



COMPASS

OWNER & BUYER GUIDE · UPDATED OCTOBER 3, 2026

Florida condo & *HOA laws*

The post-Surfside rules on reserves, inspections, assessments, voting and fraud, how condos and HOAs differ, where to file a complaint, and what to check before you buy.

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PLEASE READ FIRST

Education, *not advice*

I am a licensed real estate advisor, not an attorney. This guide is general education based on Florida Statutes Chapters 718 and 720, legislative analyses, DBPR materials and Florida association-law sources. It is not legal advice.

Why it matters

New reserve and inspection rules are driving large special assessments and dues increases across South Florida condos.

Who to ask

A Florida community association attorney, your association's manager, and DBPR or the Condominium Ombudsman for condo issues.

Where I help

Reviewing the SIRS, milestone report, budget and minutes with you before you buy, and pricing in what's coming.

WHY THE RULES CHANGED

From Surfside to *today*

June 2021

Surfside collapse

Champlain Towers South partially collapses, killing 98 people, and exposes years of deferred structural repairs.

2022

SB 4-D

Creates milestone inspections and structural integrity reserve studies (SIRS) and bans waiving structural reserves.

2023

SB 154

Clarifies inspection and SIRS rules and who can perform them.

2024

HB 1021 (condos) & HB 1203 (HOAs)

Director education, criminal penalties for fraud and kickbacks, website records, quarterly owner meetings, limits on HOA fines.

2025

HB 913 (condos)

Extends the SIRS deadline to Dec. 31, 2025, allows short reserve pauses, loans and credit lines, video meetings and email voting.

2026

Session

No major changes to the condo or HOA acts; nonprofit-corporation law updates (HB 797) take effect July 1, 2026.

Condo vs. *HOA*

	CONDOMINIUM	HOMEOWNERS' ASSOCIATION
Florida statute	Chapter 718 (Condominium Act)	Chapter 720 (Homeowners' Association Act)
State regulator	DBPR Division of Florida Condominiums, Timeshares & Mobile Homes, plus the Condominium Ombudsman	No general state regulator; DBPR arbitrates election and recall disputes and licenses managers
Milestone inspections & SIRS	Required for buildings 3+ habitable stories	Not required
Reserves	Structural (SIRS) reserves can't be waived; other reserves can by majority vote	Required only if the documents or a vote create them
Website for records	25+ units, from Jan. 1, 2026	100+ parcels, from Jan. 1, 2025
Director education	4-hour course, then 1 hour every year	4 hours within 90 days; 4 hours a year (8 if 2,500+ parcels)
Term limits	8 consecutive years (service from July 1, 2018) unless re-elected by 2/3 of votes cast	None by statute unless the documents set them
Owner meetings	Board must meet 4 times a year to answer owners' questions (10+ units)	Per documents and statute notice rules

Structural reserves: *no more waiving*

Who needs a SIRS

Condo associations with buildings three or more habitable stories tall. Done by a licensed engineer, architect or reserve specialist.

How often

At least every 10 years. The first one was due by December 31, 2025 for most buildings.

No waiving structural reserves

Owners can't vote to waive or underfund SIRS items or spend those reserves on anything else.

Limited pause

If a milestone inspection in the last 2 years found needed repairs, owners may pause reserve funding for up to 2 annual budgets (budgets adopted through 2028) to pay for those repairs.

Ways to fund

Regular assessments, special assessments, lines of credit or loans.

Other reserves

Non-structural reserves can still be waived or reduced by a majority vote of owners.

What a SIRS covers

- Roof
- Structure and load-bearing walls
- Fireproofing and fire protection
- Plumbing
- Electrical
- Waterproofing and exterior painting
- Windows and exterior doors
- Other items over \$25,000 (inflation-adjusted)

Milestone *structural inspections*

When

When a building reaches 30 years old, then every 10 years. Local officials can require it sooner if conditions warrant.

Which buildings

Condo and co-op buildings three or more habitable stories tall.

Phase 1

A visual inspection of the structure by a licensed engineer or architect.

Phase 2

Required if Phase 1 finds substantial structural deterioration; may include testing and a repair plan.

Who sees it

The association must give owners a summary and file the report with the local building official, and post it on its website if required to have one.

Why buyers care

A Phase 2 finding usually means major repairs, and often a special assessment or loan the owners will repay.

Budgets and *special assessments*

Budget

The proposed annual budget and notice of the meeting go to owners at least 14 days in advance; the budget must show reserves.

Special assessments

14 days' written notice of the meeting, stating the purpose and amount. Funds can be used only for that purpose.

Contract details

When a special assessment pays for a contract, the details must be disclosed to owners.

You can't opt out

Unpaid assessments become a lien on the unit, and the association can foreclose.

After a storm

Boards have emergency powers after a declared state of emergency, including levying special assessments without an owner vote, unless the documents prohibit it.

