewer habitable stories as exempt
- SIRS may be funded by regular assessments, special assessments, lines of credit or loans
 - Special assessment, lines of credit or loans must be approved by a majority vote of the total voting interest of the Association
 - Line of Credit must be sufficient to fund cumulative amount of any amount waived and must be immediately accessible without additional vote
 - Details must be included in the annual financial statement
- SIRS must include a recommendation for reserve funding schedule based upon baseline funding that provides reserve funding to keep cash balance above zero
- SIRS may recommend other types of funding schedules provided it is sufficient to meet maintenance obligation

HB913 – Reserves (SIRS)

- If SIRS recommends reserves for an item which reserves are not required for any item for which an estimated useful life and estimated replacement cost cannot be determined, the amount of the recommended reserves must be separately identified in the SIRS as an item for which SIRS are not required
- SIRS must take into account funding method (regular assessment, special assessment line of credit or loan)
- If SIRS was performed before a special assessment is made or a line of credit/loan has been obtained, SIRS must be updated to reflect the funding method and its effect on reserve schedule
- Updated SIRS must be obtained before an association adopts any budget which is not consistent with the current funding plan in the most recent SIRS report
- Reserve funds may be pooled for two or more required components (SIRS must only be pooled with other SIRS components)
 - Vote of the members is not required to change the accounting method for reserves to pooled accounting or straight line

HB913 – Misc

- Emergency Powers – removed limitation that precludes the Board from only ordering evacuation of building when mandatory evacuation order from local government. If resident or owner refuses to vacate in response to Board order, the Association is immune from liability from such person
- Modification of nonresidential units – Size of unit may be modified if the affected owners and all lienholders agree to the amendment
- Termination of developer contracts in non-residential condominiums – Permits cancellation of developer contract by membership of non-residential condo where at least 90% of the units have been sold in a condominium of 10% or fewer units
- Expands DBPR jurisdiction to investigate complaints required to completion of milestone report repairs, board member education requirements, SIRs reporting and fidelity bonding
- Requires Associations to maintain an online account with DBPR which provides requested information in electronic format (association must update within 30 days of change)
 - Name of Association; physical address; mailing address and county; email address and phone number; name and title of each board member, CAM contact info; link to association website; number of buildings; number of stories in each building; number of units; age of building based upon certificate of occupancy; assessment related information
- Extended time frame for disclosure of documents required in Sale of Condominium and Cooperative Units to 7 days

HB393 – My Safe Florida Pilot Program

HB393 – My Safe Florida Pilot Program

- Excludes detached units on individual parcels of land from the grant program and restricts use of the funds to buildings that are three stories or more in height and contain at least 2 single family dwellings
- Prohibits Association from applying for grant funds to replace windows if the windows are not defined in the declaration as common elements
- Excludes associations that are not current on milestone inspection or structural integrity reserve study obligations
- Limits grant funds only to be used for certain water intrusion mitigation devices or improvements that would provide an insurance premium discount or credit
- If funds are given, it must be utilized to mitigate all openings in the building
- Lowered the requirement to approve submission of grant proposal from 100% of owners to 75% of owners in the affected building

Miscellaneous Bills

HB897 – Timeshare Management

- Provides that a timeshare management firm or individual licensed under 468.438 is governed by Section 721.13 and not by 468.4335
- Exempts CAM and CAM firms from certain requirements relating to conflicts of interest if they manage a timeshare plan and provides certain disclosures relating to conflicts of interest
- Governed instead by Vacation Plan and Timesharing Act
- Timeshare management firm and CAMs employed by such firms must discharge their duties in good faith and exempts them from certain liability for monetary damages
- Board of Administration for timeshare condominiums only have to meet once per year (but not prohibit additional meetings)
- If timeshare management firm provides good or services through parent, affiliate or subsidiary of timeshare management firm, the fact that a related party is providing goods or services must be disclosed annual to members of that owner's association.

