

“Condominium Association Statutory Required Websites - Facts and Myths,” FCAP Managers Report

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By: Howard J. Perl



Section 718.111(12)(g), Florida Statutes, was added to Chapter 718, Florida Statutes in 2017, requiring that by July 1, 2018, an association with 150 or more units which does not manage timeshare units is required to post digital copies of the documents specified in the section on its website, and lists specific documents that are required to be posted on the association website. In 2018 the section was amended to change, among other things, the effective date to January 1, 2019, as well as changes as to what must be posted.

The website must be an independent website or a web portal wholly owned and operated by the association, or 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, dedicated to the association’s activities and on which required notices, records, and documents may be posted by the association. The purpose of this requirement is that in the event of a change in management companies or manager, the association must maintain control of the website.

The website must be accessible through the Internet and must contain an area that is inaccessible to the general public, accessible only to unit owners and employees of the Association.

While the statute provides that “upon an owner’s written request” the association must provide the owner with a username and password to access the protected areas of the website, obviously it makes sense to notify all owners of the manner in which to obtain their username and password.

Some of the requirements that must be posted on the association website include:

- The association’s governing documents (Declaration, Articles of Incorporation, Bylaws and Rules and Regulations).
- A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility (this was changed from “Any management agreement, lease or other contract”). An association is not required to post entire contracts on its website. Only a listing of such contracts is now required.

- After bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year.
- The association's annual budget and any proposed budget to be considered at the annual meeting. While the statutes only technically requires the posting of "any proposed budget *to be considered at the annual meeting*", as a practical matter many, if not most, budgets are not considered at the annual meeting but at a separate budget meeting. I suggest the association post any proposed budget, even one not to be considered at the annual meeting, on the website.
- The association's annual financial report for the preceding year and any monthly income or expense statement proposed financial report to be considered at a meeting. This appears to require the posting of an association's monthly financial statement if it is to be considered at a meeting.
- The board member certification of each director.
- 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.
- 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).
- The notice of any unit owner meeting and the agenda for the meeting, 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.
- Notice of any board meeting, the agenda, and any other document required for the meeting, which must be posted no later than the date said notice is required to be posted on the condominium property pursuant to statute.

In addition to the above requirements, an association is also required to insure that official records that are not releasable to owners are not posted on the association website. However, the association is not 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.

If an association does not post any of the required information, such failure will not invalidate any action or decision of the board. In other words, if an association does not post meeting minutes or meeting notice as required, such failure, in and of itself, will not act to invalidate any board actions taken at such meeting.

If you have any questions concerning the website requirements, you should contact your association attorney. Of course your association attorney should review any association website contract before the association executes such contract to insure the contract complies with the statutory requirements.