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LEGISLATIVE UPDATE OF NEW COMMUNITY ASSOCIATION LAWS

NUMERICAL INDEX SUMMARY OF LAWS AMENDED IN THE 2025 LEGISLATIVE SESSION

The following is our post-Legislative Session report on residential housing law changes from the 2025 Regular Legislative Session. The full text of each bill, as well as applicable legislative staff reports, are available on the legislative web sites (www.flsenate.gov; www.myfloridahouse.com; and www.leg.state.fl.us). Note: F.S. = Florida Statute. HB = House Bill. SB = Senate Bill. All changes are effective as of July 1, 2025, or as noted.

MILESTONE INSPECTIONS AND STRUCTURAL INTEGRITY RESERVES FOR CONDOMINIUMS AND COOPERATIVES OF 3 STORIES OR MORE IN HEIGHT.

1. Milestone Study – F.S. 553.899(3)(a) / HB 913

A milestone study is now only required for buildings with three or more “habitable” stories. Formerly, it was required for any building with 3 stories or more regardless of whether or not they were habitable.

2. Milestone Study Disclosure – F.S. 553.899(12) / HB 913

An architect or engineer that bids to perform a milestone inspection must disclose in writing to the association his or her intent to bid on any services related to performing the maintenance, repair or replacement required by the study. Any contractor who submits a bid to perform the work may not have any interest directly or indirectly in the engineering or architectural firm that performed the study unless the relationship is disclosed in writing.

3. Milestone Study – F.S. 553.899(13)(a) / HB 913

On or before December 31 2025 and every year thereafter, the local enforcement agency responsible for milestone inspections must provide the department information including the number of buildings required to have a milestone inspection, the number completed inspections and other information.

4. SIRS Reserves and Milestone Repairs – F.S. 718.112(2)(f)2.c. (I) and (II) and 719.106(1)(j)3.a.(I) / HB 913

SIRS reserves may be funded by regular assessment, special assessments, lines of credit, or loans. A special assessment, line of credit or loan to fund SIRS reserves requires approval of a majority of the total voting interests. But repairs required by a SIRS study or milestone study may be funded by a line of credit or a loan without a vote of the owners. A line of credit, special assessment or a loan for this purpose must be included in the annual financial statement and provided to prospective purchasers. This does not apply to developer controlled associations or associations where the Unit owners have been in control for less than 1 year or that is controlled by a bulk buyer or bulk assignee.

5. Reserves for Uninhabitable Buildings – F.S. 718.112(2)(d)1 and 2 / HB 913

If the local building official has declared the building uninhabitable due to natural emergency, the board may pause reserve funding without a vote of the owners. Formerly required a vote of the owners.

6. Milestone Inspection – F.S. 718.112(2)(f)2.e and 719.106(1)(j)3.b. / HB 913

For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection within the previous 2 years the board, with the approval of a majority of the total voting interests, the association may temporarily pause reserve funding contributions or funding repairs required by a milestone study for a period of no more than 2 years

7. Four Family Dwelling Exception for SIRS - F.S. 718.112(2)(g)5. and 719.106(k)1 / HB 913

SIRS reserves are not required for a building with 4 or fewer units with three or fewer habitable stories. Formerly it was only for 3 or fewer units. This aligns the already existing exception with the milestone exception.

8. SIRS Study Completion Date - F.S. 718.112(2)(g)7. / HB 913

An association existing on or before July 1, 2022 must complete the SIRS study by December 31, 2025. Formerly the date was December 31, 2024.

9. SIRS Study Delay - F.S. 718.112(2)(g)9. and 719.106(1)(k)9. / HB 913

If an association completes a milestone inspection, the association may delay completing a SIRS study for up to 2 years to allow it to focus its financial resources on completing the repairs required by the milestone study.

10. SIRS Study Affidavit - F.S. 718.112(2)(g)10. and 719.106(1)(k)10. / HB 913

An officer or director must sign an affidavit acknowledging receipt of the completed SIRS study.

CONDOMINIUMS - (F.S. Chapter 718).

1. Alternative Multi-Condominium Funding for Reserves – F.S. 718.103(1) / HB 913

Alternative funding of reserves is now allowed for all multi-condominiums. Formerly it was only allowed for multi-condominiums with at least 25 condominiums. Alternative funding is a program to be developed by the State and is different than that new law allowing special assessments, loans and credit lines to fund reserves.

