

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Perez offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 468.4334, Florida Statutes, is amended to read:

468.4334 Professional practice standards; liability.—

(1) (a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good

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17 faith; with care and full disclosure to the community  
18 association; accounting for all funds; and not charging  
19 unreasonable or excessive fees.

20 (b) If a community association manager or a community  
21 association management firm has a contract with a community  
22 association with a building on its property that is subject to  
23 recertification under s. 718.132 or s. 719.132, the community  
24 association manager or community association management firm  
25 must comply with such sections.

26 Section 2. Paragraph (b) of subsection (2) of section  
27 468.436, Florida Statutes, is amended to read:

28 468.436 Disciplinary proceedings.—

29 (2) The following acts constitute grounds for which the  
30 disciplinary actions in subsection (4) may be taken:

31 (b)1. Violation of any provision of this part.

32 2. Violation of any lawful order or rule rendered or  
33 adopted by the department or the council.

34 3. Being convicted of or pleading nolo contendere to a  
35 felony in any court in the United States.

36 4. Obtaining a license or certification or any other  
37 order, ruling, or authorization by means of fraud,  
38 misrepresentation, or concealment of material facts.

39 5. Committing acts of gross misconduct or gross negligence  
40 in connection with the profession.

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41           6. Contracting, on behalf of an association, with any  
42 entity in which the licensee has a financial interest that is  
43 not disclosed.

44           7. Violating any provision of chapter 718, chapter 719, or  
45 chapter 720 during the course of performing community  
46 association management services pursuant to a contract with a  
47 community association as defined in s. 468.431(1).

48           8. Failing to provide a written recertification report to  
49 a local building official, if the community association manager  
50 or the community association management firm receives the  
51 report, in accordance with s. 718.132 or s. 719.132 during the  
52 course of performing community association management services  
53 pursuant to a contract with a condominium, as defined in s.  
54 718.103, or a cooperative, as defined in s. 719.103.

55           Section 3. Subsection (22) and subsections (25) through  
56 (30) of section 718.103, Florida Statutes, are renumbered as  
57 subsection (23) and subsections (26) through (32), respectively,  
58 and new subsections (22) and (25) are added to that section to  
59 read:

60           718.103 Definitions.— As used in this chapter, the term:  
61           (22) "Primary structural member" has the same meaning as  
62 in s. 627.706(2).

63           (25) "Structural integrity reserve study" means a study of  
64 the reserve funds required for future major repairs and  
65 replacement of the common elements based on a visual inspection

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66 of the common elements. A structural integrity reserve study may  
67 be performed by any person or entity qualified to perform such  
68 study. However, the visual inspection portion of the structural  
69 integrity reserve study must be performed by an engineer  
70 licensed under chapter 471 or an architect licensed under  
71 chapter 481. At a minimum, a structural integrity reserve study  
72 must identify the common elements being visually inspected,  
73 state the estimated remaining useful life and the estimated  
74 replacement cost or deferred maintenance expense of the common  
75 elements being visually inspected, and provide a recommended  
76 annual reserve amount that achieves the estimated replacement  
77 cost or deferred maintenance expense of each common element  
78 being visually inspected by the end of the estimated remaining  
79 useful life of each common element.

80 Section 4. Subsection (2) of section 718.104, Florida  
81 Statutes, is amended to read:

82 718.104 Creation of condominiums; contents of  
83 declaration.—Every condominium created in this state shall be  
84 created pursuant to this chapter.

85 (2) A condominium is created by recording a declaration in  
86 the public records of the county where the land is located,  
87 executed and acknowledged with the requirements for a deed. All  
88 persons who have record title to the interest in the land being  
89 submitted to condominium ownership, or their lawfully authorized  
90 agents, must join in the execution of the declaration. Upon the

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91 recording of the declaration, or an amendment adding a phase to  
92 the condominium under s. 718.403(6), all units described in the  
93 declaration or phase amendment as being located in or on the  
94 land then being submitted to condominium ownership shall come  
95 into existence, regardless of the state of completion of planned  
96 improvements in which the units may be located or any other  
97 requirement or description that a declaration may provide. Upon  
98 recording the declaration of condominium pursuant to this  
99 section, the developer shall file the recording information with  
100 the division within 120 calendar days on a form prescribed by  
101 the division. If the condominium is subject to s. 718.132 and  
102 has at least one building on condominium property that is three  
103 stories or higher in height, the developer must also provide  
104 information to the division indicating the number of buildings  
105 described in the declaration located on the condominium property  
106 that are three stories or higher in height, the total number of  
107 units in each building, and the address of each building within  
108 120 calendar days after recording the declaration on a form  
109 prescribed by the division.

