Florida Condominium Enforcement

Understanding the 2026 amendments to Chapter 61B-21

An independent educational guide
By Tara Eve Ezer

Information current as of November 27, 2026

01 Introduction

01.01 Who is this guide for?

This guide helps condominium owners, board members and other interested individuals understand changes to Florida's condominium enforcement rules, recognize regulatory responsibilities and engage more effectively with the appropriate authorities.

It is an independent educational resource, not official DBPR guidance or legal advice.

01.02 Why was it created?

Informed citizens contribute to balanced regulatory management.

Greater regulatory literacy can promote informed participation, voluntary compliance, administrative efficiency and the responsible use of public resources.

01.03 What is Chapter 61B-21?

Chapter 61B-21 of the Florida Administrative Code establishes condominium enforcement and resolution guidelines within the statutory authority of the Division of Florida Condominiums, Timeshares, and Mobile Homes, as established in §718.501, Florida Statutes.

The scope of the Division's jurisdiction depends on the applicable statutory provisions, including whether control of the association has transferred from the developer to unit owners. **Not every condominium dispute falls within the Division's regulatory jurisdiction.**

Under §120.695(1), Florida Statutes, attaining compliance with agency rules is the primary objective, with fines and penalties serving a secondary role in achieving that objective.

01.04 What will I learn in this guide?

This guide explores the 2026 amendments to three existing rules and the introduction of a new rule establishing citation procedures. It explains what changed, how the rules work together and why these changes matter.

61B-21.001 — Definitions | Effective Nov. 26, 2026
Shared regulatory terminology.

61B-21.002 — Notice of Noncompliance and Minor Violations | Effective Nov. 12, 2026
Notice and compliance procedures.

61B-21.0026 — Citation | Effective Nov. 12, 2026
Citation and resolution procedures.

61B-21.003 — Penalty Guidelines | Effective Nov. 26, 2026
Disciplinary consequences.

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02 Definitions

Rule 61B-21.001 • Effective November 26, 2026. The previous rule contained three definitions; the amended rule contains eleven. The following themes are educational groupings, not official classifications. **The numbers preceding each definition correspond to the subsection numbers in Rule 61B-21.001 for ease of reference to the official rule text.**

02.01 Understanding harm and corrective action

(1) Affirmative or corrective action. Remedial measures designed to prevent recurrence, remedy or mitigate harm and assure compliance. The amended definition specifies that measures must be acceptable to the Division and reasonably calculated to prevent recurrence. As under the previous rule, corrective action may include making an injured person whole. The definition does not create an automatic entitlement to compensation.

(2) Aggravating circumstances. Factors that may support increased penalties or discipline. Previously addressed in the penalty guidelines, these are now separately defined and expanded: financial loss or gain, disciplinary history, repeated conduct, severity of harm, duration of violations, misleading information, subpoena noncompliance and failure to reasonably cooperate. The list is not exhaustive.

(7) Mitigating circumstances. Factors that may support reduced penalties or discipline. Previously addressed in the penalty guidelines, these now include more detailed consideration of disasters or emergencies affecting compliance, absence of harm, timely and diligent corrective action, full cooperation and other circumstances demonstrating good faith or reduced severity.

02.02 Understanding violations and accountability

(6) Minor violation. A violation that does not cause economic or physical harm to a person, adversely affect public health, safety or welfare, or create a significant threat of such harm. The amended definition uses more specific harm-based criteria and states that failure to timely comply with a Notice of Noncompliance will result in further sanctions and enforcement. Read with Rule .002.

(8) Repeat violation. Following prior disciplinary action involving the same or similar conduct, a subsequent violation qualifies if at least one board member who served at the time of the prior violation remains on the board, or, if none remains, the subsequent violation occurs within one year of the prior disciplinary action. Prior misconduct was already relevant under the guidelines; the specific definition is new.