2. Video Conference Defined – F.S. 718.103(33) / HB 913

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

3. Management Contracts – F.S. 718.111(3)(g) / HB 913

The manager and management company must possess all applicable licenses required by Chapter 468. If the license is suspended or revoked the association may terminate the contract.

4. Property Insurance Coverage – F.S. 718.111(11)(a)2. / HB 913

The amount of adequate insurance coverage for full insurable value, replacement cost or similar coverage may be based on replacement cost of the property to be insured as determined by an independent insurance appraisal or update of prior appraisal every 3 years. Formerly it was every 36 months. This requirement was moved from Section (a) to (a)2.

5. Official Records – F.S. 718.111(12)(a)6 and 11 / HB 913

Minutes of committee meetings have been added to official records that must be maintained. All video recordings of board, member and committee meetings are official records and must be kept for 1 year. The accounting records must include all bank statements and ledgers.

6. Official Records – F.S. 718.111(12)(c)2 / HB 913

A director, member or association or manager that “willfully and knowingly or intentionally” denies access to records commits a misdemeanor. The word “repeatedly” was removed so doing this 1 time may constitute a crime.

7. Official Records on Website – F.S. 718.111(12)(g)1 and 2e and f. / HB 913

A document required to be posted on the website must be posted within 30 days after it is received or created unless a shorter period is otherwise required. The approved minutes of all Board meetings for the past 12 months must be on the website. Video recordings or a hyperlink to the video of all meetings (board, member and committee) that are video recorded for the past 12 months must be posted on the website.

8. Financial Reporting – F.S. 718.111(13) / HB 913

Within 180 days after the end of the fiscal year the association must send the year-end financial report to all owners OR (formerly AND) send a notice that is available upon request. Formerly it was required to be sent and a notice of availability sent within 120 days. An affidavit must be executed by an officer or director confirming compliance.

9. Waiving Financial Reporting – F.S. 718.111(13)(d) / HB 913

The owners may waive the year-end financial report requirement by a majority vote of ALL owners. Formerly it was a majority of only the owners present and voting.

10. Investing Association Funds – F.S. 718.111(16)(a) and (b) / HB 913

A board must use its best efforts to make prudent investment decisions that carefully consider risk and return to maximize returns on invested funds. An association may invest reserve funds in certificates of deposit at community, savings, commercial banks and savings and loans or credit unions without a vote of the unit owners.

11. Video Conference Board Meetings – F.S. 718.111(12)(b)5 and (c)1/ HB 913

Clarifies that a board meeting may be conducted in person or by video conference. The ability to conduct the meeting by speaker phone is also still allowed. The division will adopt additional rules for such meetings. If the board meeting is by video conference the notice must state that and must include a hyperlink and telephone number as well as the address of the physical location of the meeting where unit owners can attend in person. The video conference recording is an official record.

12. Member Meetings – F.S. 718.111(12)(d)1 and 2 / HB 913

The annual meeting of the members must be held within 15 miles (formerly 45 miles) of the condominium property or within the same county as the condominium property. If a unit

owner meeting is conducted via video conference a unit owner may vote electronically in the manner provided in F.S. 718.128. If the annual meeting is conducted via video conference a quorum of the board must be physically present at the physical location of the meeting where owners can attend. The video conference must be recorded and maintained as an official record.

13. Budget Adoption – F.S. 718.111(12)(e)2.a. / HB 913

If the board proposes a budget which requires assessments exceeding 115% of the prior budget, the board must simultaneously propose a substitute budget that does not include discretionary expenditures that are not required in the budget. The substitute budget must be proposed at the budget adoption meeting before the adoption of the board's initial proposed budget. Copies of both budgets must be included in the 14-day mailed and posted notice of the meeting. Unit owners must consider and may adopt the substitute budget by a majority of all Unit owners. If the Unit owners do not adopt the substitute budget, then the board may adopt its initially proposed budget. NOTE: This conflates two different types of meetings - a member meeting and a board meeting so apparently you must hold two meetings and prepare proxies for the members meeting for the substitute budget. The 115% calculation is not a simple calculation and there are excluded cost items from the calculation.

14. Reserves – F.S. 718.112(2)(f)2.a. / HB 913

The requirement to reserve for capital items that cost more than \$10,000 to replace has been increased to \$25,000 and will be adjusted for inflation by the Division. If owners vote to terminate the condominium the members may vote to waive SIRS reserves.

