

Condominium/Cooperative Legislative Update

House Bill 715 (Roofing Services)

Effective May 19, 2025

Canceling Contracts in State of Emergency. Residential property owners may now cancel roofing contracts without penalty in the event of the Governor declaring a state emergency. To fall under the Statute, the property owner must cancel the contract within ten (10) days after the execution of the contract, or by the official start date if:

1. 180 days of events that are the subject of a declaration of a state of emergency by the Governor; and
2. The residential property is located within the geographic region for which the declared state of emergency applies.

Contractors must add language into the contract notifying the property owner of their right to cancel the contract within ten (10) days. The ten-day limit must be included in the required notice under Section 489.147(b), Florida Statutes, and be written in bold type of not less than 14-point font, immediately before the signature of the residential property owner. Section 489.147(6)(a)-(b), Florida Statutes.

Notice Requirement. For any contract related to replacing or repairing a roof of a residential property, contractors are now required to include an additional notice informing residential property owners to verify insurance coverage before entering into the contract. The language must be in bold type of not less than 14-point font, on the page reserved for the signature of the residential property owner, and include the following language:

1. "If the proposed work is related to an insurance claim, you, the residential property owner, should contact your insurance company to verify coverage for the proposed roofing work, including any claims, deductibles, and policy terms, before signing this contract. By signing this contract, you acknowledge that you have been advised to contract your insurance provider regarding coverage and reimbursement of the proposed work."

Section 489.147(7), Florida Statutes.

House Bill 551 (Fire Prevention)

Effective July 1, 2025

Alterations of Fire Alarm Systems. Chapter 533.7932 is expanded to now allow contractors to start work immediately after any commercial, residential, apartment, cooperative, or condominium building with twenty (20) or less notification devices submit a completed application to the city or county for the installation or replacement of fire alarm systems. If a local government fails to meet the deadline to approve an application, they must refund the permit fee by ten percent (10%) for each business day after such failure, unless the contractor and local government agree to an extension of time in writing. Local government agencies must establish a simplified permitting process that complies with this section by October 1, 2025. Section 533.7932(1)-(7), Florida Statutes.

House Bill 593 (Dangerous Dogs)
Effective July 1, 2015

Mandatory Confiscation. The new bill amends Chapter 767 and has eliminated the discretion of animal control authority on whether or not to confiscate a dog after a severe attack. Under the amended statute, "an animal that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that score 5 or higher on the Dunbar bite scale must be immediately confiscated by animal control authority. A level 5 bite is defined as a "multiple-bite incident with at least two Level 4 bites or multiple-attack incident with at least one Level 4 bite in each." For any attack which results in less than a Level 5 bite, discretion remains with the animal control authority to make a determination. Section 767.12(1)(a), Florida Statutes.

Senate Bill 322 (Unauthorized Persons)
Effective July 1, 2015

Expedited Removal. The amendment provides an expedited process for removal of unauthorized persons for both residential property and commercial property. Under the new scheme, property owners or authorized agents may submit a statutory complaint which authorizes a local sheriff to enter the property and remove any unauthorized person or persons. Section 82.036(12), Florida Statutes.

Limitations. Relating to commercial properties, in order to submit the request, the following qualifications must be met:

1. The requesting person is the property owner or authorized agent of the property owner.
2. The real property that is being occupied includes commercial property.
3. An unauthorized person or persons have unlawfully entered and remain in or continue to occupy the property owner's commercial real property.
4. The commercial property was not open to members of the public at the time the unauthorized persons or persons entered.
5. The property owner has directed the unauthorized person or persons to leave the commercial real property.
6. The unauthorized persons or person are not current or former tenants pursuant to a written or an oral rental agreement authorized by the property owner.
7. There is no litigation related to the commercial real property pending between the property owner and any known unauthorized person.

Section 82.037(1)(a)-(g), Florida Statutes.

