

1 A bill to be entitled
2 An act relating to the management and safety of
3 condominium and cooperative buildings; amending s.
4 468.4334, F.S.; revising professional practice
5 standards for community association managers and
6 community association management firms; amending s.
7 553.899, F.S.; revising legislative findings; revising
8 definitions; requiring condominium associations and
9 cooperative associations to have milestone inspections
10 performed on certain buildings after they reach 25
11 years of age; removing provisions relating to certain
12 buildings located near coastlines; revising the date
13 on which a building's certificate of occupancy was
14 issued to trigger the requirement of a milestone
15 inspection; authorizing an extension of the deadline
16 for the completion of a milestone inspection under
17 certain circumstances; requiring certain notice be
18 given to unit owners within a specified time period;
19 authorizing additional persons to conduct phase one
20 inspections; specifying the only persons authorized to
21 conduct phase two inspections; requiring certain
22 associations to enter into contracts with certain
23 persons within a specified timeframe; requiring that a
24 phase two inspection begin within a specified
25 timeframe; requiring certain inspection reports to

26 | bear certain attestations; authorizing the governing
27 | body of a municipality to adopt certain ordinances;
28 | removing a specified review by the Florida Building
29 | Commission; removing the requirement that the
30 | commission submit a certain report to the Governor and
31 | Legislature by a specified date; requiring the
32 | commission to create standardized milestone inspection
33 | forms; authorizing local enforcement agencies to
34 | develop their own forms and requirements; conforming
35 | provisions to changes made by the act; amending ss.
36 | 718.103 and 719.103, F.S.; revising the definition of
37 | "structural integrity reserve study"; amending ss.
38 | 718.112 and 719.106, F.S.; requiring certain items
39 | that will require maintenance, repair, or replacement
40 | within a certain timeframe to be included in reserve
41 | accounts; removing a date by which certain structural
42 | integrity reserve studies must be completed; providing
43 | an exception to the requirement of a structural
44 | integrity reserve study; requiring certain
45 | associations' budgets to include reserves, in an
46 | amount determined by a specified study, for certain
47 | items; requiring the structural integrity reserve
48 | study to include exterior doors; authorizing certain
49 | inspections to be used in place of other inspections
50 | under certain circumstances; requiring that the

51 inspector-prepared summary of the inspection report be
52 provided to certain persons within a specified time
53 period; conforming provisions to changes made by the
54 act; amending s. 718.1255, F.S.; revising the
55 definition of a "dispute" for purposes of alternative
56 dispute resolution; requiring certain disputes to be
57 submitted to presuit mediation; creating ss. 718.13
58 and 719.132, F.S.; authorizing unit owners and certain
59 entities to file an action in court for certain
60 injunctive relief; amending ss. 718.301 and 719.301,
61 F.S.; conforming provisions to changes made by the
62 act; amending ss. 718.503 and 719.503, F.S.; requiring
63 that certain provisions be included in certain
64 contracts entered into after specified dates under
65 certain circumstances; conforming provisions to
66 changes made by the act; providing effective dates.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Paragraph (b) of subsection (1) of section
71 468.4334, Florida Statutes, is amended to read:

72 468.4334 Professional practice standards; liability.—

73 (1)

74 (b) If a community association manager or a community
75 association management firm has a contract with a community

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76 association that ~~has a building on the association's property~~
77 ~~that~~ is subject to s. 553.899, the community association manager
78 or the community association management firm must comply with
79 that section as directed by the board.

80 Section 2. Subsection (13) of section 553.899, Florida
81 Statutes, is renumbered as subsection (12), subsections (1)
82 through (8) and (11) and present subsection (12) are amended,
83 and a new subsection (13) is added to that section, to read:

84 553.899 Mandatory structural inspections for condominium
85 and cooperative buildings.—

86 (1) The Legislature finds that maintaining the structural
87 integrity of a building throughout the its service life of the
88 building is of paramount importance in order to ensure that
89 buildings are structurally sound so as to not pose a threat to
90 the public health, safety, or welfare. As such, the Legislature
91 finds that the imposition of a statewide structural inspection
92 program for aging condominium and cooperative buildings in this
93 state is necessary to ensure that such buildings are safe for
94 continued use.

95 (2) As used in this section, the terms:

96 (a) "Milestone inspection" means a structural inspection
97 of a building, including an inspection of load-bearing elements
98 ~~walls~~ and the primary structural members and primary structural
99 systems as those terms are defined in s. 627.706. Phase one of
100 the milestone inspection must be performed by a general

101 contractor licensed under chapter 489 with at least 5 years'
102 experience building or constructing threshold buildings, a
103 building code administrator or building code inspector licensed
104 under part XII of chapter 468 with at least 5 years' experience
105 inspecting threshold buildings, or by a licensed architect or
106 engineer authorized to practice in this state. Phase two of the
107 milestone inspection must be performed by a licensed architect
108 or engineer authorized to practice in this state. Such
109 structural inspection must be completed with the purpose ~~for the~~
110 ~~purposes~~ of attesting to the life safety and adequacy of the
111 structural components of the building and, to the extent
112 reasonably possible, determining the general structural
113 condition of the building as it affects the safety of such
114 building, including a determination of any necessary
115 maintenance, repair, or replacement of any structural component
116 of the building. The purpose of such inspection is not to
117 determine if the condition of an existing building is in
118 compliance with the Florida Building Code or the firesafety
119 code.

120 (b) "Substantial structural deterioration" means
121 substantial structural distress or a substantial structural
122 weakness that negatively affects a building's general structural
123 condition and integrity. The term does not include surface
124 imperfections such as cracks, distortion, sagging, deflections,
125 misalignment, signs of leakage, or peeling of finishes unless

126 | the licensed general contractor, building code administrator,
 127 | building code inspector, engineer, or architect performing the
 128 | phase one or phase two inspection determines that such surface
 129 | imperfections are a sign of substantial structural
 130 | deterioration.

131 | (3) A condominium association under chapter 718 and a
 132 | cooperative association under chapter 719 must have a milestone
 133 | inspection performed for each building that is three stories or
 134 | more in height by December 31 of the year in which the building
 135 | reaches 25 ~~30~~ years of age, based on the date the certificate of
 136 | occupancy for the building was issued, and every 10 years
 137 | thereafter. ~~If the building is located within 3 miles of a~~
 138 | ~~coastline as defined in s. 376.031, the condominium association~~
 139 | ~~or cooperative association must have a milestone inspection~~
 140 | ~~performed by December 31 of the year in which the building~~
 141 | ~~reaches 25 years of age, based on the date the certificate of~~
 142 | ~~occupancy for the building was issued, and every 10 years~~
 143 | ~~thereafter.~~ The condominium association or cooperative
 144 | association must arrange for the milestone inspection to be
 145 | performed and is responsible for ensuring compliance with the
 146 | requirements of this section. The condominium association or
 147 | cooperative association is responsible for all costs associated
 148 | with the inspection. This subsection does not apply to
 149 | associations that only include a single-family, two-family, or
 150 | three-family dwellings ~~dwelling~~ with three or fewer habitable

151 stories above ground.