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02 Definitions (continued)

(11) Willfully and knowingly. Incorporates the statutory meaning in §718.501(1)(e)6. Under the statutory definition, the Division must have informed the officer or board member that their action or intended action constitutes a violation, and the individual must have refused to comply with the applicable requirements. The Division is not required to issue additional or repeated notice of the same violation for conduct to be deemed willful and knowing. This does not remove applicable statutory notification and voluntary compliance requirements.

02.03 Understanding enforcement and compliance

(4) Citation. A written notice that may assess a penalty and/or impose legally authorized corrective action. The Division may issue one when sufficient information establishes a violation of Chapter 718 or an applicable rule. This is a new express definition linked to the new citation rule.

(5) Documentation. Written or electronic records sufficient to demonstrate compliance with Chapter 718, applicable rules or a lawful Division order. Examples include affidavits, receipts, invoices, correspondence and meeting minutes. The new definition emphasizes evidence of compliance.

02.04 Understanding who is involved

(3) Association. Previously incorporated by statutory reference, the amended definition expressly describes entities operating common elements owned in undivided shares by unit owners, and qualifying entities operating or maintaining other real property in which owners have use rights, where membership consists exclusively of owners or their elected or appointed representatives and is a required condition of ownership. See §718.103(3).

(9) Respondent. A person or entity against whom the Division initiates or pursues disciplinary action, including an association or individual officer or board member. The new definition helps distinguish entity and individual accountability.

(10) Unit owner controlled association. An association in which owners, rather than the developer, control a majority of voting interests as provided in §718.301. The new definition matters because certain procedures specifically apply to these associations.

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03 Notice of Noncompliance and Minor Violations

Rule 61B-21.002 • Effective November 12, 2026

03.01 What existed before, and what changed?

The previous rule provided for notices, time to comply and a separate penalty range for designated minor violations. The amended rule expressly requires a description of corrective action, revises the list of designated minor violations and incorporates the citation mechanism.

A significant change is the elimination of the separate penalty range of $5–$10 per unit for minor violations. Under the amended rule, failure to comply with a Notice of Noncompliance is subject to penalty assessment pursuant to Rules .0026 and .003, applying the existing general penalty range of $10–$30 per unit, subject to applicable adjustments and statutory limits.

During the 2026 rulemaking process, the statutory reference in the definition of a minor violation under Rule .001(6) was changed from §120.695(2)(b) to §718.501(1)(e). Section 120.695 remains expressly identified as a law implemented by Rule .002. The amended definition retains the harm-based criteria found in §120.695(2)(b), while §718.501(1)(e)6. identifies the legislative intent to distinguish minor violations from those that endanger health, safety or welfare.

03.02 What is a Notice of Noncompliance?

A notice applicable under this rule to unit owner controlled associations. It identifies the specific violation, describes required corrective action, provides a reasonable compliance period and includes the assigned Division representative's contact information. The association is solely responsible for compliance. The notice is not final agency action.

The rule provides that the Division may issue a notice upon reasonable cause to believe a minor violation occurred, and shall issue a notice for the two listed violations: failure to disclose the specific beginning and ending dates of the proposed budget period; and failure to timely adopt the annual budget a second time.

03.03 What happens if the association does not comply?

Failure to fully comply within the time provided may result in a citation or other authorized enforcement. Upon a determination of failure to comply, subsection (3) directs enforcement action and a civil penalty for each minor violation under Rules .0026 and .003. Informal resolution and other authorized remedies remain available.

03.04 Why does this matter?

An opportunity to correct a violation does not eliminate the obligation to comply. Several previously designated minor violations, including ballots that do not list candidates alphabetically by surname and candidate information sheets exceeding one page, now appear in the Rule .003 penalty guidelines rather than the designated minor violation list. Unlisted violations may be evaluated using the closest analogous violation, within statutory authority.

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04 Citation

Rule 61B-21.0026 • Effective November 12, 2026

04.01 What is new?

A standalone rule establishes citation issuance, service, dispute and resolution procedures. The Division may issue citations for violations of Chapter 718, Title 61B rules, or failure to timely comply with a Notice of Noncompliance for a minor violation. A notice is not a universal prerequisite; applicable statutory requirements still govern.