110 Section 5. Paragraph (b) of subsection (7) and paragraphs  
111 (a), (b), (c), and (g) of subsection (12) of section 718.111,  
112 Florida Statutes, are amended to read:

113 718.111 The association.—

114 (7) TITLE TO PROPERTY.—

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115 (b) Subject to s. 718.112(2)(n) ~~the provisions of s.~~  
116 ~~718.112(2)(m)~~, the association, through its board, has the  
117 limited power to convey a portion of the common elements to a  
118 condemning authority for the purposes of providing utility  
119 easements, right-of-way expansion, or other public purposes,  
120 whether negotiated or as a result of eminent domain proceedings.

121 (12) OFFICIAL RECORDS.—

122 (a) From the inception of the association, the association  
123 shall maintain each of the following items, if applicable, which  
124 constitutes the official records of the association:

125 1. A copy of the plans, permits, warranties, and other  
126 items provided by the developer under s. 718.301(4).

127 2. A photocopy of the recorded declaration of condominium  
128 of each condominium operated by the association and each  
129 amendment to each declaration.

130 3. A photocopy of the recorded bylaws of the association  
131 and each amendment to the bylaws.

132 4. A certified copy of the articles of incorporation of  
133 the association, or other documents creating the association,  
134 and each amendment thereto.

135 5. A copy of the current rules of the association.

136 6. A book or books that contain the minutes of all  
137 meetings of the association, the board of administration, and  
138 the unit owners.

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139           7. A current roster of all unit owners and their mailing  
140 addresses, unit identifications, voting certifications, and, if  
141 known, telephone numbers. The association shall also maintain  
142 the e-mail addresses and facsimile numbers of unit owners  
143 consenting to receive notice by electronic transmission. The e-  
144 mail addresses and facsimile numbers are not accessible to unit  
145 owners if consent to receive notice by electronic transmission  
146 is not provided in accordance with sub-subparagraph (c)3.e.  
147 However, the association is not liable for an inadvertent  
148 disclosure of the e-mail address or facsimile number for  
149 receiving electronic transmission of notices.

150           8. All current insurance policies of the association and  
151 condominiums operated by the association.

152           9. A current copy of any management agreement, lease, or  
153 other contract to which the association is a party or under  
154 which the association or the unit owners have an obligation or  
155 responsibility.

156           10. Bills of sale or transfer for all property owned by  
157 the association.

158           11. Accounting records for the association and separate  
159 accounting records for each condominium that the association  
160 operates. Any person who knowingly or intentionally defaces or  
161 destroys such records, or who knowingly or intentionally fails  
162 to create or maintain such records, with the intent of causing  
163 harm to the association or one or more of its members, is

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164 personally subject to a civil penalty pursuant to s.  
165 718.501(1)(d). The accounting records must include, but are not  
166 limited to:

167       a. Accurate, itemized, and detailed records of all  
168 receipts and expenditures.

169       b. A current account and a monthly, bimonthly, or  
170 quarterly statement of the account for each unit designating the  
171 name of the unit owner, the due date and amount of each  
172 assessment, the amount paid on the account, and the balance due.

173       c. All audits, reviews, accounting statements, structural  
174 integrity reserve studies, and financial reports of the  
175 association or condominium.

176       d. All contracts for work to be performed. Bids for work  
177 to be performed are also considered official records and must be  
178 maintained by the association for at least 1 year after receipt  
179 of the bid.

180       12. Ballots, sign-in sheets, voting proxies, and all other  
181 papers and electronic records relating to voting by unit owners,  
182 which must be maintained for 1 year from the date of the  
183 election, vote, or meeting to which the document relates,  
184 notwithstanding paragraph (b).

185       13. All rental records if the association is acting as  
186 agent for the rental of condominium units.

187       14. A copy of the current question and answer sheet as  
188 described in s. 718.504.

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189 15. A copy of the inspection report as described in s.  
190 718.301(4)(p).

191 16. Bids for materials, equipment, or services.

192 17. All affirmative acknowledgments made pursuant to s.  
193 718.121(4)(c).

194 18. All written recertification reports and written phase  
195 2 inspection reports if required under s. 718.132.

196 ~~19.18.~~ All other written records of the association not  
197 specifically included in the foregoing which are related to the  
198 operation of the association.

199 (b) The official records specified in subparagraphs (a)1.-  
200 6. and 18. must be permanently maintained from the inception of  
201 the association. Bids for work to be performed or for materials,  
202 equipment, or services must be maintained for at least 1 year  
203 after receipt of the bid. Structural integrity reserve studies  
204 must be maintained for at least 15 years after the study is  
205 completed. All other official records must be maintained within  
206 the state for at least 7 years, unless otherwise provided by  
207 general law. The records of the association shall be made  
208 available to a unit owner within 45 miles of the condominium  
209 property or within the county in which the condominium property  
210 is located within 10 working days after receipt of a written  
211 request by the board or its designee. However, such distance  
212 requirement does not apply to an association governing a  
213 timeshare condominium. This paragraph may be complied with by

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214 having a copy of the official records of the association  
215 available for inspection or copying on the condominium property  
216 or association property, or the association may offer the option  
217 of making the records available to a unit owner electronically  
218 via the Internet or by allowing the records to be viewed in  
219 electronic format on a computer screen and printed upon request.  
220 The association is not responsible for the use or misuse of the  
221 information provided to an association member or his or her  
222 authorized representative in compliance with this chapter unless  
223 the association has an affirmative duty not to disclose such  
224 information under this chapter.