152 (4) If a milestone inspection is required under this
153 section and the building's certificate of occupancy was issued
154 on or before December 31, 1994 ~~July 1, 1992~~, the building's
155 initial milestone inspection must be performed before December
156 31, 2024. If a milestone inspection is required under this
157 section and the building's certificate of occupancy was issued
158 during the period of January 1, 1995, through December 31, 2000,
159 the building's initial milestone inspection must be performed
160 before December 31, 2026. The local enforcement agency may
161 extend the deadline for a building's initial milestone
162 inspection upon a showing of good cause by the condominium or
163 cooperative association that the association has entered into a
164 contract for the performance of the milestone inspection but
165 that the inspection cannot reasonably be completed before the
166 deadline. If the date of issuance for the certificate of
167 occupancy is not available, the date of issuance of the
168 building's certificate of occupancy shall be the date of
169 occupancy evidenced in any record of the local building
170 official.

171 (5) Upon determining that a building must have a milestone
172 inspection, the local enforcement agency must provide written
173 notice of such required inspection to the condominium
174 association or cooperative association by certified mail, return
175 receipt requested. The condominium or cooperative association

176 must notify the unit owners of the required milestone inspection
177 within 14 days after receipt of the written notice from the
178 local enforcement agency and provide the date that the milestone
179 inspection must be completed.

180 (6) Within 180 days after receiving the written notice
181 under subsection (5), the condominium association or cooperative
182 association must complete phase one of the milestone inspection.
183 For purposes of this section, completion of phase one of the
184 milestone inspection means the licensed general contractor,
185 building code administrator, building code inspector, engineer,
186 or architect who performed the phase one inspection submitted
187 the inspection report by e-mail, United States Postal Service,
188 or commercial delivery service to the local enforcement agency.

189 (7) A milestone inspection consists of two phases:

190 (a) For phase one of the milestone inspection, a general
191 contractor licensed under chapter 489 with at least 5 years'
192 experience building or constructing threshold buildings, a
193 building code administrator or building code inspector licensed
194 under part XII of chapter 468 with at least 5 years' experience
195 inspecting threshold buildings, or a licensed architect or
196 engineer authorized to practice in this state shall perform a
197 visual examination of habitable and nonhabitable areas of a
198 building, including the major structural components of a
199 building, and provide a qualitative assessment of the structural
200 conditions of the building. If the general contractor, building

201 code administrator, building code inspector, architect, or
202 engineer finds no signs of substantial structural deterioration
203 to any building components under visual examination, phase two
204 of the inspection, as provided in paragraph (b), is not
205 required. A general contractor, a building code administrator, a
206 building code inspector, an architect, or an engineer who
207 completes a phase one milestone inspection shall prepare and
208 submit an inspection report pursuant to subsection (8).

209 (b) A phase two of the milestone inspection must be
210 performed if any substantial structural deterioration is
211 identified during phase one. Only a licensed architect or
212 engineer authorized to practice in this state may perform a
213 phase two milestone inspection. If a phase two inspection is
214 required, the association must contract, within 90 days after
215 receipt of the phase one inspection report, with a licensed
216 architect or engineer to perform the phase two inspection. The
217 licensed architect or engineer contracted with to perform the
218 inspection must begin the phase two inspection within 90 days
219 after entering into a contract with the association. A phase two
220 inspection may involve destructive or nondestructive testing at
221 the inspector's direction. The inspection may be as extensive or
222 as limited as necessary to fully assess areas of structural
223 distress in order to confirm that the building is structurally
224 sound and safe for its intended use and to recommend a program
225 for fully assessing and repairing distressed and damaged

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226 portions of the building. When determining testing locations,
227 the inspector must give preference to locations that are the
228 least disruptive and most easily repairable while still being
229 representative of the structure. An inspector who completes a
230 phase two milestone inspection shall prepare and submit an
231 inspection report pursuant to subsection (8).

232 (8) Upon completion of a phase one or phase two milestone
233 inspection, the general contractor, building code administrator,
234 building code inspector, architect, or engineer who performed
235 the inspection must submit a copy, or a sealed copy, if
236 applicable, of the inspection report with a separate summary of,
237 at minimum, the material findings and recommendations in the
238 inspection report to the condominium association or cooperative
239 association, and to the building official of the local
240 government which has jurisdiction. The inspection report must,
241 at a minimum, meet all of the following criteria:

242 (a) 1. Bear an attestation and signature, or electronic
243 signature, of the licensed general contractor, building code
244 administrator, or building code inspector who performed the
245 inspection; or

246 2. Bear the seal and signature, or the electronic
247 signature, of the licensed engineer or architect who performed
248 the inspection,

249
250 indicating that such report complies with the statutory

251 | requirements for the inspection.

252 | (b) Indicate the manner and type of inspection forming the
253 | basis for the inspection report.

254 | (c) Identify any substantial structural deterioration,
255 | within a reasonable professional probability based on the scope
256 | of the inspection, describe the extent of such deterioration,
257 | and identify any recommended repairs for such deterioration.

258 | (d) State whether unsafe or dangerous conditions, as those
259 | terms are defined in the Florida Building Code, were observed.

260 | (e) Recommend any remedial or preventive repair for any
261 | items that are damaged but are not substantial structural
262 | deterioration.

263 | (f) Identify and describe any items requiring further
264 | inspection.

265 | (11) A board of county commissioners or the governing body
266 | of a municipality may adopt an ordinance requiring that a
267 | condominium or cooperative association schedule or commence
268 | repairs for substantial structural deterioration within a
269 | specified timeframe after the local enforcement agency receives
270 | a phase two inspection report; however, such repairs must be
271 | commenced within 365 days after receiving such report. If an
272 | association fails to submit proof to the local enforcement
273 | agency that repairs have been scheduled or have commenced for
274 | substantial structural deterioration identified in a phase two
275 | inspection report within the required timeframe, the local

276 enforcement agency must review and determine if the building is
 277 unsafe for human occupancy.

278 ~~(12) The Florida Building Commission shall review the~~
 279 ~~milestone inspection requirements under this section and make~~
 280 ~~recommendations, if any, to the Legislature to ensure~~
 281 ~~inspections are sufficient to determine the structural integrity~~
 282 ~~of a building. The commission must provide a written report of~~
 283 ~~any recommendations to the Governor, the President of the~~
 284 ~~Senate, and the Speaker of the House of Representatives by~~
 285 ~~December 31, 2022.~~

286 (13) The Florida Building Commission shall create a
 287 standardized milestone inspection report form for the submission
 288 of such reports to local enforcement agencies by general
 289 contractors, building code administrators, building code
 290 inspectors, engineers, and architects. Local enforcement
 291 agencies may develop their own forms and requirements and are
 292 not required to use the commission's standardized forms.

293 Section 3. Subsection (25) of section 718.103, Florida
 294 Statutes, is amended to read:

295 718.103 Definitions.—As used in this chapter, the term:

296 (25) "Structural integrity reserve study" means a study of
 297 the reserve funds required for future major repairs and
 298 replacement of the common areas based on a visual inspection of
 299 the common areas. A structural integrity reserve study may be
 300 performed by any person qualified to perform such study.

