

LEGAL



All Required Websites Should Be Active By Now

BY MARK FRIEDMAN, FLORIDA BAR CERTIFIED AS A SPECIALIST IN CONDOMINIUM AND PLANNED DEVELOPMENT LAW

I've been receiving a number of questions from your community about websites recently. The Condominium Act effective January 1, 2026, lowered the unit threshold for having to have an association website from 150 to 25 units. Therefore, a number of Century Village condominiums that were previously exempt, due to their small size, will need to have an active website which complies with the law.

The Act applies to any condominium association in Florida that manages a condominium with twenty-five (25) or more units. If your Century Village condominium has 24 or fewer units you remain exempt.

Associations subject to the statute must maintain either an independent website, a mobile application, or a web portal that is wholly owned and operated by the association, or the association may use a third-party provider to operate the platform. Regardless of the provid-

er, the platform must be accessible via the Internet and must include a password protected section that is inaccessible to the general public. Many management companies assist associations with establishing websites. However, caution is recommended with this approach unless there is very specific language in the management contract about what happens to this data when the management company is terminated. If it is not clear, your data could be lost instead of transferrable.

The law requires that specified records of the association be posted in digital format on the association's website within thirty (30) days after the association receives or creates the record, unless a shorter period is otherwise required. The protected section of the website must be structured so that only authorized users (unit owners and association employees) can access the posted documents. Associations are responsible for providing login cre-

dentials to unit owners upon written request.

In addition to the requirement that certain official records of the association must be available through the website, the Act requires that notice of board and membership meetings must be posted to the website no later than the general requirement for providing such notice. Therefore, notice of regular board meetings must be posted to the website no less than 48 hours prior to such meetings. You must also continue posting a hard copy of the notice in a conspicuous location on the property. Further, any other document that was required to be provided with the notice of the meeting, such as a proposed budget for the budget meeting, must also be posted on the website with the notice.

The Act also imposes a duty on associations to ensure that information and records not permitted to be accessible to unit owners are not posted on the website. If any

protected or confidential information is included in a document that must be posted, the association must redact such information before posting.

Importantly, the Act clarifies that failure to post required information does not, by itself, invalidate any action or decision of the association. However, associations should not interpret this as a license to ignore the posting requirements, as non-compliance could still result in enforcement actions, penalties, or other legal consequences.

Mark D. Friedman, B.C.S. is recognized by the Florida Bar as a specialist in Condominium and Planned Development Law. This article is for educational purposes only and is not intended as legal advice. Please consult your association counsel if you have questions about your website. Mr. Friedman can be reached at MFriedman@BeckerLawyers.com.

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