SB108 – Administrative Procedures

- Requires each agency, in coordination with the Joint Administrative Procedures Committee, to review its rules for consistency with the powers and duties granted by the agency's enabling statutes and for any general need for update.
- Provides that agency action to make no change or a technical change to a rule during its rule review process is not subject to a hearing or challenge otherwise provided in ch. 120, F.S.
- Requires agency annual regulatory plans to include an outline of the agency's proposed five-year schedule of its rule review, with approximately 20 percent of the agency's total existing rules to be reviewed annually.
- Establishes a 90-day timeframe for an agency to publish a notice of intended agency action from the effective date of legislation that delegates applicable rulemaking authority.

SB108 – Administrative Procedures

- Requires an agency, for all rules being adopted and reviewed, to electronically publish the full text of any incorporated materials with the notice of proposed rulemaking and necessitates changes to that material to be coded in a strike-through and underlined format, and to make incorporated materials available in a text-searchable format.
- Directs an agency to publish emergency rules in the Florida Administrative Register and the Florida Administrative Code, with an agency statement of the specific basis for the rule.
- Requires an agency to withdraw a rule that was not ratified by the Legislature within one regular legislative session after its referral to the body. If an underlying mandatory delegation of rulemaking authority persists at the time the agency withdraws the rule, then the agency must reinitiate rulemaking within 90 days of adjournment.

SB108 – Administrative Procedures

- Clarifies that an emergency rule that has been extended, in virtue of a successor rule being subject to legislative ratification, expires at the time of adjournment sine die of the next regular legislative session if that successor rule is not ratified.
- Permits an agency to withdraw an emergency rule, where it can show that the underlying emergency no longer exists. An agency is also allowed to make a technical change to an emergency rule or to supersede it with different language that will remain in effect for the duration of the initial emergency rule.
- Defines the term “technical change” and directs an agency to publish technical changes in the Florida Administrative Register and document the change in the history of the rule.
- Mandates that a notice of rule development and a notice of proposed rule include the proposed rule number.
- Requires at least seven days to pass between the publication of a notice of rule development and a notice of proposed rule.

SB472 – Relating to Education in Correctional Facilities

Requires the Department of Corrections (DOC) to coordinate with the relevant professional boards under the Department of Business and Professional Regulation (DBPR), or the DBPR when there is no board, to ensure that inmates who successfully complete classes that are required for licensure in such professions will receive credit towards licensure.

SB948 – Flood Disclosure

- Requires a landlord of residential rental property or a mobile home park owner to disclose certain information regarding flood risks and past flooding of the property to prospective tenants. A tenant who does not receive the disclosures and who incurs substantial losses or damages due to flooding may terminate the lease and is entitled to refund of advance rents paid.
- Requires the developer of a condominium or cooperative to disclose information relating to flood risks and past flooding of the property in a contract for the sale of long-term rental of a condominium or cooperative unit.
- Expands the flood-related disclosures required under current law that must be provided to a prospective purchaser of residential real property. The bill adds a requirement that the seller disclose whether he or she is aware of any flood damage that occurred during his or her ownership. Also, a seller must also disclose whether he or she has received assistance from any source for flood damage to the property, as opposed to just federal sources.

Action Items

- Review management contracts that are coming up for renewal to ensure that they have required language and/or consider amending long term contracts with an addendum to provide for new statutory language; review management contracts to ensure proper turnover and/or access to records upon termination
- Review with your legal counsel record retention policies to ensure that appropriate policies are in place for
 - Retaining video conference meeting recordings
 - Ensuring new requirements for affidavits are created at the appropriate times
 - Ensure that documents are posted to the website timely
 - Consider storage considerations for large video files from meeting recordings and backup (cloud vs external storage)
- Review governing documents for financial reporting requirements to determine whether 180 day completion deadline applies to your condominium (many By-laws require completion of financial reports sooner)