301 However, the visual inspection portion of the structural
302 integrity reserve study must be performed by an engineer
303 licensed under chapter 471, a general contractor licensed under
304 chapter 489 with at least 5 years' experience building or
305 constructing threshold buildings as defined in s. 553.71, a
306 building code administrator or building code inspector licensed
307 under part XII of chapter 468 with at least 5 years' experience
308 inspecting threshold buildings as defined in s. 553.71, or an
309 architect licensed under chapter 481. At a minimum, a structural
310 integrity reserve study must identify the common areas being
311 visually inspected, state the estimated remaining useful life
312 and the estimated replacement cost or deferred maintenance
313 expense of the common areas being visually inspected, and
314 provide a recommended annual reserve amount that achieves the
315 estimated replacement cost or deferred maintenance expense of
316 each common area being visually inspected by the end of the
317 estimated remaining useful life of each common area.

318 Section 4. Paragraphs (f), (g), and (h) of subsection (2)
319 of section 718.112, Florida Statutes, are amended to read:

320 718.112 Bylaws.—

321 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
322 following and, if they do not do so, shall be deemed to include
323 the following:

324 (f) Annual budget.—

325 1. The proposed annual budget of estimated revenues and

326 expenses must be detailed and must show the amounts budgeted by
327 accounts and expense classifications, including, at a minimum,
328 any applicable expenses listed in s. 718.504(21). The board
329 shall adopt the annual budget at least 14 days before the start
330 of the association's fiscal year. In the event that the board
331 fails to timely adopt the annual budget a second time, it is
332 deemed a minor violation and the prior year's budget shall
333 continue in effect until a new budget is adopted. A
334 multicondominium association must adopt a separate budget of
335 common expenses for each condominium the association operates
336 and must adopt a separate budget of common expenses for the
337 association. In addition, if the association maintains limited
338 common elements with the cost to be shared only by those
339 entitled to use the limited common elements as provided for in
340 s. 718.113(1), the budget or a schedule attached to it must show
341 the amount budgeted for this maintenance. If, after turnover of
342 control of the association to the unit owners, any of the
343 expenses listed in s. 718.504(21) are not applicable, they do
344 not need to be listed.

345 2.a. In addition to annual operating expenses, the budget
346 must include reserve accounts for capital expenditures and
347 deferred maintenance. These accounts must include, but are not
348 limited to, roof replacement, building painting, and pavement
349 resurfacing, regardless of the amount of deferred maintenance
350 expense or replacement cost, ~~and~~ any other item that has a

351 deferred maintenance expense or replacement cost that exceeds
352 \$10,000, and those items listed in paragraph (g) that will
353 require maintenance, repair, or replacement within the next 25
354 years. The amount to be reserved for an item is determined by
355 the association's most recent structural integrity reserve study
356 that must be completed as provided in paragraph (g) by December
357 31, 2024. If the amount to be reserved for an item is not in the
358 association's initial or most recent structural integrity
359 reserve study or the association has not completed a structural
360 integrity reserve study, the amount must be computed using a
361 formula based upon estimated remaining useful life and estimated
362 replacement cost or deferred maintenance expense of the reserve
363 item. However, any item with a remaining useful life greater
364 than 25 years is not required to be included in the study. If an
365 association is required to complete a structural integrity
366 reserve study, the association's budget must maintain reserves,
367 in the amount recommended in the association's most recent
368 structural integrity reserve study, for the items listed in
369 paragraph (g). The association may adjust replacement reserve
370 assessments annually to take into account any changes in
371 estimates or extension of the useful life of a reserve item
372 caused by deferred maintenance. The members of a unit-owner-
373 controlled association may determine, by a majority vote at a
374 duly called meeting of the association, to provide no reserves
375 or less reserves than required by this subsection. Effective

376 December 31, 2024, the members of a unit-owner-controlled
377 association may not determine to provide no reserves or less
378 reserves than required by this subsection for items listed in
379 paragraph (g).

380 b. Before turnover of control of an association by a
381 developer to unit owners other than a developer under s.
382 718.301, the developer-controlled association may not vote to
383 waive the reserves or reduce funding of the reserves. If a
384 meeting of the unit owners has been called to determine whether
385 to waive or reduce the funding of reserves and no such result is
386 achieved or a quorum is not attained, the reserves included in
387 the budget shall go into effect. After the turnover, the
388 developer may vote its voting interest to waive or reduce the
389 funding of reserves.

390 3. Reserve funds and any interest accruing thereon shall
391 remain in the reserve account or accounts, and may be used only
392 for authorized reserve expenditures unless their use for other
393 purposes is approved in advance by a majority vote at a duly
394 called meeting of the association. Before turnover of control of
395 an association by a developer to unit owners other than the
396 developer pursuant to s. 718.301, the developer-controlled
397 association may not vote to use reserves for purposes other than
398 those for which they were intended. Effective December 31, 2024,
399 members of a unit-owner-controlled association may not vote to
400 use reserve funds, or any interest accruing thereon, that are

401 reserved for items listed in paragraph (g) for any other purpose
 402 other than their intended purpose.

403 4. The only voting interests that are eligible to vote on
 404 questions that involve waiving or reducing the funding of
 405 reserves, or using existing reserve funds for purposes other
 406 than purposes for which the reserves were intended, are the
 407 voting interests of the units subject to assessment to fund the
 408 reserves in question. Proxy questions relating to waiving or
 409 reducing the funding of reserves or using existing reserve funds
 410 for purposes other than purposes for which the reserves were
 411 intended must contain the following statement in capitalized,
 412 bold letters in a font size larger than any other used on the
 413 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
 414 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
 415 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
 416 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

417 (g) Structural integrity reserve study.—

418 1. An association must have a structural integrity reserve
 419 study completed at least every 10 years after the condominium's
 420 creation for each building on the condominium property that is
 421 three stories or higher in height which includes, at a minimum,
 422 a study of the following items as related to the structural
 423 integrity and safety of the building:

- 424 a. Roof.
- 425 b. Load-bearing walls or other primary structural members.

- 426 c. Floor.
- 427 d. Foundation.
- 428 e. Fireproofing and fire protection systems.
- 429 f. Plumbing.
- 430 g. Electrical systems.
- 431 h. Waterproofing and exterior painting.
- 432 i. Windows and exterior doors.
- 433 j. Any other item that has a deferred maintenance expense
- 434 or replacement cost that exceeds \$10,000 and the failure to
- 435 replace or maintain such item negatively affects the items
- 436 listed in sub-subparagraphs a.-i., as determined by the licensed
- 437 engineer, general contractor, building code administrator,
- 438 building code inspector, or architect performing the visual
- 439 inspection portion of the structural integrity reserve study.
- 440 2. Before a developer turns over control of an association
- 441 to unit owners other than the developer, the developer must have
- 442 a structural integrity reserve study completed for each building
- 443 on the condominium property that is three stories or higher in
- 444 height.
- 445 3. Associations that ~~existing on or before July 1, 2022,~~
- 446 ~~which~~ are controlled by unit owners other than the developer,
- 447 must have a structural integrity reserve study completed by
- 448 December 31, 2024, for each building on the condominium property
- 449 that is three stories or higher in height. An association that
- 450 is required to complete a milestone inspection on or before

451 December 31, 2026, in accordance with s. 553.899, may complete
452 the structural integrity reserve study simultaneously with the
453 milestone inspection. In no event may the structural integrity
454 reserve study be completed after December 31, 2026.