House Bill 913 (Condominiums and Cooperatives)
Pending, may be effective July 1, 2025

Community Association Managers

Online Account. Under the proposed bill, a community association manager ("CAM") must now create and maintain an online licensure account with the Department of Business and Professional Regulation (the "DBPR"). On the online account, the CAM must identify the community association management firm which they work for, along with each community association which they are the designated onsite CAM. If there is any change to the required information, the CAM must update the online account within thirty (30) days. Section 468.432(3), Florida Statutes.

Revocation of License. If a CAM has their license revoked, they may not have any ownership interest, or be an employee, partner, officer, director, or trustee of a community association management firm for a period of ten (10) years. During this ten-year period, the CAM may not reapply for certification or registration until the ten-year suspension has ended. In the event a CAM has their license revoked, the DBPR must give written notice of the suspension or revocation to the community association management firm and the community association the CAM performs services for. Section 468.432(2)(h).

Contract Requirements. If passed, any contract between a CAM and a community association may not waive or limit professional practice required by the Statute. In addition to the prohibition on waiving standards, the following language must be included in every contract in at least 12-point type:

1. "The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes."

Section 468.4334(1)(c), Florida Statutes.

Conflicts of Interest. The bill expands language for identifying a conflict of interest for CAM's and community association management firms and adds that a rebuttable presumption exists if the CAM or management firm proposes to enter into a contract with the association for services other than community association management services. In the event that a disclosure is necessary, the notice for the meeting which the proposed activity will be considered must disclose the possible conflict of interest and include a copy of all contracts and transactional documents related to the proposed activity. In the event that the association is not informed of a conflict of interest and the project is entered into, the contract is voidable, and the association may terminate its community association management contract with the CAM or management firm by delivery of written notice. Section 468.4335(1)-(4), Florida Statutes.

Duty to Ensure Proper Licensure. All condominium association boards are now statutorily required to ensure that the association's CAM or community management firm possesses all applicable licenses required by part VIII of chapter 468. Section 718.111(3)(g).

Milestone Inspections

Conflicts of Interest. The bill requires that a licensed architect or engineer who bids to perform a milestone inspection must disclose in writing their intention to bid on any services related to maintenance, repair, or replacement which may be recommended by the milestone inspection. Further, any design professional or contractor who submits a bid to perform any maintenance or repairs recommended by the milestone inspection may not have an interest in or be a relative of the person conducting the milestone inspection without providing written disclosure of the connection between the parties. If a contractor or design professional fails to submit written disclosure of the conflict, the contract for services is voidable and terminated upon the association providing the contractor with written notice that they will be terminating the contract. Section 533.899(12), Florida Statutes.

Required Information. The proposed bill requires that on or before December 31, 2025 (and each December 31 thereafter), the local enforcement agency responsible for milestone inspections must provide the DBPR information which must include:

1. The number of buildings required to have a milestone inspection within the agency's jurisdiction.
2. The number of buildings for which a phase one (1) milestone inspection has been completed
3. The number of buildings granted an extension under paragraph (3)(c).
4. The number of buildings required to have a phase two (2) milestone inspection.
5. The number of buildings for which a phase two (2) milestone inspection has been completed.
6. The number, type, and value of permit applications received to complete repairs required by a phase two (2) milestone inspection.
7. A list of buildings deemed to be unsafe or uninhabitable by a milestone inspection.
8. The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

The DBPR will provide this information to the Office of Program Policy Analysis and Government Accountability (OPPAGA). Section 533.899(13)(a), Florida Statutes.

Condominiums Only

Video-Conference Definition. Under the Statute, video conference is now defined as "a real-time and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice of any meeting that will be conducted by video conference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by video conference must be recorded, and such recording must be maintained as an official record of the association." Section 718.103(33), Florida Statutes.

Insurance Coverage. New language says the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may 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 condominium association is further required to determine the replacement cost at a minimum of at least once every three (3) years. Section 718.111(11)(a)(2).

