

THE CO-OP ASSOCIATION

March 19, 2026

DIRECTORS' DIGEST



A Publication of the Law Offices of Lobeck & Rowe



2025-26 Legal Update

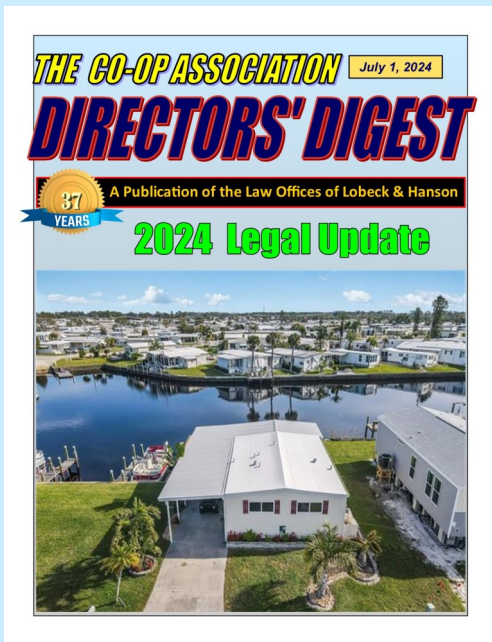
Considering the trend of the Florida Legislature to make life for Community Associations increasingly difficult, it is to be applauded that they passed no new co-op, condo or HOA laws in the session that ended on March 13, 2026.

However, in 2025 Legislators piled even more burdens, complexities and liabilities on Association Directors and managers, Those laws, other than noted herein,

became effective July 1, 2025.

Reserves

The provisions of Chapter 719 regarding Milestone Inspections and Structural Integrity Reserves (SIRS reserves) are not applicable to most Cooperative Associations. That is because they apply only to certain buildings with three or more stories (now habitable) stories and very few Cooperatives have such buildings.



Check out Lobeck & Rowe's prior newsletters, as well as information about our attorneys and services, at our website, www.lobeckrowe.com



Lobeck & Rowe
Your
Association Attorneys

**Serving Sarasota and Manatee
Counties and beyond since 1987**

Building on a Legacy

In 1987, after seven years as a partner and associate with a statewide Association law firm and before that two years as a policy maker with the state agency in this field, I started what has now become The Law Offices of Lobeck and Rowe.

From the beginning, we have set a standard of:

- Competence
- Responsiveness
- Fair and Conservative Billing Practices
- Listening
- Leadership
- Earning Our Reputation as Bulldogs
- Ethics Above All
- And Straight-Up Advice and Service

Attorneys with the firm have changed over the years, as have our support staff, but today I truly believe we have built the best team of talented and dedicated individuals that we ever have.

I for one will continue to be an active attorney and partner of the firm for the foreseeable future, while Michelle Rowe after 20 years has become Co-Managing Partner. We all will continue to work together to grow the firm and serve our clients as very best we can, always keeping in mind the principles which have led our success, and those of our clients, for the past 39 years and now beyond.

Thank you for the opportunity to serve, today and into the years to come.

Dan Lobeck

However, the non-SIRS reserves maintained by Cooperative Associations are subject to Chapter 719 and are changed by the 2025 legislation as follows.

Chapter 719 lists certain reserves which must be fully funded by the Association in each annual budget, unless waived or reduced by the affirmative vote of a majority of all Association members.

In addition to any roofs, paving and painting for which the Association is responsible, the statute requires that the reserves include any other item which will cost the Association more than a certain dollar amount. The 2025 amendments increase that amount from \$10,000 to \$25,000, with annual inflation increases as determined annually starting by the Division of Florida Condominiums, Timeshares and Mobile Homes.



Division of Condominiums, Timeshares, and Mobile Homes

The jurisdiction of the Division is expanded to include:

- Completion of milestone inspections
- Requirements to maintain insurance and fidelity bonding for persons who disperse funds
- Board member education requirements
- Reporting requirements for SIRS
- Reporting Requirement for Condominiums and Cooperatives.

An “official investigation” by the Division now

includes official investigations by the Division relating to the criminal prohibitions against tampering with, harassing, or retaliating against a witness, victim, or informant.

Also, all Associations must create an online account with the Division and provide specified information by October 1, 2025, and once per year thereafter, except that contact information must be updated within 30 days of a change. The Division must provide Associations at least 45 days to submit the information after the account is established. The information Associations may be required to submit includes:

- Contact information for the association, its members of the board, and its CAM; and
- The number of units, age of buildings, and assessments.



Emergency Powers

The emergency powers of an Association are expanded to require the evacuation of the property in the event of any evacuation order, instead of a mandatory evacuation order.

Also, the Association is immune from liability to a member who fails to evacuate when requested to do so by the Association.

Community Association Managers

Chapter 468, Florida Statutes was amended to require that Community Association Managers

and Management Firms must:

- Maintain an active online licensure account with the Department of Business and Professional Regulation (DBPR).
- Identify through the function “Community Associations Managed” in their online account:
- The management firm employing the manager.
- Each community association where the manager serves as the designated onsite CAM.
- Update all online licensure account information within 30 days of any change.

Management firms must also list all licensed CAMs under their employment on their account.

Notification of Suspension or Revocation

If a manager’s license is suspended or revoked, DBPR must notify:

- The employing management firm.
- Any affected community associations where the manager provided services.