15. Pooling Reserves – F.S. 718.112(2)(f)4. / HB 913

An association's reserves may be pooled. SIRS reserves may only be pooled with SIRS reserves. No owner vote is required to move to pooled funding of reserves.

16. Hurricane Protection - F.S. 718.113(5)(d) and (e) / HB 913

Unless otherwise provided in the Declaration as originally recorded or amended a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection if its removal is required for the association to perform maintenance, repair or replacement. The "unless otherwise provided" exception was added to the prior law of 2024 which did not provide for the exception. If the owner is responsible for removal and reinstallation of hurricane protection but the association performs the work the association may no longer lien for the cost of doing so.

17. Electronic Voting - F.S. 718.128(4) and (6) / HB 913

The Board may adopt electronic voting at a regular board meeting with a 48 hour posted notice. Formerly required 14 days mailed and posted notice. If 25% of the voting interests

petition the board for electronic voting at least 180 days after the last election the board must adopt electronic voting at a meeting within 21 days.

18. E-Mail Voting in Secret Ballot Election - F.S. 718.128(7)(a) / HB 913

Unless the association has adopted on-line electronic voting the association must establish an e-mail address for receipt of electronically transmitted ballots. The voter may voluntarily choose to vote by e-mail in the election but must give up the secrecy of the ballot. An ALL CAPS disclaimer must inform the voter that they are giving up their anonymity.

19. Emergency Powers – F.S. 718.1265(1)(h) / HB 913

Expands emergency powers to include when there is an evacuation order in locale as opposed to a “mandatory” evacuation order.

20. Cancelling Developer Made Contracts After Turnover - F.S. 718.302(a) / HB 913

A commercial condominium in which 90 percent of the voting interests are held by persons other than the developer and in which there are 10 or fewer units may cancel a developer made contract upon approval of 75% of the voting interests.

21. Non-Condominium Portions of Condominium Building - F.S. 718.407(4)(b) and (c). / HB 913

Within 60 days after the fiscal year end the owner of a portion of a building that is not subject to the condominium form of ownership shall provide the association a complete financial report of all costs of maintaining and operating any shared facilities. Within 60 days of receipt of the report the association may challenge any apportionment of costs. The challenge is governed by F.S. 720.311 regarding presuit mediation.

22. Reporting to the Division - F.S. 718.501(2)(d) and (3). / HB 913

Each association must create an on-line account with the Division on or before **October 1, 2025** and report the name of the association, the physical address of the condominium property, the mailing address, the email and telephone addresses, the name and title of each Director, the name and contact information of the manager and management company, the hyperlink to the website, the total number of buildings including the number of stories, the total number of units, the age of each building, any construction commenced with the common element within a year, the association’s assessment including special assessments and reserves, the purpose of the assessments, the name of the bank or banks with the accounts are maintained. Some of this same information regarding the number of building and stories was required under the prior law by January 1, 2023 via mail but the list has been expanded and must now be inputted on the association’s online account by the association.

The association must provide the SIRS reserve study to the Division within 5 business days of a request for it.

23. Recission Period for Non-developer Sale of Units – F.S. 718.503(2)(d)1 and 2. / HB 913

The right to void a contract to purchase a unit from someone other than a developer is extended from 3 days to 7 days.

24. My Safe Florida Condominium Program – F.S. 215.55871 / HB 393

Makes the program limited to condominium building with 3 stories or more and that contain at least 2 units. Association may not apply unless the windows are considered common elements. The unanimous approval requirement from the owners is reduced to 75% of the owners that reside in the building. An association may not apply if it has not complied with all milestone inspection and SIRS requirements. The funding cap has been lifted and the state will now match \$2 for every \$1 spent on the project. The funds may only be used for improvements that will qualify the building for mitigation credits or insurance discounts. To obtain funds improvements must be made to all openings in the building including windows, doors, skylights and garage doors.

25. Flood Disclosures. F.S. 718.503 / SB 948

Developer of a residential Condominium must disclose to a prospective purchaser in conspicuous ALL CAP type that owner's insurance policies do not include coverage for damage resulting from flooding and the buyer is encouraged to discuss need to purchase separate flood insurance with their insurance broker. Also, must disclose if the Developer has ever filed a claim for flood damage for the Condominium Property

COOPERATIVES (F.S. Chapter 719).