Action Items

- Review hurricane protection policies in governing documents particularly if you are considering concrete restoration or other projects which will affect hurricane protection (consider amending Declaration so that Association is not obligated for removal and reinstallation of hurricane protection)
- For those Associations that have previously utilized broadcast notice of meetings, adopt new policies for proper posting of meeting notices
- Consider new requirements which force allowing unit owners to vote by email and whether Board wants to adopt electronic voting to prevent fraud and otherwise simplify membership voting
- Consider technical requirements for hybrid video and in person meetings (Consider internet, speaker and TV/projector requirements) or if you wish to discontinue video conference meetings
- Review budgets to determine whether budget may exceed 115% threshold for next year to determine if additional requirements for substitute budget may be required so that the Board can properly anticipate needs for upcoming budget cycle
- Review SIRS reports and contact reserve analyst to determine changes necessary to comply with new laws and whether membership votes will be necessary

Action Items

- Review hurricane preparedness plans to establish guidelines and requirements for when Association will mandate building evacuation
- Establish and update online account with DBPR to provide all required information and gather any documentation that may need to be submitted
- If you have previously submitted application for the My Safe Florida Condominium pilot program – review application to determine any appropriate changes necessary

Important Deadline Reminders

- Engineered Life Safety System

- By January 1, 2026 – Must have contractors and permits in place for installation of the Engineered Life Safety System
- By January 1, 2027 – Must have ELSS system installed

- Website Requirements

- Condominiums that are 25 units or more must have a website set up for the Association by January 1, 2026 (Condominiums with 150 or more units must have one right now)

- Beneficial Ownership Information

- The requirement to file and update the beneficial ownership reports required by FINCEN has been eliminated

- Miami Dade County Condominiums – Complete annual reporting each year to the county

FAQS

1. We heard that with the new bill, structural integrity reserve funds can be postponed. Our Association completed its milestone inspection 3 years ago, can we postpone the funding of these reserves?
2. Do the new laws require that Associations obtain a membership vote every time that a loan, special assessment, or special project is being considered?
3. My condominium is comprised of 1, 2 and 3 story buildings, are we required to have SIRS for all of the buildings?
4. Can I still hold meetings via Zoom only?
5. Do I have to have a quorum of the Board in person at the physical location for all meetings held by video conference?

CLOSING REMARKS

Feel free to contact Rhonda Hollander, Esq. or Matthew Goode, Esq., if you wish to schedule an appointment so that we can assist you with any of your legal needs.

If you speak Spanish, please contact Carlos Lopez, Esq.

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Why Become Certified Board Member? –F.S. 718.112(2)(d)

Within **90 days of being elected** or appointed to the Board of Directors, each new Board member must do **both** of the following:

- 1. Certify in writing to the Secretary of the Association that he/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; **AND**
- 2. 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.

Unit Owners Right to Speak

- Unit Owner has the right to speak at all meetings regarding:
 - All agenda topics
 - Right to ask questions relating to:
 - Reports on the status of construction or repair projects;
 - Status of revenues and expenditures during the current fiscal year
 - Other issues affecting the condominium
- Association may adopt written reasonable rules governing frequency, duration and manner of unit owner statements

Unit Owners Right to Record

- Unit Owner has the right to record or videotape meetings subject to reasonable Rules
 - Equipment must not produce distracting sound or light emissions.
 - 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.
 - 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.
 - 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.

Election Eligibility – F.S. 718.112(d)

A unit owner is **not eligible to run** for election if:

1. The owner has been **suspended or removed** by the division.
2. The owner has been **convicted of any felony** in Florida or in a another state which would be considered a felony in Florida, **unless** civil rights have been restored for the last 5 years.
3. The owner is **delinquent** in the payment of assessments obligation to the Association
 - 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.

Association Official Records

Official Association Records – F.S. 718.111 (12)

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

An association is required to keep and maintain as part of their official records:

1. Copies of the plans, permits, warranties and other items provided by the developer
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)

Official Association Records – Cont.