455 4. If an association fails to complete a structural
456 integrity reserve study pursuant to this paragraph, such failure
457 is a breach of an officer's and director's fiduciary
458 relationship to the unit owners under s. 718.111(1).

459 5. If the milestone inspection required by s. 553.899, or
460 an inspection completed for a similar local requirement, was
461 performed within the past 5 years and meets the requirements of
462 this paragraph, such inspection may be used in place of the
463 visual inspection portion of the structural integrity reserve
464 study.

465 (h) Mandatory milestone inspections.—If an association is
466 required to have a milestone inspection performed pursuant to s.
467 553.899, the association must arrange for the milestone
468 inspection to be performed and is responsible for ensuring
469 compliance with the requirements of s. 553.899. The association
470 is responsible for all costs associated with the inspection. If
471 the officers or directors of an association willfully and
472 knowingly fail to have a milestone inspection performed pursuant
473 to s. 553.899, such failure is a breach of the officers' and
474 directors' fiduciary relationship to the unit owners under s.
475 718.111(1) (a). Within 60 days after ~~Upon completion of a phase~~

476 ~~one or phase two milestone inspection and receipt of the~~
477 ~~inspector-prepared summary of the milestone inspection report~~
478 ~~from any phase one or phase two milestone inspection from the~~
479 ~~architect or engineer who performed the inspection, the~~
480 association must distribute a copy of the inspector-prepared
481 summary of the inspection report to each unit owner, regardless
482 of the findings or recommendations in the report, by United
483 States mail or personal delivery and by electronic transmission
484 to unit owners who previously consented to receive notice by
485 electronic transmission; must post a copy of the inspector-
486 prepared summary in a conspicuous place on the condominium
487 property; and must publish the full report and inspector-
488 prepared summary on the association's website, if the
489 association is required to have a website. If the visual
490 inspection portion of the structural integrity reserve study
491 required under paragraph (g) was performed within the past 5
492 years and meets the requirements for a milestone inspection in
493 s. 553.899, such inspection may be used in place of the phase
494 one milestone inspection.

495 Section 5. Effective July 1, 2027, subsection (5) of
496 section 718.1255, Florida Statutes, is amended, and paragraph
497 (d) is added to subsection (1) of that section, to read:

498 718.1255 Alternative dispute resolution; mediation;
499 nonbinding arbitration; applicability.—

500 (1) DEFINITIONS.—As used in this section, the term

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501 "dispute" means any disagreement between two or more parties
502 that involves:

503 (d) The failure of a board of administration, when
504 required by this chapter or a governing document of the
505 association, to:

506 1. Obtain a milestone inspection as required under s.
507 553.899.

508 2. Obtain a structural integrity reserve study as required
509 under s. 718.112(2)(g).

510 3. Fund reserve accounts as required for an item
511 identified in s. 718.112(2)(g).

512 4. Make or provide necessary maintenance or repairs of the
513 condominium property as recommended by a milestone inspection or
514 a structural integrity reserve study.

515

516 "Dispute" does not include any disagreement that primarily
517 involves: title to any unit or common element; the
518 interpretation or enforcement of any warranty; the levy of a fee
519 or assessment, or the collection of an assessment levied against
520 a party; the eviction or other removal of a tenant from a unit;
521 alleged breaches of fiduciary duty by one or more directors; or
522 claims for damages to a unit based upon the alleged failure of
523 the association to maintain the common elements or condominium
524 property.

525 (5) PRESUIT MEDIATION.—In lieu of the initiation of

526 nonbinding arbitration as provided in subsections (1)-(4), a
 527 party may submit a dispute to presuit mediation in accordance
 528 with s. 720.311, except for:

529 (a) Disputes listed in paragraph (1)(d) are not subject to
 530 nonbinding arbitration under subsection (4) and must be
 531 submitted to presuit mediation in accordance with s. 720.311.~~†~~
 532 ~~however,~~

533 (b) Election and recall disputes are not eligible for
 534 mediation and such disputes must be arbitrated by the division
 535 or filed in a court of competent jurisdiction.

536 Section 6. Section 718.13, Florida Statutes, is created to
 537 read:

538 718.13 Injunctive relief.-

539 (1) A unit owner may institute an action in a court of
 540 competent jurisdiction in which the condominium is located to
 541 seek injunctive relief against the association to:

542 (a) Enforce compliance with milestone inspection
 543 requirements under s. 553.899 and structural integrity reserve
 544 study requirements under s. 718.112(2)(g).

545 (b) Prevent irreparable injury to unit owners and the
 546 association and to protect human health, safety, and welfare
 547 caused or threatened by any violation of the milestone
 548 inspection requirements under s. 553.899 and structural
 549 integrity reserve study requirements under s. 718.112(2)(g).

550 (2) The division may, in the name of the state, seek

551 injunctive relief in any court of competent jurisdiction in
 552 which the condominium is located to obtain relief against the
 553 association to enforce compliance with milestone inspection
 554 requirements under s. 553.899. A proceeding commenced under this
 555 subsection is in addition to, and not in lieu of, any other
 556 penalty or remedy under this chapter.

557 (3) Any local authority having jurisdiction to enforce
 558 milestone inspection requirements may seek injunctive relief
 559 from any court of competent jurisdiction in which the
 560 condominium is located against the association to enforce
 561 compliance with milestone inspection requirements under s.
 562 553.899, upon an affidavit of the local authority having
 563 jurisdiction specifying the manner in which the condominium does
 564 not conform to the requirements of s. 553.899.

565 Section 7. Paragraph (p) of subsection (4) of section
 566 718.301, Florida Statutes, is amended to read:

567 718.301 Transfer of association control; claims of defect
 568 by association.—

569 (4) At the time that unit owners other than the developer
 570 elect a majority of the members of the board of administration
 571 of an association, the developer shall relinquish control of the
 572 association, and the unit owners shall accept control.
 573 Simultaneously, or for the purposes of paragraph (c) not more
 574 than 90 days thereafter, the developer shall deliver to the
 575 association, at the developer's expense, all property of the

576 unit owners and of the association which is held or controlled
577 by the developer, including, but not limited to, the following
578 items, if applicable, as to each condominium operated by the
579 association:

580 (p) Notwithstanding when the certificate of occupancy was
581 issued or the height of the building, a milestone inspection
582 report in compliance with s. 553.899 included in the official
583 records, under seal of an architect or engineer or under
584 attestation of a general contractor, building code
585 administrator, or building code inspector authorized to practice
586 in this state indicating that such report complies with the
587 statutory requirements for the inspection, and attesting to
588 required maintenance, condition, useful life, and replacement
589 costs of the following applicable condominium property
590 comprising a turnover inspection report:

- 591 1. Roof.
- 592 2. Structure, including load-bearing walls and primary
593 structural members and primary structural systems as those terms
594 are defined in s. 627.706.
- 595 3. Fireproofing and fire protection systems.
- 596 4. Elevators.
- 597 5. Heating and cooling systems.
- 598 6. Plumbing.
- 599 7. Electrical systems.
- 600 8. Swimming pool or spa and equipment.

