

Florida Condominium Website Law

Florida Statute 718 Amendment of 2017 (HB 1237) and 2018 (SB 841)

Summary

On June 26, 2017 Governor Rick Scott approved HB 1237*, amending Florida Statutes 718, and requiring that an association with 150 units or more to have a website and post digital copies of official records on it.

Since 2005, CondoSites has been providing websites to Florida condos and HOAs. **Our product is fully compatible with the old and new sections of the "Sunshine Law"** (a.k.a. Florida's Condominium Act), and we can help guide you through the process of making sure your new community website is fully compliant with the law.

**HB 1237 (2017) contains similar language to HB 653 (2017) regarding the website requirement.*

UPDATE April 20, 2018:

On March 23, 2018, Governor Rick Scott approved SB 841 making additional changes to the website requirements added to FL Chapter 718 in 2017 (<https://www.flsenate.gov/Session/Bill/2018/00841F>), which includes an extension of the deadline from July 1, 2018 to **January 1, 2019**.

The information below reflects the amendments to the law. CondoSites websites still exceed the technical requirements of the new law and can easily handle the content requirements.

You can download a copy of the bill from the Florida Senate website here (<https://www.flsenate.gov/Session/Bill/2018/841/BillText/er/PDF>).

WEBSITES FOR OFFICIAL RECORDS

718.111(12)(g), Florida Statutes

(CODING: Words ~~stricken~~ are deletions; words underlined are additions; **Emphasis** added for convenience.)

1. By January ~~July~~ 1, 2019 ~~2018~~, an association managing a condominium¹ with 150 or more units which does not contain ~~manage~~ timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website.
 - a. The association's website must be:
 - I. An independent website or web portal wholly owned and operated by the association; or
 - II. A website 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, or collection of subpages or web portals dedicated to the association's activities and on which required notices, records, and documents may be posted by the association.
 - b. The association's website 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.
 - c. 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 that contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website:
 - a. The **recorded declaration** of condominium of each condominium operated by the association and **each amendment** to each declaration.
 - b. The **recorded bylaws** of the association and **each amendment** to the bylaws.
 - c. The **articles of incorporation** of the association, or other documents creating the association, and each amendment thereto. The copy posted

pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

- d. The **rules of the association**.
- e. **A list of all executory contracts or documents** Any management agreement, lease, or other contract 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 for 1 year. In lieu of summaries, complete copies of the bids may be posted.
- f. The **annual budget** required by s. 718.112(2)(f) and **any proposed budget to be considered at the annual meeting**.
- g. The **financial report** required by subsection (13) and any **monthly income or expense statement** ~~proposed financial report~~ to be considered at a meeting.
- h. The **certification of each director** required by s. 718.112(2)(d)4.b.
- i. 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.
- j. Any **contract or document regarding a conflict of interest** or possible conflict of interest as provided in ss. 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3)~~.
- k. 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 on a separate subpage of the website labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website 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.
- l. **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 pursuant to s. 718.112(2) (c).

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed permitted to be accessible to unit owners, are not posted on the association's website. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website, the association shall ensure the information is redacted before posting the documents online. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted pursuant to this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.
4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

1. Florida definition of "Condominium": A form of ownership of real property created pursuant to this chapter, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements. 718.103 (11) —