

1                                   A bill to be entitled  
 2           An act relating to condominium association transfer  
 3           fees; amending s. 718.112, F.S.; authorizing a  
 4           condominium association to charge a transfer fee in  
 5           certain circumstances; limiting the amount of the  
 6           transfer fee; requiring the transfer fee to be  
 7           adjusted periodically; requiring the Department of  
 8           Business and Professional Regulation to calculate and  
 9           publish transfer fees on its website; authorizing an  
 10          association to charge an application fee to review  
 11          certain unit transfers; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (i) of subsection (2) of section  
 16   718.112, Florida Statutes, is amended to read:

17           718.112 Bylaws.—

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

21           (i) Application and transfer fees.—

22           1. An association may ~~not~~ charge a transfer fee in  
 23   connection with the sale ~~or~~, mortgage, ~~lease, sublease, or other~~  
 24   ~~transfer~~ of a unit if ~~unless~~ the association is required to  
 25   approve such transfer and the transfer ~~a fee for such approval~~

26 | is provided for in the declaration, articles, or bylaws. The  
27 | amount of the transfer fee may be preset but may not exceed the  
28 | equivalent of two monthly assessments. Transfer fees must be  
29 | adjusted every 5 years in an amount equal to the total of the  
30 | annual increases occurring in the Consumer Price Index for All  
31 | Urban Consumers, U.S. City Average, All Items during that 5-year  
32 | period. The Department of Business and Professional Regulation  
33 | shall periodically calculate the transfer fees, rounded to the  
34 | nearest dollar, and publish the amounts, as adjusted, on its  
35 | website.

36 | 2. The association may charge an application fee to review  
37 | the sale, mortgage, lease, sublease, or other transfer, which  
38 | ~~Any such fee~~ may be preset but may not exceed \$150 per  
39 | applicant. For the purpose of calculating the application fee,  
40 | spouses or a parent or parents and any dependent children are  
41 | considered one applicant. ~~However,~~ If the lease or sublease is a  
42 | renewal of a lease or sublease with the same lessee or  
43 | sublessee, the association may not a charge the application fee.  
44 | ~~However, may not be made. Such fees must be adjusted every 5~~  
45 | ~~years in an amount equal to the total of the annual increases~~  
46 | ~~occurring in the Consumer Price Index for All Urban Consumers,~~  
47 | ~~U.S. City Average, All Items during that 5-year period. The~~  
48 | ~~Department of Business and Professional Regulation shall~~  
49 | ~~periodically calculate the fees, rounded to the nearest dollar,~~  
50 | ~~and publish the amounts, as adjusted, on its website. The~~

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51 ~~foregoing notwithstanding,~~ if the authority to do so appears in  
52 the declaration, articles, or bylaws, an association may require  
53 that a prospective lessee place a security deposit, in an amount  
54 not to exceed the equivalent of 1 month's rent, into an escrow  
55 account maintained by the association. The security deposit  
56 shall protect against damages to the common elements or  
57 association property. Payment of interest, claims against the  
58 deposit, refunds, and disputes under this subparagraph ~~paragraph~~  
59 shall be handled in the same fashion as provided in part II of  
60 chapter 83.

61 Section 2. This act shall take effect July 1, 2022.