Buying a unit

Ask for the estoppel letter, the SIRS, the milestone report, the budget, the last 12 months of minutes and any planned assessments.

Voting, elections and *the board*

Election notices

First notice at least 60 days before the condo election; second notice with the ballot 14 to 34 days before.

Electronic and email voting

Boards can adopt online voting, and 25% of owners can petition for it. If there's no system, owners may email ballots to a designated address, giving up ballot secrecy.

Video meetings

Meetings by video conference must include a link and call-in number, be recorded, and be kept as records.

Recall

A majority of all voting interests can remove board members by written agreement or at a meeting.

Term limits

Condo directors: 8 consecutive years, counted from July 1, 2018, unless re-elected by two-thirds of votes cast.

Director education

New condo directors take a 4-hour course covering inspections, SIRS, records, finance and fines, then 1 hour a year.

FRAUD

Fraud is now *a crime*

CONDUCT	PENALTY	APPLIES TO
Accepting a kickback	Third-degree felony	Officers, directors and managers
Refusing to release records to avoid detection or prosecution	Third-degree felony	Condo and HOA
Destroying or failing to keep accounting records	First-degree misdemeanor	Condo and HOA
Election fraud (forging ballots, blocking someone from voting, aiding fraud)	First-degree misdemeanor	Condo and HOA
Repeatedly violating owners' records-inspection rights	Second-degree misdemeanor	Condo and HOA
Manager failing to return records within 20 days	\$1,000 per day civil penalty (up to 10 days)	Community association managers
Undisclosed conflicts of interest	Contract voidable	Directors, managers, inspection and SIRS firms

DBPR must refer suspected fraud, theft or embezzlement to law enforcement. Penalties from HB 1021 (condos) and HB 1203 (HOAs), 2024.

New limits on *HOA* rules and fines

- ✓ Fines need notice and a hearing within 90 days; written findings within 7 days
- ✓ No fine if the violation is cured before the hearing
- ✓ No fines for trash cans left out within 24 hours of pickup day
- ✓ Can't ban parking personal or work vehicles in your driveway
- ✓ Can't regulate things not visible from the street, neighbors or common areas
- ✓ Can't ban vegetable gardens or clotheslines that aren't visible from the frontage

Websites

HOAs with 100 or more parcels must post key records on a website or app since January 1, 2025.

Director education

4 hours within 90 days of election; then 4 hours a year (8 hours for 2,500+ parcels).

Managers

Owners must be told who the manager is, their hours and duties.

COMPLAINTS

Where to *file a complaint*

PROBLEM	WHERE TO GO	NOTES
Condo finances, budgets, reserves, records or elections	DBPR Division of Florida Condominiums, Timeshares & Mobile Homes	Online complaint at myfloridalicense.com · 850-488-1122
Help understanding your rights as a condo owner	Office of the Condominium Ombudsman (part of DBPR)	Neutral resource; can help with elections and disputes
Condo disputes the board won't resolve	DBPR arbitration or presuit mediation, then court	Some disputes must go through arbitration first
HOA election or recall disputes	DBPR mandatory binding arbitration	Petition forms on myfloridalicense.com
Other HOA disputes (fines, rules, maintenance)	Presuit mediation (Fla. Stat. 720.311), then court	Skipping mediation can cost you attorney's fees
A community association manager or management firm	DBPR (manager licensing)	Online license complaint
Theft, embezzlement, kickbacks, forged ballots	Local police or sheriff and the State Attorney	These are crimes; DBPR also refers cases to law enforcement
Consumer fraud	Florida Attorney General	myfloridalegal.com
Housing discrimination	Florida Commission on Human Relations or HUD	Fair housing complaints
Unsafe building conditions	Your city or county building official	Can order inspections and repairs

Ten things to check before buying a *condo*

01 • SIRS and funding plan

Is the association following the recommended funding? Are structural reserves fully funded?

03 • Special assessments

Any approved, proposed or likely? Ask the manager and read 12 months of minutes.

05 • Budget and dues trend

How much have dues risen, and what share goes to reserves and insurance?

07 • Litigation

Lawsuits against the association or the developer.

09 • Rules

Rental minimums, pets, renovations and approval process.

02 • Milestone inspection

Is it done? Did Phase 2 find problems? What repairs are planned?

04 • Loans and credit lines

Is the association borrowing to fund repairs, and how will owners repay it?

06 • Insurance

Master policy coverage, deductibles and premium increases.

08 • Financing

Some condos can't get conventional loans until repairs or reserves are addressed; ask your lender early.

10 • Your cancellation right

Resale buyers can generally cancel within 3 business days after receiving the required documents (15 days for new developer sales).

Questions clients *ask me*

What changed in Florida condo law after Surfside?