225 (c)1. The official records of the association are open to  
226 inspection by any association member or the authorized  
227 representative of such member at all reasonable times. The right  
228 to inspect the records includes the right to make or obtain  
229 copies, at the reasonable expense, if any, of the member or  
230 authorized representative of such member. A renter of a unit has  
231 a right to inspect and copy only the declaration of condominium,  
232 ~~and~~ the association's bylaws and rules, and, if applicable, the  
233 association's written recertification reports and written phase  
234 2 inspection reports as described in s. 718.132. The association  
235 may adopt reasonable rules regarding the frequency, time,  
236 location, notice, and manner of record inspections and copying  
237 but may not require a member to demonstrate any purpose or state  
238 any reason for the inspection. The failure of an association to

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239 provide the records within 10 working days after receipt of a  
240 written request creates a rebuttable presumption that the  
241 association willfully failed to comply with this paragraph. A  
242 unit owner who is denied access to official records is entitled  
243 to the actual damages or minimum damages for the association's  
244 willful failure to comply. Minimum damages are \$50 per calendar  
245 day for up to 10 days, beginning on the 11th working day after  
246 receipt of the written request. The failure to permit inspection  
247 entitles any person prevailing in an enforcement action to  
248 recover reasonable attorney fees from the person in control of  
249 the records who, directly or indirectly, knowingly denied access  
250 to the records.

251 2. Any person who knowingly or intentionally defaces or  
252 destroys accounting records that are required by this chapter to  
253 be maintained during the period for which such records are  
254 required to be maintained, or who knowingly or intentionally  
255 fails to create or maintain accounting records that are required  
256 to be created or maintained, with the intent of causing harm to  
257 the association or one or more of its members, is personally  
258 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

259 3. The association must ~~shall~~ maintain an adequate number  
260 of copies of the declaration, articles of incorporation, bylaws,  
261 and rules, and all amendments to each of the foregoing, as well  
262 as the question and answer sheet as described in s. 718.504 and  
263 year-end financial information required under this section, on

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264 the condominium property to ensure their availability to unit  
265 owners and prospective purchasers, and may charge its actual  
266 costs for preparing and furnishing these documents to those  
267 requesting the documents. An association must ~~shall~~ allow a  
268 member or his or her authorized representative to use a portable  
269 device, including a smartphone, tablet, portable scanner, or any  
270 other technology capable of scanning or taking photographs, to  
271 make an electronic copy of the official records in lieu of the  
272 association's providing the member or his or her authorized  
273 representative with a copy of such records. The association may  
274 not charge a member or his or her authorized representative for  
275 the use of a portable device. Notwithstanding this paragraph,  
276 the following records are not accessible to unit owners:

277 a. Any record protected by the lawyer-client privilege as  
278 described in s. 90.502 and any record protected by the work-  
279 product privilege, including a record prepared by an association  
280 attorney or prepared at the attorney's express direction, which  
281 reflects a mental impression, conclusion, litigation strategy,  
282 or legal theory of the attorney or the association, and which  
283 was prepared exclusively for civil or criminal litigation or for  
284 adversarial administrative proceedings, or which was prepared in  
285 anticipation of such litigation or proceedings until the  
286 conclusion of the litigation or proceedings.

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287           b. Information obtained by an association in connection  
288 with the approval of the lease, sale, or other transfer of a  
289 unit.

290           c. Personnel records of association or management company  
291 employees, including, but not limited to, disciplinary, payroll,  
292 health, and insurance records. For purposes of this sub-  
293 subparagraph, the term "personnel records" does not include  
294 written employment agreements with an association employee or  
295 management company, or budgetary or financial records that  
296 indicate the compensation paid to an association employee.

297           d. Medical records of unit owners.

298           e. Social security numbers, driver license numbers, credit  
299 card numbers, e-mail addresses, telephone numbers, facsimile  
300 numbers, emergency contact information, addresses of a unit  
301 owner other than as provided to fulfill the association's notice  
302 requirements, and other personal identifying information of any  
303 person, excluding the person's name, unit designation, mailing  
304 address, property address, and any address, e-mail address, or  
305 facsimile number provided to the association to fulfill the  
306 association's notice requirements. Notwithstanding the  
307 restrictions in this sub-subparagraph, an association may print  
308 and distribute to unit owners a directory containing the name,  
309 unit address, and all telephone numbers of each unit owner.  
310 However, an owner may exclude his or her telephone numbers from  
311 the directory by so requesting in writing to the association. An

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312 owner may consent in writing to the disclosure of other contact  
313 information described in this sub-subparagraph. The association  
314 is not liable for the inadvertent disclosure of information that  
315 is protected under this sub-subparagraph if the information is  
316 included in an official record of the association and is  
317 voluntarily provided by an owner and not requested by the  
318 association.