Official Records. Associations will be required to maintain official records for all video conference meetings.. The recordings of the meetings must be maintained for at least one (1) year after the video has been posted. Section 718.111(12)(a)6., Florida Statutes.

Accounting Records. The bill adds a requirement for accounting records of the association to include all bank statements and ledgers from all receipts and expenditures of the association. Section 718.111(12)(a)11.a., Florida Statutes.

Website Retrieval for Official Records. For documents posted on the association's website pursuant to 718.111(12)(g)1., the new bill now requires that documents be made available on the website within thirty (30) days after document becomes an official record. Section 718.111(12)(g)1., Florida Statutes. Additionally, websites are now required to hold the approved minutes of all board meetings over the preceding twelve (12) months, along with a hyperlink to the recording of all video conferences conducted by the board over the prior twelve (12) months. Section 718.111(12)(g)1.e-f., Florida Statutes.

Virtual Board Meetings. Under the new bill, board meetings may be conducted by video conference. If the board elects to have a meeting in this manner, the meeting notice must:

1. Include a hyperlink and a conference telephone number for unit owners to attend the meeting; and
2. State a physical location where members can choose to go in person.

All meetings conducted by video conference must be recorded and maintained as an official record of the association for a period of twelve (12) months. Section 718.112(2)(b)5., Florida Statutes; Section 718.112(2)(c)1., Florida Statutes.

Annual Meetings Conducted by Video Conference. If the board elects to conduct the annual meeting by video conference, the Statute **requires** that a quorum of the association's board members must be physically present at the meeting location. At the end of the meeting, the recording must be maintained as an official record and posted on the website of the association within thirty (30) days. Section 718.112(2)(d)2, Florida Statutes.

Changes to Annual Meeting Location. The bill changes the forty-five (45) mile limit for annual meetings, and now requires that annual meetings either be held within fifteen (15) miles of the

condominium property or within the same county as the condominium property. Section 718.112(2)(d)1., Florida Statutes.

Cable Television Broadcast. If an association elects to broadcast the notice of the annual meeting on closed circuit cable TV, the bill removes the requirement that the broadcast must be broadcast at least four (4) times per hour of each day. Section 718.112(2)(d)4., Florida Statutes.

Electronic Voting. Under the new provisions, if twenty-five (25) percent of the voting interests of a condominium petitions the board to adopt electronic voting procedures, the board must hold a meeting within twenty-one (21) days to adopt such a resolution. If the association does not have voting procedures, and no resolution has been submitted, the board must still allow association members to submit an electronic vote. In this situation, the board will designate an e-mail address for the association in which all electronic ballots will be sent to. A ballot that is e-mailed to the association must include all the following:

1. A space for the unit owner to type in their unit number.
2. A space for the unit owner to type in their first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot.
3. The statement listed in section 718.128(7)(c)3. 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, which waives the owners right to a secret ballot.

Ballots must be counted as if they were submitted pursuant the normal in-person voting requirements. The unit-owner must transmit their completed ballot to the e-mail address no later than the scheduled time of the scheduled date and time of the meeting. Section 718.128(a)-(e), Florida Statutes.

Budget Meetings. Budget meetings may be conducted by video conference. The bill additionally changes the procedure in the event that a new budget is proposed which requires assessment that exceeds 115% of the previous year's assessments. The board must now propose a substitute budget simultaneously with the new budget that does not include any discretionary expenditures that are not required to be in the budget. The substitute budget must then be proposed at the budget meeting *before* the adoption of the annual budget. This replaces the previous system that allowed members to call for a special members' meeting to propose a substitute budget. Section 718.112(2)(e), Florida Statutes.

Structural Integrity Reserve Study. The bill extends the deadline required for associations existing on or before July 1, 2022, to conduct a structural integrity reserves study ("SIRS") from December 31, 2024, to December 31, 2025. Section 718.112(2)(g)7., Florida Statutes.