Since 2022, condo buildings three or more stories tall need milestone structural inspections at 30 years and every 10 years after, and a structural integrity reserve study (SIRS) at least every 10 years. Associations can no longer waive reserves for structural items, and later laws added director education, website records, criminal penalties for fraud and more transparency.

What is a SIRS (structural integrity reserve study)?

A study by a licensed engineer, architect or reserve specialist of the building's key components (roof, structure, fireproofing, plumbing, electrical, waterproofing, windows and exterior doors, and other major items) estimating their remaining life and replacement cost, with a funding plan. It must be redone at least every 10 years.

Can condo owners still vote to waive reserves?

Not for structural items covered by the SIRS. Owners can still waive or reduce other, non-structural reserves by majority vote. Under the 2025 law, owners may pause structural reserve funding for up to two annual budgets if a recent milestone inspection found repairs that must be paid for.

When was the SIRS deadline?

The 2025 law (HB 913) extended the deadline for the first SIRS to December 31, 2025. Associations that missed it can face DBPR enforcement, and buyers should ask for a copy.

How much notice is required for a special assessment?

Condo owners must receive at least 14 days' written notice of the board meeting where a special assessment will be considered, including its purpose. Money collected can only be used for that purpose.

Do condo owners have to approve special assessments?

Usually not. In most associations the board can levy special assessments for necessary repairs and reserves after proper notice. Some governing documents require an owner vote for certain items, so read your declaration and bylaws.

Questions clients *ask me*

What are the term limits for condo board members?

A condo director may not serve more than eight consecutive years, counting service from July 1, 2018, unless re-elected by two-thirds of the votes cast. Florida HOAs don't have a statutory term limit.

Can condo owners vote online or by email?

Yes. Boards can adopt electronic voting, and 25% of owners can petition for it. If the association has no system, owners may email ballots to the association's designated address, though they give up ballot secrecy.

What is considered fraud in a Florida condo or HOA?

Florida now makes it a crime to accept kickbacks or refuse to release records to avoid detection (third-degree felonies), destroy accounting records or commit election fraud (first-degree misdemeanors), and repeatedly deny records access (second-degree misdemeanor).

Where do I file a complaint against my condo association?

With the DBPR Division of Florida Condominiums, Timeshares and Mobile Homes for financial, records, election and reserve issues. The Condominium Ombudsman can help explain your rights. Crimes like theft or kickbacks go to local law enforcement.

Where do I file a complaint against my HOA?

Florida has no general HOA regulator. Election and recall disputes go to DBPR arbitration; most other disputes require presuit mediation before court. Crimes go to law enforcement, discrimination to the Florida Commission on Human Relations or HUD, and manager misconduct to DBPR.

How fast must the association give me records?

Condo associations must make official records available within 10 working days of a written request. Associations with 25 or more units (condo) or 100 or more parcels (HOA) must also post key records on a website or app.

Questions clients *ask me*

Do condo directors need training?

Yes. New condo directors must complete a 4-hour course covering milestone inspections, SIRS, records, finances, fines and meetings, then 1 hour of continuing education each year. HOA directors need 4 hours within 90 days and 4 or 8 hours a year depending on community size.

Can my HOA fine me for parking my truck in the driveway?

Not for parking a personal vehicle, or a work vehicle that isn't a commercial vehicle, in your own driveway. The 2024 law also bars fines for trash cans left out within 24 hours of pickup and requires a hearing within 90 days.

What should I check before buying a condo?

The SIRS and whether reserves follow it, the milestone inspection, any planned special assessments or loans, the budget and dues trend, insurance, litigation, financing eligibility and rental rules. Resale buyers generally have 3 business days to cancel after receiving the documents.

Did Florida pass new condo or HOA laws in 2026?

The 2026 session made no major changes to the condo or HOA acts. Updates to Florida's nonprofit-corporation law (HB 797), which governs most associations, took effect July 1, 2026.

SOURCES · CHECKED OCTOBER 3, 2026

Verify before you rely

Condominium Act, Chapter 718 (2025), Florida House
flhouse.gov

HB 1021 (2024) staff analysis, Florida Senate
flsenate.gov

HB 1203 (2024) staff analysis, Florida Senate
flsenate.gov

HB 913 (2025) changes, Roetzel & Andress
ralaw.com

HB 913 explained, Withum
withum.com

Review of the 2026 legislative session, Becker
beckerlawyers.com

Condominium unit owner rights, DBPR
www2.myfloridalicense.com

File a condo complaint, DBPR
www2.myfloridalicense.com

Condo director term limits, Gerstin & Associates
gerstin.com

HOA arbitration rules (61B-80), DBPR
www2.myfloridalicense.com



BUYING A CONDO?

Geva Bar P.A.

Real Estate Advisor at Compass. I review the SIRS, milestone inspection, budget, reserves and minutes with you before you commit, so you know the true cost of ownership, including assessments that may be coming.

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