

Websites Regulated by Statute for Larger Associations

September 3, 2019

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Q: We are in the process of moving our condominium association's existing website and all the information thereon to a new platform. Can the condominium documents be posted to the main homepage or do they have to be posted in a password-protected sub-page of the website? (R.M.,

via e-mail)

A: Whether or not your condominium documents (declaration of condominium, bylaws, articles of incorporation, and rules and regulations, as well as each amendment thereto) must be password-protected on your new website depends on the size of your condominium association and whether or not the units are timeshare units.

Section 718.111(12)(g) of the Florida Condominium Act was amended in 2018 to provide that an association managing a condominium with 150 or more units (except timeshare units) is required to post digital copies of certain documents on a website by January 1, 2019. The website must be an independent website or web portal wholly owned and operated by the association or a website or web portal operated by a third-party provider and must meet various other criteria.

The statute requires that the condominium documents, a list of all contracts or documents to which the association is a party, summaries or complete copies of bids which exceed \$500.00 within the past year, the annual budget, and any proposed budget to be considered at the annual meeting be uploaded to a password-protected area of the website.

Therefore, if your association manages a condominium with 150 or more units (except timeshare units), you must comply with this law. If your association is comprised of timeshare units, operates a single condominium with not more than 150 units, or manages more than one condominium but none are larger

than 150 units, the law does not apply and the condominium documents could be posted on a portion of your new website that is open to the public. Since the condominium documents (except the rules) are always recorded anyway, I don't see a problem doing this. I would recommend that more sensitive documents, such as bids, only be posted to a secure area of the website.

Q: One of our cooperative association board members resigned. Is he required to return copies of association records? (C.S., via e-mail)

A: Section 719.104(2)(e) of the Florida Cooperative Act provides that outgoing board or committee members must relinquish all official records and property of the association in their possession or under their control to the board within 5 days after their resignation or leaving office due to the end of their term. This requirement includes plans, permits, warranties, and other items provided by the developer; minutes for all board and membership meetings; a current roster of the unit owners; insurance policies of the association; accounting records; ballots and voting proxies; and all other written records of the association that relate to the operation of the association.

The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation may impose a civil penalty against an outgoing board or committee member who willfully and knowingly fails to timely turnover official records to the board after resigning or leaving office.

The same basic rules apply to condominium associations and outgoing directors.