Waiver of Maintenance Reserves. The bill adds new language to the Statute which allows for the members of a condominium to waive the maintenance reserves recommended by the association's most recent SIRS if the association votes to terminate the condominium. Section 718.112(2)(f)2.a., Florida Statutes.

Installation of Hurricane Protection. Under the bill, the installation of hurricane protection may now be an expense of a unit owner if the declaration designates it to be. If the declaration is silent as to who bears the cost, the board will determine whether the expense belongs to the unit owner or the association. Section 718.113(d), Florida Statutes. The bill also strikes language from the Statute which allowed associations to enforce the costs of removal as an assessment against the unit owner. Section 718.113(e), Florida Statutes.

Condominiums Within Portion of a Building. The bill adds language to the Statute which requires owners of property which share property with a condominium to disclose financial costs incurred for the fiscal year. Under the new section, the owner of a building that is not subject to the condominium form of ownership must provide the association with a complete financial report of all costs for maintaining and operating the shared facilities within sixty (60) days after the end of the fiscal year. The association then has an additional sixty (60) days to challenge any apportionment of costs for the maintenance and operation of the shared facilities. Section 718.407(4)(b)., Florida Statutes.

Expansion of the Divisions Jurisdiction. The bill expands the categories of complaints in which the Division of Florida Condominiums, Timeshares, and Mobile Homes (the "Division") is able to investigate. In addition to the already listed categories in section 718.501(1), the Division now has jurisdiction to review records and investigate complaints related to:

1. Milestone inspections under section 553.899;
2. Completion of repairs required by a milestone inspection under section 553.899;
3. The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the association under section 718.111(11)(h);
4. Board member education requirements under section 718(2)(d)5.b; and
5. Reporting requirements for structural integrity reserve studies under subsection (3) and under section 718.112(2)(g)(12).

Section 718.501(1)(a)1-12., Florida Statutes.

Condominiums and Cooperatives

Investment of Association Funds. The bill adds a new subsection to Chapter 718 and 719 relating to the investment of associations funds. Boards are now required to use best efforts to make "prudent investment decisions" which consider the risk and return of investing funds. The subsection also allows the association to invest reserve funds in one or any combination of certificates of deposits, or in depository accounts at:

1. Community banks;

2. Savings banks;
3. Commercial banks;
4. Savings and loan associations; or
5. Credit unions.

The board is not required to obtain a vote of the unit owners to make an investment decision related to these requirements. Section 718.111(16)(a)-(b), Florida Statutes; Section 719.104(13), Florida Statutes.

Expanded Reserve Accounts for Deferred Maintenance. The bill changes the required amount of funds to be kept in reserve accounts for capital expenditures and deferred maintenance. Associations are now required to maintain enough in the reserves for a replacement cost that exceeds \$25,000 or the inflation adjusted amount determined by the Division, whichever is greater, as compared to the former \$10,000 requirement. Section 718.112(2)(f)2.a., Florida Statutes; Section 719.106(1)(j)2.a., Florida Statutes.

Division Inflation Adjustment. The new language in the Statutes requires the Division to annually adjust the minimum \$25,000 required for deferred maintenance reserves to reflect the current rate. By February 1, 2026, and annually thereafter, the Division will post on its website the inflation-adjusted minimum threshold amount required for reserves. Section 718.112(2)(f)6., Florida Statutes; Section 719.106(1)(j)6., Florida Statutes.

Pausing Reserve Contributions when Building is Uninhabitable. Under the new bill, if the local building official determines that the entire condominium/cooperative building is uninhabitable due to a natural emergency, the board may pause contributions to its reserves or reduce reserve funding until the building is deemed habitable. On the contrary, the board may expand the reserve fund after a natural emergency for the sole purpose of using the funds to make the building habitable. Once the building is deemed habitable by a local official, reserve contributions must resume immediately. Section 718.112(2)(f)2.d, Florida Statutes; Section 719.106(1)(j)2.d, Florida Statutes.