319 f. Electronic security measures that are used by the  
320 association to safeguard data, including passwords.

321 g. The software and operating system used by the  
322 association which allow the manipulation of data, even if the  
323 owner owns a copy of the same software used by the association.  
324 The data is part of the official records of the association.

325 h. All affirmative acknowledgments made pursuant to s.  
326 718.121(4)(c).

327 (g)1. ~~By January 1, 2019,~~ An association managing a  
328 condominium with 150 or more units which does not contain  
329 timeshare units must ~~shall~~ post digital copies of the documents  
330 specified in subparagraph 2. on its website or make such  
331 documents available through an application that can be  
332 downloaded on a mobile device.

333 a. The association's website or application must be:

334 (I) An independent website, application, or web portal  
335 wholly owned and operated by the association; or

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336 (II) A website, application, or web portal operated by a  
337 third-party provider with whom the association owns, leases,  
338 rents, or otherwise obtains the right to operate a web page,  
339 subpage, web portal, collection of subpages or web portals, or  
340 an application which is dedicated to the association's  
341 activities and on which required notices, records, and documents  
342 may be posted or made available by the association.

343 b. The association's website or application must be  
344 accessible through the Internet and must contain a subpage, web  
345 portal, or other protected electronic location that is  
346 inaccessible to the general public and accessible only to unit  
347 owners and employees of the association.

348 c. Upon a unit owner's written request, the association  
349 must provide the unit owner with a username and password and  
350 access to the protected sections of the association's website or  
351 application which contain any notices, records, or documents  
352 that must be electronically provided.

353 2. A current copy of the following documents must be  
354 posted in digital format on the association's website or  
355 application:

356 a. The recorded declaration of condominium of each  
357 condominium operated by the association and each amendment to  
358 each declaration.

359 b. The recorded bylaws of the association and each  
360 amendment to the bylaws.

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361 c. The articles of incorporation of the association, or  
362 other documents creating the association, and each amendment to  
363 the articles of incorporation or other documents. The copy  
364 posted pursuant to this sub-subparagraph must be a copy of the  
365 articles of incorporation filed with the Department of State.

366 d. The rules of the association.

367 e. A list of all executory contracts or documents to which  
368 the association is a party or under which the association or the  
369 unit owners have an obligation or responsibility and, after  
370 bidding for the related materials, equipment, or services has  
371 closed, a list of bids received by the association within the  
372 past year. Summaries of bids for materials, equipment, or  
373 services which exceed \$500 must be maintained on the website or  
374 application for 1 year. In lieu of summaries, complete copies of  
375 the bids may be posted.

376 f. The annual budget required by s. 718.112(2)(f) and any  
377 proposed budget to be considered at the annual meeting.

378 g. The financial report required by subsection (13) and  
379 any monthly income or expense statement to be considered at a  
380 meeting.

381 h. The certification of each director required by s.  
382 718.112(2)(d)4.b.

383 i. All contracts or transactions between the association  
384 and any director, officer, corporation, firm, or association  
385 that is not an affiliated condominium association or any other

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386 entity in which an association director is also a director or  
387 officer and financially interested.

388 j. Any contract or document regarding a conflict of  
389 interest or possible conflict of interest as provided in ss.  
390 468.436(2)(b)6. and 718.3027(3).

391 k. The notice of any unit owner meeting and the agenda for  
392 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
393 days before the meeting. The notice must be posted in plain view  
394 on the front page of the website or application, or on a  
395 separate subpage of the website or application labeled "Notices"  
396 which is conspicuously visible and linked from the front page.  
397 The association must also post on its website or application any  
398 document to be considered and voted on by the owners during the  
399 meeting or any document listed on the agenda at least 7 days  
400 before the meeting at which the document or the information  
401 within the document will be considered.

402 l. Notice of any board meeting, the agenda, and any other  
403 document required for the meeting as required by s.  
404 718.112(2)(c), which must be posted no later than the date  
405 required for notice under s. 718.112(2)(c).

406 m. The association's most recent structural integrity  
407 reserve study, if applicable.

408 n. The association's most recent written recertification  
409 report and written phase 2 inspection report as described in s.  
410 718.132, if applicable.

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411 3. The association shall ensure that the information and  
412 records described in paragraph (c), which are not allowed to be  
413 accessible to unit owners, are not posted on the association's  
414 website or application. If protected information or information  
415 restricted from being accessible to unit owners is included in  
416 documents that are required to be posted on the association's  
417 website or application, the association must ~~shall~~ ensure the  
418 information is redacted before posting the documents.