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.
- 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
 - 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.

Official Association Records – Cont.

8. All current insurance policies of the association and condominiums by the association.
9. Current copy of any management agreement, lease or other contract which the association is a party or the unit owners may have an obligation or responsibility.
10. Bills of sale or transfer for all property owned by the Association.

Official Association Records – Cont.

11. Accounting records for the association and separate accounting records for each condominium the association operates including but not limited to:

- Accurate, itemized, and detailed records of all receipts and expenditures including all bank statements and ledgers.
- All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.
- 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 upon the account, and the balance due.
- All audits, reviews, accounting statements, and financial reports of the association or condominium.
- 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.

Official Association Records - Cont

12. Ballots, sign-in sheets, voting proxies, and all other papers 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.
13. All rental records if the association is acting as agent for the rental of condominium units.
14. Current Frequently Asked Questions and Answers Sheet.
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 of services.
17. All affirmative acknowledgements 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 the Condominium Act.
21. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

Official Association Records - Cont

The official records specified in 1-6. must be permanently maintained from the inception of the association.

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.

All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law.

Inspection Requests

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.

An Association may comply with the Florida Statutes by having a copy of the official records available for inspection and copying at the Association or viewable by electronic means via a website or computer screen that is printable upon request.

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 by directing to the website or the application all persons authorized to request access.

Inspection Request -Cont

A unit owner has the right to inspect the records which includes the right to make or obtain copies, at the reasonable expense to the unit owner.

Unit Owner may use tablet, smart phone, portable scanner or similar device to obtain copies without charge

The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.

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 for 7 years. An association delivering a checklist creates a rebuttable presumption that the association has complied with the record inspection rules

Denial of Access

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 the request.

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 shall be \$50 per calendar day up to 10 days, the calculation begins on the 11th working day after receipt of the written request. Therefore the Association is subject up to a \$500.00 fine for failing to comply with inspection requests.

Denial of Access - Cont.

A director or member of the board or association or a community association manager who willfully and knowingly or intentionally 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.

Any person who willfully and knowingly or intentionally defaces or destroys accounting records that are required 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.

Records not subject to Inspection

1. Documentation that is protected by the *attorney client privilege* or *work product privilege*. This includes records which reflect mental impressions, conclusions, litigation strategy, or legal theory of the attorney or the association.
2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.
3. Personnel records of association employees, including, but not limited to, disciplinary, payroll, health, and insurance records.

Records not subject to inspection – Cont.

4. Medical records of unit owners.

5. Social security numbers, driver's 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.

6. Any electronic security measure that is used by the association to safeguard data, including passwords.

7. The software and operating system used by the association which allows 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.

Website Requirements

Each Association with 150 units or more (25 units effective January 1, 2026) must have a website.

Website Requirements

- (I) An independent website, application, or web portal wholly owned and operated by the association; or (II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.
- The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.
- Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

Records to be Posted on the Web site

Records must be posted within thirty (30) days of the date the official record is created

Records to be posted:

- The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.
- The recorded bylaws of the association and each amendment to the bylaws.
- The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.
- The rules of the association
- A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed \$500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

Records to be Posted on the Web site

Records to be posted:

- The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.
- The annual financial report and any monthly income or expense statement to be considered at a meeting.
- The certification of each director required by s. 718.112(2)(d)4.b.
- All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.
- Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).
- A copy of all affidavits required by the Condominium Act

Records to be Posted on the Web site

Records to be posted:

- The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled “Notices” which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.
- Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).
- 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.
- The association’s most recent structural integrity reserve study, if applicable.
- Copies of all building permits issued for ongoing or planned construction.
- Board meeting minutes for the previous 12 months
- Video recordings or hyperlink to the video recording for any board, committee, or unit owner meeting conducted by video conference for the preceding 12 months