Funding for Reserves. Reserves for items inspected under SIRS may now be funded by regular assessments, special assessments, lines of credit, or loans. However, before the board may use one of these funding techniques, the board must obtain approval from a majority of the total voting interests of the association. Section 718.112(2)(f)2.c.I., Florida Statutes; Section 719.106(1)(j)3.a.I., Florida Statutes.

Funding for SIRS. For a condominium or cooperative that requires a SIRS, the association may now secure a line of credit or a loan to fund any capital expenses required by such an inspection. 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. Additionally, the funds provided must be immediately available for access of the board. Finally, if the capital expenses are funded by a special assessment, a line of credit, or a loan, the details of such fundraising must be included in

the annual financial state that is delivered to unit owners and provided to prospective purchasers. Section 718.112(2)(f)2.c., Florida Statutes; Section 719.106(1)(j)3.a., Florida Statutes.

Pausing of Reserve Contributions. For budgets adopted on or before December 31, 2028, the bill allows for associations to pause reserve fund contributions if the association has completed a milestone inspection within the last two (2) calendar years. If the association elects to pause reserve contributions, the board must obtain the approval of the majority total voting interests of the association, and contributions may not be paused for longer than two (2) consecutive annual budgets. If an association elects to pause reserve contributions under this subsection, the association must have a SIRS performed before resuming reserve contributions. Section 718.112(2)(f)3.e., Florida Statutes; Section 719.106(1)(j)3.b., Florida Statutes.

Pooling of Reserves. Reserve accounts may now be pooled for two (2) or more required components. Importantly, reserve funding for components listed in 718.112(2)(g) and 719.106(1)(k) may only be pooled with other components listed in that paragraph. 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. Section 718.112(2)(f)4., Florida Statutes; Section 719.106(1)(j)5., Florida Statutes.

Bid for SIRS. The bill incorporates a conflict-of-interest check for bidding parties to work recommended from a SIRS. The Statute will now require any design professional or contractor who performs a SIRS to disclose their intent to bid on any work recommended from the SIRS. In addition to their own interest, the design professional or contractor may not be a relative or any person having interest in the bidding party, unless the relationship is disclosed to the association in writing before the bid. If a contract is entered into, and the design professional failed to disclose their conflict in writing, the contract is voidable, and the association may terminate the contract without penalty. Section 718.112(2)(g)3.b., Florida Statutes; Section 719.106(1)(k)3.b, Florida Statutes.

Budget Recommendation after SIRS. After a SIRS is conducted, the Statute will now require a recommendation for a reserve funding schedule based on a baseline funding plan that proves a reserve funding goal in which there is sufficient funding for each budget year to keep the reserve cash balance above zero. Section 718.112(2)(g)4.a., Florida Statutes; Section 719.106(1)(k)4.a., Florida Statutes.

Considerations for SIRS. The Statute will now require SIRS to take into consideration the funding methods used by the association to fund the SIRS. The condominium or cooperative 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. Section 718.112(2)(g)4.b., Florida Statutes; Section 719.106(1)(k)4.c., Florida Statutes.

Delay of Required SIRS. Condominiums and cooperatives may now delay a required SIRS if the association has completed a milestone inspection under Section 553.899, or a similar inspection pursuant to a local requirement. The association may delay the SIRS for a maximum of two (2) consecutive budget years immediately following the milestone inspection in order to focus its financial resources on completing the repairs recommended by the milestone inspection. Section 718.112(2)(g)4.9., Florida Statutes; Section 719.106(1)(k)4.9., Florida Statutes.

Signed Affidavit of SIRS. In addition to the completion of a SIRS being considered a fiduciary duty of the board, an officer or director of an association must now also sign an affidavit acknowledging receipt of the completed SIRS. Section 718.112(2)(g)4.10., Florida Statutes; Section 719.106(1)(k)4.10., Florida Statutes.