1. Investing Association Funds – F.S. 719.104(13)(a) and (b) / HB 913

A board must use its best efforts to make prudent investment decisions that carefully consider risk and return to maximize returns on invested funds. An association may invest reserve funds in certificates of deposit at community, savings, commercial banks and savings and loans or credit unions without a vote of the unit owners.

2. Reserves – F.S. 719.106(1)(j)2.a. / HB 913

The requirement to reserve for capital items that cost more than \$10,000 to replace has been increased to \$25,000 and will be adjusted for inflation by the division.

3. Reserves – F.S. 719.106(1)(j)2.d. / HB 913

If the local building official has declared the building uninhabitable due to natural emergency the board may pause reserve funding without a vote of the owners. Formerly required a vote of the owners.

4. Pooling Reserves – F.S. 719.106(1)(j)5. / HB 913

An association's reserves may be pooled. SIRS reserves may only be pooled with SIRS reserves. No owner vote is required to move to pooled funding of reserves.

5. Emergency Powers – F.S. 719.128(1)(i) / HB 913

Expands emergency powers to include when there is an evacuation order in locale as opposed to a “mandatory” evacuation order.

6. Reporting to the Division - F.S. 719.501(2)(c) and (3). / HB 913

Each association must create an on-line account with the Division on or before **October 1, 2025** and report the name of the association, the physical address of the condominium property, the mailing address, the email and telephone addresses, the name and title of each Director, the name and contact information of the manager and management company, the hyperlink to the website, the total number of buildings including the number of stories, the total number of units, the age of each building, any construction commenced with the common element within a year, the association's assessment including special assessments and reserves, the purpose of the assessments, the name of the bank or banks with the accounts are maintained. Some of this same information regarding the number of building and stories was required under the prior law by January 1, 2023 via mail but the list has been expanded and must now be inputted on the association's online account by the association.

The association must provide the SIRS reserve study to the Division within 5 business days of a request for it.

7. Rescission Period for Non-developer Sale of Units – F.S. 719.503(2)(c)1 and 2. / HB 913

The right to void a contract to purchase a unit from someone other than a developer is extended from 3 days to 7 days.

8. Flood Disclosures. F.S. 719.503 / SB 948

Developer of a residential Cooperative must disclose to a prospective purchaser in conspicuous ALL CAP type that owner's insurance policies do not include coverage for damage resulting from flooding and the buyer is encouraged to discuss need to purchase

separate flood insurance with their insurance broker. Also, must disclose if the Developer has ever filed a claim for flood damage for the Condominium Property

HOMEOWNER ASSOCIATIONS (F.S. Chapter 720).

No changes.

TIMESHARES (F.S. Chapter 721).

1. Timeshare Management Disclosures – F.S. 721.13(13)(c). / HB 897

Requires annual disclosure to the members of the timeshare owner's association if a timeshare management firm or an owners' association provides goods and/or services through a parent, affiliate, or subsidiary of the timeshare management firm. The disclosure must be made in one of the following ways:

- a. An explanatory note to the annual budget.
- b. In the management contract.
- c. By mail sent to each owner's address on file for providing notice.
- d. In the notice of an annual or special meeting of the owners.
- e. By posting a notice on the website of the applicable timeshare plan.
- f. By any owner communication used by the managing entity.

The board of administration of a timeshare condominium is only required to meet once per year. F.S. 468.4335 regarding management firm disclosures no longer applies to timeshare managers and management firms.

MOBILE HOME PARKS (F.S. Chapter 723).

1. Flood Disclosures. F.S. 723.011 / SB 948

Park owner of a must disclose to a prospective purchaser in conspicuous ALL CAP type that owners insurance policies do not include coverage for damage resulting from flooding and the buyer is encouraged to discuss need to purchase separate flood insurance with their insurance broker. Also, must disclose if the Park Owner has ever filed a claim for flood damage for the Condominium Property

NOT FOR PROFIT CORPORATIONS (F.S. Chapter 617) (Applicable to condominium, homeowner and cooperative associations)

No Changes

MISCELLANEOUS.

1. Manager License Revocation. F.S. 468.432(2)(h) / HB 913

A person that has had their management license revoked may not have direct or indirect ownership of or be an employee, partner, officer or director of a community association management firm for 10 years.