419 Notwithstanding the foregoing, the association or its agent is  
420 not liable for disclosing information that is protected or  
421 restricted under this paragraph unless such disclosure was made  
422 with a knowing or intentional disregard of the protected or  
423 restricted nature of such information.

424 4. The failure of the association to post information  
425 required under subparagraph 2. is not in and of itself  
426 sufficient to invalidate any action or decision of the  
427 association's board or its committees.

428 Section 6. Paragraphs (g) through (o) of subsection (2) of  
429 section 718.112, Florida Statutes, are redesignated as  
430 paragraphs (h) through (p), respectively, paragraphs (d) and (f)  
431 of that subsection are amended, and a new paragraph (g) is added  
432 to that subsection, to read:

433 718.112 Bylaws.—

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

437 (d) Unit owner meetings.—

438 1. An annual meeting of the unit owners must be held at  
439 the location provided in the association bylaws and, if the  
440 bylaws are silent as to the location, the meeting must be held  
441 within 45 miles of the condominium property. However, such  
442 distance requirement does not apply to an association governing  
443 a timeshare condominium.

444 2. Unless the bylaws provide otherwise, a vacancy on the  
445 board caused by the expiration of a director's term must be  
446 filled by electing a new board member, and the election must be  
447 by secret ballot. An election is not required if the number of  
448 vacancies equals or exceeds the number of candidates. For  
449 purposes of this paragraph, the term "candidate" means an  
450 eligible person who has timely submitted the written notice, as  
451 described in sub-subparagraph 4.a., of his or her intention to  
452 become a candidate. Except in a timeshare or nonresidential  
453 condominium, or if the staggered term of a board member does not  
454 expire until a later annual meeting, or if all members' terms  
455 would otherwise expire but there are no candidates, the terms of  
456 all board members expire at the annual meeting, and such members  
457 may stand for reelection unless prohibited by the bylaws. Board  
458 members may serve terms longer than 1 year if permitted by the

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459 | bylaws or articles of incorporation. A board member may not  
460 | serve more than 8 consecutive years unless approved by an  
461 | affirmative vote of unit owners representing two-thirds of all  
462 | votes cast in the election or unless there are not enough  
463 | eligible candidates to fill the vacancies on the board at the  
464 | time of the vacancy. Only board service that occurs on or after  
465 | July 1, 2018, may be used when calculating a board member's term  
466 | limit. If the number of board members whose terms expire at the  
467 | annual meeting equals or exceeds the number of candidates, the  
468 | candidates become members of the board effective upon the  
469 | adjournment of the annual meeting. Unless the bylaws provide  
470 | otherwise, any remaining vacancies shall be filled by the  
471 | affirmative vote of the majority of the directors making up the  
472 | newly constituted board even if the directors constitute less  
473 | than a quorum or there is only one director. In a residential  
474 | condominium association of more than 10 units or in a  
475 | residential condominium association that does not include  
476 | timeshare units or timeshare interests, co-owners of a unit may  
477 | not serve as members of the board of directors at the same time  
478 | unless they own more than one unit or unless there are not  
479 | enough eligible candidates to fill the vacancies on the board at  
480 | the time of the vacancy. A unit owner in a residential  
481 | condominium desiring to be a candidate for board membership must  
482 | comply with sub-subparagraph 4.a. and must be eligible to be a  
483 | candidate to serve on the board of directors at the time of the

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484 deadline for submitting a notice of intent to run in order to  
485 have his or her name listed as a proper candidate on the ballot  
486 or to serve on the board. A person who has been suspended or  
487 removed by the division under this chapter, or who is delinquent  
488 in the payment of any assessment due to the association, is not  
489 eligible to be a candidate for board membership and may not be  
490 listed on the ballot. For purposes of this paragraph, a person  
491 is delinquent if a payment is not made by the due date as  
492 specifically identified in the declaration of condominium,  
493 bylaws, or articles of incorporation. If a due date is not  
494 specifically identified in the declaration of condominium,  
495 bylaws, or articles of incorporation, the due date is the first  
496 day of the assessment period. A person who has been convicted of  
497 any felony in this state or in a United States District or  
498 Territorial Court, or who has been convicted of any offense in  
499 another jurisdiction which would be considered a felony if  
500 committed in this state, is not eligible for board membership  
501 unless such felon's civil rights have been restored for at least  
502 5 years as of the date such person seeks election to the board.  
503 The validity of an action by the board is not affected if it is  
504 later determined that a board member is ineligible for board  
505 membership due to having been convicted of a felony. This  
506 subparagraph does not limit the term of a member of the board of  
507 a nonresidential or timeshare condominium.