Online Division Account. Condominiums and cooperatives will now be required to create and maintain an online account with the Division. On or before October 1, 2025, all condominium and cooperative must provide the Division with the following information:

1. Contact information for the association that includes:
 - a. The name of the association.
 - b. The physical address of condominium property.
 - c. The mailing address and county of the association.
 - d. The e-mail address and telephone number for the association.
 - e. The name and board title for each member of the association's board.
 - f. The name and contact information of the associations CAM or community association management firm, if applicable.
 - g. The hyperlink or website address of the association's website, if applicable.
2. The total number of buildings and for each building in the association, including:
 - a. The total number of stories, including both habitable and uninhabitable.
 - b. The total number of units.
 - c. The age of each building based on the certificate of occupancy.
 - d. Any construction commenced within the common elements within the calendar year.
3. The association's assessments, including:
 - a. The amount of assessment of special assessment by unit type, including reserves.
 - b. The purpose of the assessment or special assessment.
 - c. The name of the financial institution or institutions with which the association maintains accounts.
4. A copy of any SIRS and any associated materials requested by the DBPR within 5 business days after such request, in a manner prescribed by the DBPR.

Associations will be required to provide this information no more than once per year, unless the Division requires the association to update their information within thirty (30) days after any change. If any additional changes are required after the association creates an account, the Division will provide the association with forty-five (45) day notice to provide the missing information. Section 718.501(2)-(3), Florida Statutes; Section 719.501(2)-(3), Florida Statutes.

HB 393 (My Safe Florida Condominium Pilot Program)

Pending, may be effective July 1, 2025

Definition. The bill amends the definition of “condominium” to exclude detached units on individual parcels of land. The bill limits participation to structures or buildings on the condominium property which are three or more stories in height, and that each structure or building subject to grant funding must contain at least two single-story dwellings. Section 215.55871(1)(d), Florida Statutes and Section 215.55871(2)(a), Florida Statutes.

Milestone Inspection and SIRS Compliance and Association Common Element Windows. The bill prohibits an association from applying for an inspection or the grant unless the association has complied with its milestone inspection requirements and structural integrity reserve study requirements. The bill also prohibits an association from applying for the grant unless the windows are established as common elements in the Declaration. Section 215.55871(2)(b), Florida Statutes

75% Unit Owner Approval. Instead of 100% approval of all unit owners who reside in the structure or building, the bill lowers the approval threshold to 75% approval of all unit owners who reside in the structure or building as one of the two requirements needed to apply for the grant. Section 215.55871(2)(c), Florida Statutes.

Grant Funds Towards Actual Cost of the Project. The bill clarifies that the grants must be matched on the basis of \$1.00 from the association and \$2.00 from the state towards the actual cost of the project. Section 215.55871(5)(d)1, Florida Statutes.

Eliminated Restrictions re Funding. The bill eliminates restrictions that grant contribution for roof-related projects is \$11.00 per square foot multiplied by the square footage of the replacement roof, not to exceed \$1,000 per unit, with a maximum grant award of 50% of the cost of the project. The bill also eliminates restrictions for opening protection-related projects limiting the grant contribution to a maximum of \$750 per replacement window or door, not to exceed \$1,500 per unit, with a maximum grant award of 50% of the cost of the project. Removed Sections 215.55871(5)(d)2 and 3, Florida Statutes.

Grant Funds for Water Mitigation. The bill only allows grant funds to be used for water intrusion mitigation devices or mitigation improvements that will result in a mitigation credit, discount, or other rate differential for the building or structure to which the device or improvement is applied or made. Also, mitigation improvements must be made to all opening, including exterior doors,

garage doors, windows, and skylights, if doing so is necessary for the building or structure to qualify for mitigation credit. Section 215.55871(5)(e) and (5)(j) Florida Statutes.

Grant Funds Improvements. The bill includes general roof improvements as a category on which grant funds may be spent. The bill also requires that improvements must be identified in the final hurricane mitigation inspection in order for an association to receive grant funds. Section 215.55871(5)(e) and (5)(f), Florida Statutes.