2. Manager On-Line Account Disclosure. F.S. 468.432(3) / HB 913

A manager must maintain an online account with the department on which identifies what management company they work for and identify each community association for which he or she is the “designated onsite” community association manager. It must be updated within 30 days of any change. A management firm must identify all the managers it employs. If a manager has his or her license suspended or revoked, the department must give written notice of such suspension to the community associations for which the manager performs services.

3. Manager May Not Knowingly Violate the Law. F.S. 468.4334 (1)(a) / HB 913

A manager or management company may not knowingly perform any act directed by the community association if such act violates state or federal law.

4. Management Disclosure. F.S. 468.4334 (1)(c) and (d) / HB 913

Each contract between a community association and a community association manager or community association management firm for community association management services 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 a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

5. Management Conflict of Interest Disclosure F.S. 468.4335 (3) / HB 913

If a manager or management firm proposes to engage in any activity on behalf of the association that is a conflict of interest and which the cost of the service exceeds \$2,500 the notice for the board meeting at which the proposed activity will be considered must include a description of the activity, disclose the conflict and include a copy of the contract or other documents related to the proposed activity. The former requirement that the conflict also be disclosed at the next members meeting is deleted.

6. Official Investigation - F.S. 914.21(3) / HB 913

The definition of official investigation is broadened to include investigation by the Division. This pertains to when a board member is suspended while under official investigation.

7. Dangerous Dogs - F.S. 767.01-767.13 / HB 593

If a dog owner has knowledge of the dog's dangerous propensities, the owner must securely confine the dog in a proper enclosure. A dog that has killed a person or has bitten a person and left a bite mark that scores 5 or higher on the Dunbar bite scale must be immediately confiscated by animal control. A dog classified as dangerous must have microchip implanted identifying the dog. Removal of the chip is a third-degree felony. A dog owner with a dog classified as dangerous must maintain liability insurance of at least \$100,000 to cover damage caused by the dog. A dangerous dog that has killed a person or left a bite mark of 5 or greater must be euthanized. It is a crime to interfere with animal control.

8. Administrative Procedure. F.S. 1120.52 / SB 108

The bill amends the Administrative Procedure Act's rulemaking process to provide for additional public input and transparency. The bill also:

- Mandates that an agency conduct a review of all of its existing rules over the next five years. The review must examine the rule's consistency with the powers and duties granted by the agency's enabling statutes and for any need for update.
- Requires a review during the fifth year of each new rule adopted after July 1, 2025. This review mimics the existing rule review described above.
- Requires an agency to file a notice of rule development within 30 days of legislation mandating rulemaking, and to file a notice of proposed rule within 180 days thereafter. If the agency fails to meet this timeframe, and does not file an extension notice with the Joint Administrative Procedures Committee (JAPC), then it must withdraw the rule and begin rulemaking again.
- Requires at least seven days between the publications of a notice of rule development and a notice of proposed rule to allow for better public notice during rulemaking.
- Requires any material incorporated by reference to be published with the notice of proposed rule, made available in an electronic searchable format, and coded with underlining and strike-throughs to make it easier to determine changes made to its text.
- Requires that the full text of emergency rules be published in the Florida Administrative Code.
- Provides for additional public input in the statement of estimated regulatory cost (SERC) by allowing an individual to request a SERC workshop.
- Supplements the agency evaluation of transactional costs and market impacts in its creation of a SERC by providing specific examples of such costs and impacts.
- Prohibits the sunset or repeal of a rule by its own terms, unless specifically provided for in the underlying statute that provides authority to adopt 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 sine die.
- Requires each agency to publish specific licensing data in its annual agency regulatory plan.

9. Education in Correctional Facilities- F.S. 944.801 / SB 472

The bill amends the Correctional Education Program to require the Department of Corrections (DOC) to design and implement a plan to ensure that inmates who successfully complete classes that meet the necessary curriculum for professional licensure receive credit towards the applicable Department of Business and Professional Regulation (DBPR) licensure requirements. The DOC must coordinate with the relevant professional boards under the DBPR, or the DBPR when there is no board, to develop such a plan.

DISCLAIMER: The foregoing is a summary of the statutory changes and should not be relied on as legal advice or a complete explanation of the changes. Every situation is different, and you should seek qualified legal advice before making a decision.