- 601 9. Seawalls.
- 602 10. Pavement and parking areas.
- 603 11. Drainage systems.
- 604 12. Painting.
- 605 13. Irrigation systems.
- 606 14. Waterproofing.

607 Section 8. Paragraph (b) of subsection (1) and paragraph
 608 (a) of subsection (2) of section 718.503, Florida Statutes, are
 609 amended, and paragraph (d) is added to subsection (1) and
 610 paragraph (e) is added to subsection (2) of that section, to
 611 read:

612 718.503 Developer disclosure prior to sale; nondeveloper
 613 unit owner disclosure prior to sale; voidability.—

614 (1) DEVELOPER DISCLOSURE.—

615 (b) Copies of documents to be furnished to prospective
 616 buyer or lessee.—Until such time as the developer has furnished
 617 the documents listed below to a person who has entered into a
 618 contract to purchase a residential unit or lease it for more
 619 than 5 years, the contract may be voided by that person,
 620 entitling the person to a refund of any deposit together with
 621 interest thereon as provided in s. 718.202. The contract may be
 622 terminated by written notice from the proposed buyer or lessee
 623 delivered to the developer within 15 days after the buyer or
 624 lessee receives all of the documents required by this section.
 625 The developer may not close for 15 days after the execution of

626 the agreement and delivery of the documents to the buyer as
627 evidenced by a signed receipt for documents unless the buyer is
628 informed in the 15-day voidability period and agrees to close
629 before the expiration of the 15 days. The developer shall retain
630 in his or her records a separate agreement signed by the buyer
631 as proof of the buyer's agreement to close before the expiration
632 of the voidability period. The developer must retain such proof
633 for a period of 5 years after the date of the closing of the
634 transaction. The documents to be delivered to the prospective
635 buyer are the prospectus or disclosure statement with all
636 exhibits, if the development is subject to s. 718.504, or, if
637 not, then copies of the following which are applicable:

638 1. The question and answer sheet described in s. 718.504,
639 and declaration of condominium, or the proposed declaration if
640 the declaration has not been recorded, which shall include the
641 certificate of a surveyor approximately representing the
642 locations required by s. 718.104.

643 2. The documents creating the association.

644 3. The bylaws.

645 4. The ground lease or other underlying lease of the
646 condominium.

647 5. The management contract, maintenance contract, and
648 other contracts for management of the association and operation
649 of the condominium and facilities used by the unit owners having
650 a service term in excess of 1 year, and any management contracts

651 that are renewable.

652 6. The estimated operating budget for the condominium and
653 a schedule of expenses for each type of unit, including fees
654 assessed pursuant to s. 718.113(1) for the maintenance of
655 limited common elements where such costs are shared only by
656 those entitled to use the limited common elements.

657 7. The lease of recreational and other facilities that
658 will be used only by unit owners of the subject condominium.

659 8. The lease of recreational and other common facilities
660 that will be used by unit owners in common with unit owners of
661 other condominiums.

662 9. The form of unit lease if the offer is of a leasehold.

663 10. Any declaration of servitude of properties serving the
664 condominium but not owned by unit owners or leased to them or
665 the association.

666 11. If the development is to be built in phases or if the
667 association is to manage more than one condominium, a
668 description of the plan of phase development or the arrangements
669 for the association to manage two or more condominiums.

670 12. If the condominium is a conversion of existing
671 improvements, the statements and disclosure required by s.
672 718.616.

673 13. The form of agreement for sale or lease of units.

674 14. A copy of the floor plan of the unit and the plot plan
675 showing the location of the residential buildings and the

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676 recreation and other common areas.

677 15. A copy of all covenants and restrictions that will
678 affect the use of the property and are not contained in the
679 foregoing.

680 16. If the developer is required by state or local
681 authorities to obtain acceptance or approval of any dock or
682 marina facilities intended to serve the condominium, a copy of
683 any such acceptance or approval acquired by the time of filing
684 with the division under s. 718.502(1), or a statement that such
685 acceptance or approval has not been acquired or received.

686 17. Evidence demonstrating that the developer has an
687 ownership, leasehold, or contractual interest in the land upon
688 which the condominium is to be developed.

689 18. A copy of the inspector-prepared summary of the
690 milestone inspection report as described in ss. 553.899 and
691 718.112(2)(h) ~~ss. 553.899 and 718.301(4)(p)~~.

692 19. A copy of the association's most recent structural
693 integrity reserve study or a statement that the association has
694 not completed a structural integrity reserve study.

695 (d) Milestone inspection or structural integrity reserve
696 study.-

697 1. If the association is required to have a milestone
698 inspection as described in ss. 553.899 and 718.112(2)(h) or a
699 structural integrity reserve study as described in s.
700 718.112(2)(g), and the association has not completed the

701 milestone inspection or structural integrity reserve study, each
702 contract entered into on or after January 1, 2025, for the sale
703 of a residential unit must contain in conspicuous type a
704 statement indicating that the association is required to have a
705 milestone inspection or a structural integrity reserve study and
706 the association has failed to complete such inspection or study,
707 as applicable.

708 2. If the association is required to have a milestone
709 inspection as described in ss. 553.899 and 718.112(2)(h) or a
710 structural integrity reserve study as described in s.
711 718.112(2)(g), and the association has completed such inspection
712 or study, each contract entered into on or after January 1,
713 2025, for the sale of a residential unit must contain a copy of
714 the most recent milestone inspection report or structural
715 integrity reserve study, as applicable.

716 3. If the association is not required to have a milestone
717 inspection as described in ss. 553.899 and 718.112(2)(h) or a
718 structural integrity reserve study as described in s.
719 718.112(2)(g), each contract entered into on or after January 1,
720 2025, for the sale of a residential unit must contain in
721 conspicuous type a statement indicating that the association is
722 not required to have a milestone inspection or a structural
723 integrity reserve study, as applicable.

724 (2) NONDEVELOPER DISCLOSURE.—

725 (a) Each unit owner who is not a developer as defined by

726 this chapter must comply with this subsection before the sale of
727 his or her unit. Each prospective purchaser who has entered into
728 a contract for the purchase of a condominium unit is entitled,
729 at the seller's expense, to a current copy of all of the
730 following:

- 731 1. The declaration of condominium.
- 732 2. Articles of incorporation of the association.
- 733 3. Bylaws and rules of the association.
- 734 4. Financial information required by s. 718.111.
- 735 5. A copy of the inspector-prepared summary of the
736 milestone inspection report as described in ss. 553.899 and
737 718.112(2)(h) ~~ss. 553.899 and 718.301(4)(p)~~, if applicable.
- 738 6. The association's most recent structural integrity
739 reserve study or a statement that the association has not
740 completed a structural integrity reserve study.
- 741 7. The document entitled "Frequently Asked Questions and
742 Answers" required by s. 718.504.