04.02 What must a citation contain?

The respondent's identity, specific statutory or rule provision violated, facts constituting the violation, assessed penalty or required remedial or corrective action, and instructions concerning rights, obligations and deadlines.

04.03 How is a citation resolved?

All applicable citation amounts and fees must be paid, and documentation must demonstrate full compliance and fulfillment of all corrective actions and other requirements. If compliance or correction does not reasonably produce documentation, a sworn affidavit may be submitted instead. Once the Division determines all requirements are satisfied, it must issue written acknowledgment of resolution.

04.04 How can a citation be disputed?

A respondent has 30 days after the citation is deemed served to dispute the matter in writing. If not disputed within that period, the citation becomes a final order. The respondent then has 30 days from the final order to pay amounts due and comply with all requirements.

The rule establishes specific methods of service and provides that failure to receive actual notice does not invalidate service completed in accordance with its requirements. Subsection (3) refers to both delivery and mailing in its service provisions. Consult subsection (3) and applicable law when determining the date of service.

The rule does not describe the process that follows a timely dispute; the citation itself must include instructions regarding the respondent's rights and the time frame for contesting it.

04.05 Why does this matter?

Payment and correction are distinct obligations. Where both apply, payment alone is not enough. A citation may contain multiple counts from the same investigation. Other authorized enforcement and informal resolution remain available. In particular, paying a citation for subpoena noncompliance does not remove the duty to comply with the subpoena.

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05 Penalty Guidelines

Rule 61B-21.003 • Effective November 26, 2026

05.01 What existed before, and what changed?

The previous rule identified violations, financial penalty ranges and aggravating and mitigating circumstances. The amended rule adds, removes and revises listed violations, expressly incorporates director and officer removal authority, relocates and expands the circumstances framework in .001, and expressly includes investigative and administrative costs among other recoverable amounts allowed by law.

The amended rule no longer expressly specifies a “clear and convincing evidence” standard for establishing aggravating or mitigating circumstances when deviating from the penalty guidelines.

05.02 How are financial penalties determined?

The retained range is $10–$30 per unit per violation, starting at the midpoint ($20 per unit). Aggravating or accepted mitigating circumstances may justify adjustments. The minimum total penalty is the guideline calculation or $500, whichever is greater, subject to the statutory maximum for a single violation. Multiple counts may be combined. The closest analogous violation is considered for unlisted violations.

05.03 What are the potential consequences for directors and officers?

Under §718.501(1)(e)6., Florida Statutes, the Division may impose individual civil penalties, remove an officer or board member from office, and prohibit future service where the individual willfully and knowingly violates Chapter 718, an adopted rule or a final order of the Division.

The amended Rule 61B-21.003(2) expressly addresses removal, including where a director or officer fails to remedy a violation or comply with a lawful order, and limits prohibition from future service to two complete terms as established by the association’s governing documents.

Before initiating formal agency action under Chapter 120, the Division must afford the officer or board member an opportunity to comply voluntarily; an individual who complies within 10 days is not subject to a civil penalty.

05.04 Areas covered by the guidelines

Financial management: assessments, budgets, reserves, reporting and related matters.

Governance: board conduct, conflicts of interest, elections, meetings and voting rights.

Transparency: records, websites and estoppel certificates.

Safety: milestone inspections and structural integrity reserve studies.

Regulatory compliance: investigations, final orders and subpoenas.

These are educational groupings; consult the official table for exact provisions.

Certain previously listed violations, including the general entry for violating a fiduciary duty, no longer appear in the penalty table. Removal of a listed violation does not itself remove an underlying statutory obligation.

The rule preserves informal resolution, judicial enforcement and other authorized actions. Other costs and damages may be sought where allowed by law.