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508           3. The bylaws must provide the method of calling meetings  
509 of unit owners, including annual meetings. Written notice of an  
510 annual meeting must include an agenda; be mailed, hand  
511 delivered, or electronically transmitted to each unit owner at  
512 least 14 days before the annual meeting; and be posted in a  
513 conspicuous place on the condominium property or association  
514 property at least 14 continuous days before the annual meeting.  
515 Written notice of a meeting other than an annual meeting must  
516 include an agenda; be mailed, hand delivered, or electronically  
517 transmitted to each unit owner; and be posted in a conspicuous  
518 place on the condominium property or association property within  
519 the timeframe specified in the bylaws. If the bylaws do not  
520 specify a timeframe for written notice of a meeting other than  
521 an annual meeting, notice must be provided at least 14  
522 continuous days before the meeting. Upon notice to the unit  
523 owners, the board shall, by duly adopted rule, designate a  
524 specific location on the condominium property or association  
525 property where all notices of unit owner meetings must be  
526 posted. This requirement does not apply if there is no  
527 condominium property for posting notices. In lieu of, or in  
528 addition to, the physical posting of meeting notices, the  
529 association may, by reasonable rule, adopt a procedure for  
530 conspicuously posting and repeatedly broadcasting the notice and  
531 the agenda on a closed-circuit cable television system serving  
532 the condominium association. However, if broadcast notice is

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533 used in lieu of a notice posted physically on the condominium  
534 property, the notice and agenda must be broadcast at least four  
535 times every broadcast hour of each day that a posted notice is  
536 otherwise required under this section. If broadcast notice is  
537 provided, the notice and agenda must be broadcast in a manner  
538 and for a sufficient continuous length of time so as to allow an  
539 average reader to observe the notice and read and comprehend the  
540 entire content of the notice and the agenda. In addition to any  
541 of the authorized means of providing notice of a meeting of the  
542 board, the association may, by rule, adopt a procedure for  
543 conspicuously posting the meeting notice and the agenda on a  
544 website serving the condominium association for at least the  
545 minimum period of time for which a notice of a meeting is also  
546 required to be physically posted on the condominium property.  
547 Any rule adopted shall, in addition to other matters, include a  
548 requirement that the association send an electronic notice in  
549 the same manner as a notice for a meeting of the members, which  
550 must include a hyperlink to the website where the notice is  
551 posted, to unit owners whose e-mail addresses are included in  
552 the association's official records. Unless a unit owner waives  
553 in writing the right to receive notice of the annual meeting,  
554 such notice must be hand delivered, mailed, or electronically  
555 transmitted to each unit owner. Notice for meetings and notice  
556 for all other purposes must be mailed to each unit owner at the  
557 address last furnished to the association by the unit owner, or

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558 hand delivered to each unit owner. However, if a unit is owned  
559 by more than one person, the association must provide notice to  
560 the address that the developer identifies for that purpose and  
561 thereafter as one or more of the owners of the unit advise the  
562 association in writing, or if no address is given or the owners  
563 of the unit do not agree, to the address provided on the deed of  
564 record. An officer of the association, or the manager or other  
565 person providing notice of the association meeting, must provide  
566 an affidavit or United States Postal Service certificate of  
567 mailing, to be included in the official records of the  
568 association affirming that the notice was mailed or hand  
569 delivered in accordance with this provision.

570 4. The members of the board of a residential condominium  
571 shall be elected by written ballot or voting machine. Proxies  
572 may not be used in electing the board in general elections or  
573 elections to fill vacancies caused by recall, resignation, or  
574 otherwise, unless otherwise provided in this chapter. This  
575 subparagraph does not apply to an association governing a  
576 timeshare condominium.

577 a. At least 60 days before a scheduled election, the  
578 association shall mail, deliver, or electronically transmit, by  
579 separate association mailing or included in another association  
580 mailing, delivery, or transmission, including regularly  
581 published newsletters, to each unit owner entitled to a vote, a  
582 first notice of the date of the election. A unit owner or other

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583 eligible person desiring to be a candidate for the board must  
584 give written notice of his or her intent to be a candidate to  
585 the association at least 40 days before a scheduled election.  
586 Together with the written notice and agenda as set forth in  
587 subparagraph 3., the association shall mail, deliver, or  
588 electronically transmit a second notice of the election to all  
589 unit owners entitled to vote, together with a ballot that lists  
590 all candidates not less than 14 days or more than 34 days before  
591 the date of the election. Upon request of a candidate, an  
592 information sheet, no larger than 8 1/2 inches by 11 inches,  
593 which must be furnished by the candidate at least 35 days before  
594 the election, must be included with the mailing, delivery, or  
595 transmission of the ballot, with the costs of mailing, delivery,  
596 or electronic transmission and copying to be borne by the  
597 association. The association is not liable for the contents of  
598 the information sheets prepared by the candidates. In order to  
599 reduce costs, the association may print or duplicate the  
600 information sheets on both sides of the paper. The division  
601 shall by rule establish voting procedures consistent with this  
602 sub-subparagraph, including rules establishing procedures for  
603 giving notice by electronic transmission and rules providing for  
604 the secrecy of ballots. Elections shall be decided by a  
605 plurality of ballots cast. There is no quorum requirement;  
606 however, at least 20 percent of the eligible voters must cast a  
607 ballot in order to have a valid election. A unit owner may not