743 (e)1. If the association is required to have a milestone
744 inspection as described in ss. 553.899 and 718.112(2)(h) or a
745 structural integrity reserve study as described in s.
746 718.112(2)(g), and the association has not completed the
747 milestone inspection or structural integrity reserve study, each
748 contract entered into on or after January 1, 2025, for the sale
749 of a residential unit must contain in conspicuous type a
750 statement indicating that the association is required to have a

751 milestone inspection or a structural integrity reserve study and
752 the association has failed to complete such inspection or study,
753 as applicable.

754 2. If the association is required to have a milestone
755 inspection as described in ss. 553.899 and 718.112 (2) (h) or a
756 structural integrity reserve study as described in s.
757 718.112 (2) (g), and the association has completed such inspection
758 or study, each contract entered into on or after January 1,
759 2025, for the sale of a residential unit must contain a copy of
760 the most recent milestone inspection report or structural
761 integrity reserve study, as applicable.

762 3. If the association is not required to have a milestone
763 inspection as described in ss. 553.899 and 718.112 (2) (h) or a
764 structural integrity reserve study as described in s.
765 718.112 (2) (g), each contract entered into on or after January 1,
766 2025, for the sale of a residential unit must contain in
767 conspicuous type a statement indicating that the association is
768 not required to have a milestone inspection or a structural
769 integrity reserve study, as applicable.

770 Section 9. Subsection (24) of section 719.103, Florida
771 Statutes, is amended to read:

772 719.103 Definitions.—As used in this chapter:

773 (24) "Structural integrity reserve study" means a study of
774 the reserve funds required for future major repairs and
775 replacement of the common areas based on a visual inspection of

776 the common areas. A structural integrity reserve study may be
777 performed by any person qualified to perform such study.
778 However, the visual inspection portion of the structural
779 integrity reserve study must be performed by an engineer
780 licensed under chapter 471, a general contractor licensed under
781 chapter 489 with at least 5 years' experience building or
782 constructing threshold buildings as defined in s. 553.71; a
783 building code administrator or building code inspector licensed
784 under part XII of chapter 468 with at least 5 years' experience
785 inspecting threshold buildings as defined in s. 553.71; or an
786 architect licensed under chapter 481. At a minimum, a structural
787 integrity reserve study must identify the common areas being
788 visually inspected, state the estimated remaining useful life
789 and the estimated replacement cost or deferred maintenance
790 expense of the common areas being visually inspected, and
791 provide a recommended annual reserve amount that achieves the
792 estimated replacement cost or deferred maintenance expense of
793 each common area being visually inspected by the end of the
794 estimated remaining useful life of each common area.

795 Section 10. Paragraphs (j), (k), and (l) of subsection (1)
796 of section 719.106, Florida Statutes, are amended to read:

797 719.106 Bylaws; cooperative ownership.—

798 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
799 documents shall provide for the following, and if they do not,
800 they shall be deemed to include the following:

801 (j) Annual budget.—

802 1. The proposed annual budget of common expenses must be
803 detailed and must show the amounts budgeted by accounts and
804 expense classifications, including, if applicable, but not
805 limited to, those expenses listed in s. 719.504(20). The board
806 of administration shall adopt the annual budget at least 14 days
807 before the start of the association's fiscal year. In the event
808 that the board fails to timely adopt the annual budget a second
809 time, it is deemed a minor violation and the prior year's budget
810 shall continue in effect until a new budget is adopted.

811 2. In addition to annual operating expenses, the budget
812 must include reserve accounts for capital expenditures and
813 deferred maintenance. These accounts must include, but are not
814 ~~be~~ limited to, roof replacement, building painting, and pavement
815 resurfacing, regardless of the amount of deferred maintenance
816 expense or replacement cost, ~~and~~ for any other items for which
817 the deferred maintenance expense or replacement cost exceeds
818 \$10,000, and those items listed in paragraph (k) that will
819 require maintenance, repair, or replacement within the next 25
820 years. The amount to be reserved for an item is determined by
821 the association's most recent structural integrity reserve study
822 that must be completed as provided in paragraph (k) ~~by December~~
823 ~~31, 2024~~. If the amount to be reserved for an item is not in the
824 association's initial or most recent structural integrity
825 reserve study or the association has not completed a structural

826 integrity reserve study, the amount must be computed by means of
827 a formula which is based upon estimated remaining useful life
828 and estimated replacement cost or deferred maintenance expense
829 of the reserve item. However, any item with a remaining useful
830 life greater than 25 years is not required to be included in the
831 study. If an association is required to complete a structural
832 integrity reserve study, the association's budget must maintain
833 reserves, in the amount recommended in the association's most
834 recent structural integrity reserve study, for the items listed
835 in paragraph (k). The association may adjust replacement reserve
836 assessments annually to take into account any changes in
837 estimates or extension of the useful life of a reserve item
838 caused by deferred maintenance. The members of a unit-owner-
839 controlled association may determine, at a duly called meeting
840 of the association, for a fiscal year to provide no reserves or
841 reserves less adequate than required by this subsection. Before
842 turnover of control of an association by a developer to unit
843 owners other than a developer under s. 719.301, the developer-
844 controlled association may not vote to waive the reserves or
845 reduce funding of the reserves. Effective December 31, 2024, a
846 unit-owner-controlled association may not determine to provide
847 no reserves or reserves less adequate than required by this
848 paragraph for items listed in paragraph (k). If a meeting of the
849 unit owners has been called to determine to provide no reserves,
850 or reserves less adequate than required, and such result is not

851 attained or a quorum is not attained, the reserves as included
852 in the budget shall go into effect.

853 3. Reserve funds and any interest accruing thereon shall
854 remain in the reserve account or accounts, and shall be used
855 only for authorized reserve expenditures unless their use for
856 other purposes is approved in advance by a vote of the majority
857 of the voting interests, voting in person or by limited proxy at
858 a duly called meeting of the association. Before turnover of
859 control of an association by a developer to unit owners other
860 than the developer under s. 719.301, the developer may not vote
861 to use reserves for purposes other than that for which they were
862 intended. Effective December 31, 2024, members of a unit-owner-
863 controlled association may not vote to use reserve funds, or any
864 interest accruing thereon, that are reserved for items listed in
865 paragraph (k) for purposes other than their intended purpose.

866 (k) Structural integrity reserve study.—

867 1. An association must have a structural integrity reserve
868 study completed at least every 10 years for each building on the
869 cooperative property that is three stories or higher in height
870 that includes, at a minimum, a study of the following items as
871 related to the structural integrity and safety of the building:

- 872 a. Roof.
873 b. Load-bearing walls or other primary structural members.
874 c. Floor.
875 d. Foundation.