Licensing Restriction

Any individual whose CAM license has been revoked is prohibited for 10 years from:

- Holding a direct or indirect ownership interest in a community association management firm.
- Serving as an employee, partner, officer, director, or trustee of a CAM firm.

Conflict of Interest Disclosure

Managers, firms, officers, and individuals (or their relatives) with a financial interest must:

- Disclose any activity that may reasonably be considered a conflict of interest to the association’s board. A rebuttable presumption of a conflict exists if such activity occurs without prior notice.



Duties to the Association

Community association managers must:

- Annually attend at least one board or membership meeting in person.
- Provide associations members with the name and contact information for each assigned CAM or representative; their availability/ hours of operation; and a summary of their responsibilities. This information must be posted on the Association’s website or app (if applicable) and updated within 30 days of any change (or sooner if otherwise required).
- Make the management contract available to any member upon request, and ensure it is part of the association’s official records.

Contract Requirements

All community association management contracts:

- Must include the following statement (in at least 12-point font), when applicable: “The community association manager shall abide by all professional standards and record-keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.”
- May not contain any waiver or limitation of legally required professional standards.

Chapter 617, Nonprofit Corporation Act, Amended

Although the 2026 Legislature did not amend Chapter 719, Florida Statutes, the Cooperative Association Act, it did comprehensively amend Chapter 617, the Corporations Not For Profit Act.

Cooperative Associations are subject to Chapter 617 to the extent a matter is not governed by Chapter 719 or arguably if the Cooperative was created prior to the enactment of Chapter 719.

The extremely long bill (HB 797) is to conform Chapter 617 to a Uniform Act of the American Bar Association as well as certain provisions of Chapter 607, regarding Florida corporations generally.

Some provisions of potential consequence to Chapter 719 Associations are as follows.

Provisions regarding conflict of interest by Directors and their duties and standards of care are expanded and clarified, as are Director protections from personal liability.

The registered agent has a duty to forward to the corporation at the address most recently provided to it any lawsuit, notice or demand received by the registered agent.

A court may appoint an impartial provisional Director where there is an irreparable deadlock among Directors that is causing harm to the corporation.

A court may remove a Director upon finding fraudulent conduct, gross abuse of the position or intentional infliction of harm on the corporation, and that the removal is in the corporation's best interest.

A proxy from someone who then dies is still valid unless the vote counters or Secretary had notice of that death before the proxy votes.

Provisions are added regarding records, records access by members and Directors, and financial statements, again subject to any applicable provision of Chapter 719. For example, a membership list may not be used for a commercial purpose or sold.

If the governing documents are silent as to the number of members who can call a special meeting, it shall be 10% of the votes entitled to be considered at the meeting (which is an increase from the prior law). The amendments are effective July 1, 2026.



New Dangerous Dog Law

The 2025 Florida Legislature passed a new law on dangerous dogs, effective July 1, 2025. If a dog has killed someone or has bitten someone severely enough to score a 5 or higher on the Dunbar bite scale (based on trauma, skin contact, punctures and tissue damage) the dog must be impounded or securely confined in a proper enclosure. Dog owners with awareness of that propensity are also subject to certain microchip and insurance requirements and may be subject to a first-degree misdemeanor (increased from second-degree) upon further severe injury or death.

Florida case law, although not this statute, provides dog bite liability for an Association not enforcing a relevant restriction, and the statute may add guidance as to the standards to be applied.



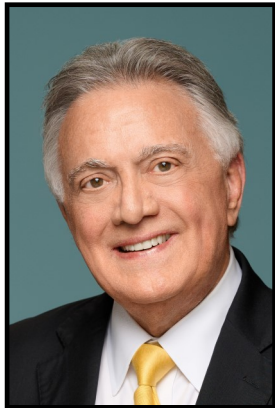
Law Offices

Serving Southwest Florida and Beyond

Lobeck Rowe



A Full Service Law Firm With an Emphasis on Representing Condominium, Cooperative and Homeowners Associations



Dan Lobeck

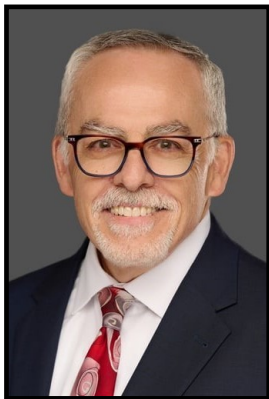


Michelle Rowe

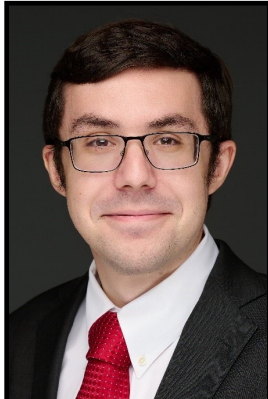


Brett Paben

Assessment Collections
Rules Enforcement
Construction
Defect Claims
Neighborhood Protection
Document Revisions
Contracts
Association Meetings
Legal Advice
Also: Land Use, Estates, Personal Injury, Family Law and Other



Joe Gugino



John Jabro



Bobby Reynolds



Michelle Revelt

2033 Main Street, Suite 403, Sarasota, Florida 34237
(941) 955-5622 law@lobeckrowe.com
Check Out Our Website at www.lobeckrowe.com
Legal Advertisement