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06 How the rules work together

The rules do not establish a single mandatory sequence of enforcement actions; specific procedural requirements apply in certain circumstances. **The following hypothetical examples illustrate regulatory relationships, not guaranteed outcomes.**

06.01 Example 1 — A proposed budget omits its beginning and ending dates

Rule .001 defines minor violations; .002 expressly lists this conduct and establishes the notice process for unit owner controlled associations. If the association fails to comply, .0026 provides a citation mechanism and .003 supplies penalty guidelines. An owner can retain the budget and submit relevant information through the applicable complaint process.

06.02 Example 2 — A violation causes financial harm

Rule .001(1) addresses corrective action, (2) identifies financial harm as a potential aggravating circumstance, and (7) recognizes timely corrective action as potentially mitigating. Rule .0026 permits legally authorized corrective measures through citations, and .003 provides penalty guidelines. Interested individuals can retain evidence of conduct and resulting harm. Compensation is not automatic.

06.03 Example 3 — A director continues a violation after notification

Assume the applicable opportunity to comply has been afforded. Rule .001(9) recognizes individual respondents and (11) addresses willfully and knowingly; .003(2) addresses removal and prohibition from serving. Section 718.501 governs statutory authority. Individuals can document relevant correspondence and conduct. Removal is discretionary and subject to applicable requirements.

06.04 Example 4 — A respondent pays a subpoena-related citation but does not comply

Rule .001(2)(j) identifies subpoena noncompliance as potentially aggravating; .003 expressly lists it as a violation; .0026(10) preserves the duty to comply notwithstanding payment, issuance or resolution of a citation. The Division may seek judicial enforcement or other authorized remedies. Multiple penalties are not automatic.

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07 From Knowledge to Informed Action

07.01 Your role and the Division's authority

Owners and interested individuals can understand requirements, identify and document potential violations, submit complaints and supporting information, and participate in applicable administrative processes.

Section 718.501(1)(n), Florida Statutes, establishes complaint acknowledgment, investigation and notification requirements. These include written acknowledgment within 30 days, including information concerning jurisdiction and any additional information needed; action within 90 days of receipt of the original complaint or timely requested additional information; monthly written status updates for investigations exceeding the statutory time limits; and notification of applicable hearing rights when reporting the action taken.

The former Rule .002(3) expressly addressed notification of complaint resolution or applicable alternative dispute resolution options. That provision was not carried into the amended rule.

Associations, directors and officers can understand their obligations, maintain records, cooperate with lawful investigations, undertake appropriate corrective action and demonstrate compliance.

The Division determines applicable jurisdiction, investigates and evaluates potential violations, issues notices, citations and lawful orders as authorized, assesses applicable penalties and evaluates compliance. Individuals do not exercise the Division's regulatory enforcement powers. Other legal rights and remedies may remain available.

07.02 Where do I begin?

1. Identify the applicable statute or rule.
2. Retain relevant records, correspondence, dates and supporting information.
3. Identify the appropriate regulatory authority and applicable jurisdiction.
4. Communicate through the applicable complaint or administrative process.
5. Understand the relevant notices, citations, corrective action and enforcement provisions.

07.03 Knowledge enables informed participation

Understanding condominium laws and administrative rules can help owners and board members make informed decisions and engage more effectively with the appropriate authorities.

08 Authorship and Disclaimers

Authored by Tara Eve Ezer, with assistance from AI models.

All final content and editorial decisions remain the responsibility of the author.

This guide is not a substitute for legal advice and does not confer regulatory enforcement authority.

This guide was prepared using the adopted rule texts and the rules in effect prior to the 2026 amendments. Consult the complete official language for applicability and current requirements.

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09 Official sources and further reading

Rule 61B-21.001

Rule 61B-21.002

Rule 61B-21.0026

Rule 61B-21.003

Chapter 718 — Florida Statutes

Section 718.103 — Florida Statutes

Section 718.112 — Florida Statutes

Section 718.301 — Florida Statutes

Section 718.501 — Florida Statutes

Chapter 120 — Florida Statutes

Section 120.695 — Florida Statutes

Florida Administrative Code and Register

Department of Business and Professional Regulation

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