- 876 e. Fireproofing and fire protection systems.
 877 f. Plumbing.
 878 g. Electrical systems.
 879 h. Waterproofing and exterior painting.
 880 i. Windows and exterior doors.
 881 j. Any other item that has a deferred maintenance expense
 882 or replacement cost that exceeds \$10,000 and the failure to
 883 replace or maintain such item negatively affects the items
 884 listed in sub-subparagraphs a.-i., as determined by the licensed
 885 engineer, general contractor, building code administrator,
 886 building code inspector, or architect performing the visual
 887 inspection portion of the structural integrity reserve study.
- 888 2. Before a developer turns over control of an association
 889 to unit owners other than the developer, the developer must have
 890 a structural integrity reserve study completed for each building
 891 on the cooperative property that is three stories or higher in
 892 height.
- 893 3. Associations that existing on or before July 1, 2022,
 894 ~~which~~ are controlled by unit owners other than the developer,
 895 must have a structural integrity reserve study completed by
 896 December 31, 2024, for each building on the cooperative property
 897 that is three stories or higher in height. An association that
 898 is required to complete a milestone inspection on or before
 899 December 31, 2026, in accordance with s. 553.899, may complete
 900 the structural integrity reserve study simultaneously with the

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901 milestone inspection. In no event may the structural integrity
902 reserve study be completed after December 31, 2026.

903 4. If an association fails to complete a structural
904 integrity reserve study pursuant to this paragraph, such failure
905 is a breach of an officer's and director's fiduciary
906 relationship to the unit owners under s. 719.104(8).

907 5. If the milestone inspection required by s. 553.899, or
908 an inspection completed for a similar local requirement, was
909 performed within the past 5 years and meets the requirements of
910 this paragraph, such inspection may be used in place of the
911 visual inspection portion of the structural integrity reserve
912 study.

913 (1) Mandatory milestone inspections.—If an association is
914 required to have a milestone inspection performed pursuant to s.
915 553.899, the association must arrange for the milestone
916 inspection to be performed and is responsible for ensuring
917 compliance with the requirements of s. 553.899. The association
918 is responsible for all costs associated with the inspection. If
919 the officers or directors of an association willfully and
920 knowingly fail to have a milestone inspection performed pursuant
921 to s. 553.899, such failure is a breach of the officers' and
922 directors' fiduciary relationship to the unit owners under s.
923 719.104(8)(a). Within 60 days after ~~Upon completion of a phase~~
924 ~~one or phase two milestone inspection~~ and receipt of the
925 inspector-prepared summary of the milestone inspection report

926 | from any phase one or phase two milestone inspection ~~the~~
927 | ~~architect or engineer who performed the inspection~~, the
928 | association must distribute a copy of the inspector-prepared
929 | summary of the inspection report to each unit owner, regardless
930 | of the findings or recommendations in the report, by United
931 | States mail or personal delivery and by electronic transmission
932 | to unit owners who previously consented to receive notice by
933 | electronic transmission; must post a copy of the inspector-
934 | prepared summary in a conspicuous place on the cooperative
935 | property; and must publish the full report and inspector-
936 | prepared summary on the association's website, if the
937 | association is required to have a website. If the visual
938 | inspection portion of the structural integrity reserve study
939 | required under paragraph (k) was performed within the past 5
940 | years and meets the requirements for a milestone inspection in
941 | s. 553.899, such inspection may be used in place of the phase
942 | one milestone inspection.

943 | Section 11. Section 719.132, Florida Statutes, is created
944 | to read:

945 | 719.132 Injunctive relief.-

946 | (1) A unit owner may institute an action in a court of
947 | competent jurisdiction in which the cooperative is located to
948 | seek injunctive relief against the association to:

949 | (a) Enforce compliance with milestone inspection
950 | requirements under s. 553.899 and structural integrity reserve

951 requirements under s. 719.106(1) (k).

952 (b) Prevent irreparable injury to unit owners and the
953 association and to protect human health, safety, and welfare
954 caused or threatened by any violation of the milestone
955 inspection requirements under s. 553.899 and structural
956 integrity reserve requirements under s. 719.106(1) (k).

957 (2) The division may, in the name of the state, seek
958 injunctive relief in any court of competent jurisdiction in
959 which the cooperative is located to obtain relief against the
960 association to enforce compliance with milestone inspection
961 requirements under s. 553.899. A proceeding commenced under this
962 subsection is in addition to, and not in lieu of, any other
963 penalty or remedy under this chapter.

964 (3) Any local authority having jurisdiction to enforce
965 milestone inspection requirements may seek injunctive relief
966 from any court of competent jurisdiction in which the
967 cooperative is located against the association to enforce
968 compliance with milestone inspection requirements under s.
969 553.899, upon an affidavit of the local authority having
970 jurisdiction specifying the manner in which the cooperative does
971 not conform to the requirements of s. 553.899.

972 Section 12. Paragraph (p) of subsection (4) of section
973 719.301, Florida Statutes, is amended to read:

974 719.301 Transfer of association control.—

975 (4) When unit owners other than the developer elect a

976 majority of the members of the board of administration of an
 977 association, the developer shall relinquish control of the
 978 association, and the unit owners shall accept control.

979 Simultaneously, or for the purpose of paragraph (c) not more
 980 than 90 days thereafter, the developer shall deliver to the
 981 association, at the developer's expense, all property of the
 982 unit owners and of the association held or controlled by the
 983 developer, including, but not limited to, the following items,
 984 if applicable, as to each cooperative operated by the
 985 association:

986 (p) Notwithstanding when the certificate of occupancy was
 987 issued or the height of the building, a milestone inspection
 988 report in compliance with s. 553.899 included in the official
 989 records, under seal of an architect or engineer or under
 990 attestation of a general contractor, building code
 991 administrator, or building code inspector authorized to practice
 992 in this state indicating that such report complies with the
 993 statutory requirements for the inspection, attesting to required
 994 maintenance, condition, useful life, and replacement costs of
 995 the following applicable cooperative property comprising a
 996 turnover inspection report:

- 997 1. Roof.
- 998 2. Structure, including load-bearing walls and primary
 999 structural members and primary structural systems as those terms
 1000 are defined in s. 627.706.

- 1001 3. Fireproofing and fire protection systems.
- 1002 4. Elevators.
- 1003 5. Heating and cooling systems.
- 1004 6. Plumbing.
- 1005 7. Electrical systems.
- 1006 8. Swimming pool or spa and equipment.
- 1007 9. Seawalls.
- 1008 10. Pavement and parking areas.
- 1009 11. Drainage systems.
- 1010 12. Painting.
- 1011 13. Irrigation systems.
- 1012 14. Waterproofing.