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608 authorize any other person to vote his or her ballot, and any  
609 ballots improperly cast are invalid. A unit owner who violates  
610 this provision may be fined by the association in accordance  
611 with s. 718.303. A unit owner who needs assistance in casting  
612 the ballot for the reasons stated in s. 101.051 may obtain such  
613 assistance. The regular election must occur on the date of the  
614 annual meeting. Notwithstanding this sub-subparagraph, an  
615 election is not required unless more candidates file notices of  
616 intent to run or are nominated than board vacancies exist.

617       b. Within 90 days after being elected or appointed to the  
618 board of an association of a residential condominium, each newly  
619 elected or appointed director shall certify in writing to the  
620 secretary of the association that he or she has read the  
621 association's declaration of condominium, articles of  
622 incorporation, bylaws, and current written policies; that he or  
623 she will work to uphold such documents and policies to the best  
624 of his or her ability; and that he or she will faithfully  
625 discharge his or her fiduciary responsibility to the  
626 association's members. In lieu of this written certification,  
627 within 90 days after being elected or appointed to the board,  
628 the newly elected or appointed director may submit a certificate  
629 of having satisfactorily completed the educational curriculum  
630 administered by a division-approved condominium education  
631 provider within 1 year before or 90 days after the date of  
632 election or appointment. The written certification or

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633 educational certificate is valid and does not have to be  
634 resubmitted as long as the director serves on the board without  
635 interruption. A director of an association of a residential  
636 condominium who fails to timely file the written certification  
637 or educational certificate is suspended from service on the  
638 board until he or she complies with this sub-subparagraph. The  
639 board may temporarily fill the vacancy during the period of  
640 suspension. The secretary shall cause the association to retain  
641 a director's written certification or educational certificate  
642 for inspection by the members for 5 years after a director's  
643 election or the duration of the director's uninterrupted tenure,  
644 whichever is longer. Failure to have such written certification  
645 or educational certificate on file does not affect the validity  
646 of any board action.

647 c. Any challenge to the election process must be commenced  
648 within 60 days after the election results are announced.

649 5. Any approval by unit owners called for by this chapter  
650 or the applicable declaration or bylaws, including, but not  
651 limited to, the approval requirement in s. 718.111(8), must be  
652 made at a duly noticed meeting of unit owners and is subject to  
653 all requirements of this chapter or the applicable condominium  
654 documents relating to unit owner decisionmaking, except that  
655 unit owners may take action by written agreement, without  
656 meetings, on matters for which action by written agreement

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657 without meetings is expressly allowed by the applicable bylaws  
658 or declaration or any law that provides for such action.

659 6. Unit owners may waive notice of specific meetings if  
660 allowed by the applicable bylaws or declaration or any law.  
661 Notice of meetings of the board of administration, unit owner  
662 meetings, except unit owner meetings called to recall board  
663 members under paragraph (k) ~~(j)~~, and committee meetings may be  
664 given by electronic transmission to unit owners who consent to  
665 receive notice by electronic transmission. A unit owner who  
666 consents to receiving notices by electronic transmission is  
667 solely responsible for removing or bypassing filters that block  
668 receipt of mass e-mails sent to members on behalf of the  
669 association in the course of giving electronic notices.

670 7. Unit owners have the right to participate in meetings  
671 of unit owners with reference to all designated agenda items.  
672 However, the association may adopt reasonable rules governing  
673 the frequency, duration, and manner of unit owner participation.

674 8. A unit owner may tape record or videotape a meeting of  
675 the unit owners subject to reasonable rules adopted by the  
676 division.

677 9. Unless otherwise provided in the bylaws, any vacancy  
678 occurring on the board before the expiration of a term may be  
679 filled by the affirmative vote of the majority of the remaining  
680 directors, even if the remaining directors constitute less than  
681 a quorum, or by the sole remaining director. In the alternative,

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682 a board may hold an election to fill the vacancy, in which case  
683 the election procedures must conform to sub-subparagraph 4.a.  
684 unless the association governs 10 units or fewer and has opted  
685 out of the statutory election process, in which case the bylaws  
686 of the association control. Unless otherwise provided in the  
687 bylaws, a board member appointed or elected under this section  
688 shall fill the vacancy for the unexpired term of the seat being  
689 filled. Filling vacancies created by recall is governed by  
690 paragraph (k) ~~(j)~~ and rules adopted by the division.