1013 Section 13. Paragraph (b) of subsection (1) and paragraph
 1014 (a) of subsection (2) of section 719.503, Florida Statutes, are
 1015 amended, and paragraph (d) is added to subsection (1) and
 1016 paragraph (d) is added to subsection (2) of that section, to
 1017 read:

1018 719.503 Disclosure prior to sale.—

1019 (1) DEVELOPER DISCLOSURE.—

1020 (b) Copies of documents to be furnished to prospective
 1021 buyer or lessee.—Until such time as the developer has furnished
 1022 the documents listed below to a person who has entered into a
 1023 contract to purchase a unit or lease it for more than 5 years,
 1024 the contract may be voided by that person, entitling the person
 1025 to a refund of any deposit together with interest thereon as

1026 provided in s. 719.202. The contract may be terminated by
1027 written notice from the proposed buyer or lessee delivered to
1028 the developer within 15 days after the buyer or lessee receives
1029 all of the documents required by this section. The developer may
1030 not close for 15 days after the execution of the agreement and
1031 delivery of the documents to the buyer as evidenced by a receipt
1032 for documents signed by the buyer unless the buyer is informed
1033 in the 15-day voidability period and agrees to close before the
1034 expiration of the 15 days. The developer shall retain in his or
1035 her records a separate signed agreement as proof of the buyer's
1036 agreement to close before the expiration of the voidability
1037 period. The developer must retain such proof for a period of 5
1038 years after the date of the closing transaction. The documents
1039 to be delivered to the prospective buyer are the prospectus or
1040 disclosure statement with all exhibits, if the development is
1041 subject to s. 719.504, or, if not, then copies of the following
1042 which are applicable:

1043 1. The question and answer sheet described in s. 719.504,
1044 and cooperative documents, or the proposed cooperative documents
1045 if the documents have not been recorded, which shall include the
1046 certificate of a surveyor approximately representing the
1047 locations required by s. 719.104.

1048 2. The documents creating the association.

1049 3. The bylaws.

1050 4. The ground lease or other underlying lease of the

1051 cooperative.

1052 5. The management contract, maintenance contract, and
 1053 other contracts for management of the association and operation
 1054 of the cooperative and facilities used by the unit owners having
 1055 a service term in excess of 1 year, and any management contracts
 1056 that are renewable.

1057 6. The estimated operating budget for the cooperative and
 1058 a schedule of expenses for each type of unit, including fees
 1059 assessed to a shareholder who has exclusive use of limited
 1060 common areas, where such costs are shared only by those entitled
 1061 to use such limited common areas.

1062 7. The lease of recreational and other facilities that
 1063 will be used only by unit owners of the subject cooperative.

1064 8. The lease of recreational and other common areas that
 1065 will be used by unit owners in common with unit owners of other
 1066 cooperatives.

1067 9. The form of unit lease if the offer is of a leasehold.

1068 10. Any declaration of servitude of properties serving the
 1069 cooperative but not owned by unit owners or leased to them or
 1070 the association.

1071 11. If the development is to be built in phases or if the
 1072 association is to manage more than one cooperative, a
 1073 description of the plan of phase development or the arrangements
 1074 for the association to manage two or more cooperatives.

1075 12. If the cooperative is a conversion of existing

1076 improvements, the statements and disclosure required by s.
 1077 719.616.

1078 13. The form of agreement for sale or lease of units.

1079 14. A copy of the floor plan of the unit and the plot plan
 1080 showing the location of the residential buildings and the
 1081 recreation and other common areas.

1082 15. A copy of all covenants and restrictions that will
 1083 affect the use of the property and are not contained in the
 1084 foregoing.

1085 16. If the developer is required by state or local
 1086 authorities to obtain acceptance or approval of any dock or
 1087 marina facilities intended to serve the cooperative, a copy of
 1088 any such acceptance or approval acquired by the time of filing
 1089 with the division pursuant to s. 719.502(1) or a statement that
 1090 such acceptance or approval has not been acquired or received.

1091 17. Evidence demonstrating that the developer has an
 1092 ownership, leasehold, or contractual interest in the land upon
 1093 which the cooperative is to be developed.

1094 18. A copy of the inspector-prepared summary of the
 1095 milestone inspection report as described in ss. 553.899 and
 1096 719.106(1)(1) ~~ss. 553.899 and 719.301(4)(p)~~, if applicable.

1097 19. A copy of the association's most recent structural
 1098 integrity reserve study or a statement that the association has
 1099 not completed a structural integrity reserve study.

1100 (d) Milestone inspection or structural integrity reserve

1101 study.-

1102 1. If the association is required to have a milestone
1103 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1104 structural integrity reserve study as described in s.
1105 719.106(1)(k), and the association has not completed the
1106 milestone inspection or structural integrity reserve study, each
1107 contract entered into on or after January 1, 2025, for the sale
1108 of a residential unit must contain in conspicuous type a
1109 statement indicating that the association is required to have a
1110 milestone inspection or a structural integrity reserve study and
1111 the association has failed to complete such inspection or study,
1112 as applicable.

1113 2. If the association is required to have a milestone
1114 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1115 structural integrity reserve study as described in s.
1116 719.106(1)(k), and the association has completed such inspection
1117 or study, each contract entered into on or after January 1,
1118 2025, for the sale of a residential unit must contain a copy of
1119 the most recent milestone inspection report or structural
1120 integrity reserve study, as applicable.

1121 3. If the association is not required to have a milestone
1122 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1123 structural integrity reserve study as described in s.
1124 719.106(1)(k), each contract entered into on or after January 1,
1125 2025, for the sale of a residential unit must contain in

1126 conspicuous type a statement indicating that the association is
 1127 not required to have a milestone inspection or a structural
 1128 integrity reserve study, as applicable.

1129 (2) NONDEVELOPER DISCLOSURE.—

1130 (a) Each unit owner who is not a developer as defined by
 1131 this chapter must comply with this subsection before the sale of
 1132 his or her interest in the association. Each prospective
 1133 purchaser who has entered into a contract for the purchase of an
 1134 interest in a cooperative is entitled, at the seller's expense,
 1135 to a current copy of all of the following:

- 1136 1. The articles of incorporation of the association.
- 1137 2. The bylaws and rules of the association.
- 1138 3. A copy of the question and answer sheet as provided in
 1139 s. 719.504.

1140 4. A copy of the inspector-prepared summary of the
 1141 milestone inspection report as described in ss. 553.899 and
 1142 719.106(1)(l) ~~ss. 553.899 and 719.301(4)(p)~~, if applicable.

1143 5. A copy of the association's most recent structural
 1144 integrity reserve study or a statement that the association has
 1145 not completed a structural integrity reserve study.

1146 (d)1. If the association is required to have a milestone
 1147 inspection as described in ss. 553.899 and 719.106(1)(l) or a
 1148 structural integrity reserve study as described in s.
 1149 719.106(1)(k), and the association has not completed the
 1150 milestone inspection or structural integrity reserve study, each

1151 contract entered into on or after January 1, 2025, for the sale
1152 of a residential unit must contain in conspicuous type a
1153 statement indicating that the association is required to have a
1154 milestone inspection or a structural integrity reserve study and
1155 the association has failed to complete such inspection or study,
1156 as applicable.

1157 2. If the association is required to have a milestone
1158 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1159 structural integrity reserve study as described in s.
1160 719.106(1)(k), and the association has completed such inspection
1161 or study, each contract entered into on or after January 1,
1162 2025, for the sale of a residential unit must contain a copy of
1163 the most recent milestone inspection report or structural
1164 integrity reserve study, as applicable.

1165 3. If the association is not required to have a milestone
1166 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1167 structural integrity reserve study as described in s.
1168 719.106(1)(k), each contract entered into on or after January 1,
1169 2025, for the sale of a residential unit must contain in
1170 conspicuous type a statement indicating that the association is
1171 not required to have a milestone inspection or a structural
1172 integrity reserve study, as applicable.

1173 Section 14. Except as otherwise expressly provided in this
1174 act, this act shall take effect July 1, 2023.