691 10. This chapter does not limit the use of general or  
692 limited proxies, require the use of general or limited proxies,  
693 or require the use of a written ballot or voting machine for any  
694 agenda item or election at any meeting of a timeshare  
695 condominium association or nonresidential condominium  
696 association.

697  
698 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
699 association of 10 or fewer units may, by affirmative vote of a  
700 majority of the total voting interests, provide for different  
701 voting and election procedures in its bylaws, which may be by a  
702 proxy specifically delineating the different voting and election  
703 procedures. The different voting and election procedures may  
704 provide for elections to be conducted by limited or general  
705 proxy.

706 (f) Annual budget.—

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707 1. The proposed annual budget of estimated revenues and  
708 expenses must be detailed and must show the amounts budgeted by  
709 accounts and expense classifications, including, at a minimum,  
710 any applicable expenses listed in s. 718.504(21). The board  
711 shall adopt the annual budget at least 14 days before ~~prior to~~  
712 the start of the association's fiscal year. In the event that  
713 the board fails to timely adopt the annual budget a second time,  
714 it is ~~shall be~~ deemed a minor violation and the prior year's  
715 budget shall continue in effect until a new budget is adopted. A  
716 multicondominium association must ~~shall~~ adopt a separate budget  
717 of common expenses for each condominium the association operates  
718 and must ~~shall~~ adopt a separate budget of common expenses for  
719 the association. In addition, if the association maintains  
720 limited common elements with the cost to be shared only by those  
721 entitled to use the limited common elements as provided for in  
722 s. 718.113(1), the budget or a schedule attached to it must show  
723 the amount budgeted for this maintenance. If, after turnover of  
724 control of the association to the unit owners, any of the  
725 expenses listed in s. 718.504(21) are not applicable, they do  
726 ~~need~~ not need to be listed.

727 2.a. In addition to annual operating expenses, the budget  
728 must include reserve accounts for capital expenditures and  
729 deferred maintenance. These accounts must include, but are not  
730 limited to, roof replacement, building painting, and pavement  
731 resurfacing, regardless of the amount of deferred maintenance

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732 expense or replacement cost, and any other item that has a  
733 deferred maintenance expense or replacement cost that exceeds  
734 \$10,000. The amount to be reserved for an item is determined by  
735 the association's most recent structural integrity reserve  
736 study. If the amount to be reserved for an item is not in the  
737 association's most recent structural integrity reserve study or  
738 the association has not completed a structural integrity reserve  
739 study, the amount must be computed using a formula based upon  
740 estimated remaining useful life and estimated replacement cost  
741 or deferred maintenance expense of the each reserve item. The  
742 association may adjust replacement reserve assessments annually  
743 to take into account any changes in estimates or extension of  
744 the useful life of a reserve item caused by deferred  
745 maintenance. ~~This subsection does not apply to an adopted budget~~  
746 ~~in which~~ The members of a unit-owner controlled an association  
747 may determine have determined, by a majority vote at a duly  
748 called meeting of the association, to provide no reserves or  
749 less reserves than required by this subsection. Effective July  
750 1, 2024, the members of a unit-owner controlled association may  
751 not determine to provide no reserves or less reserves than  
752 required by this subsection for items listed in paragraph (g).

753 b. Before turnover of control of an association by a  
754 developer to unit owners other than a developer under pursuant  
755 ~~to~~ s. 718.301, the developer-controlled association developer  
756 may not vote ~~the voting interests allocated to its units to~~

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757 waive the reserves or reduce ~~the~~ funding of the reserves ~~through~~  
758 ~~the period expiring at the end of the second fiscal year after~~  
759 ~~the fiscal year in which the certificate of a surveyor and~~  
760 ~~mapper is recorded pursuant to s. 718.104(4)(c) or an instrument~~  
761 ~~that transfers title to a unit in the condominium which is not~~  
762 ~~accompanied by a recorded assignment of developer rights in~~  
763 ~~favor of the grantee of such unit is recorded, whichever occurs~~  
764 ~~first, after which time reserves may be waived or reduced only~~  
765 ~~upon the vote of a majority of all nondeveloper voting interests~~  
766 ~~voting in person or by limited proxy at a duly called meeting of~~  
767 ~~the association. If a meeting of the unit owners has been called~~  
768 to determine whether to waive or reduce the funding of reserves  
769 and no such result is achieved or a quorum is not attained, the  
770 reserves included in the budget shall go into effect. After the  
771 turnover, the developer may vote its voting interest to waive or  
772 reduce the funding of reserves.

773 3. Reserve funds and any interest accruing thereon shall  
774 remain in the reserve account or accounts, and may be used only  
775 for authorized reserve expenditures unless their use for other  
776 purposes is approved in advance by a majority vote at a duly  
777 called meeting of the association. Before turnover of control of  
778 an association by a developer to unit owners other than the  
779 developer pursuant to s. 718.301, the developer-controlled  
780 association may not vote to use reserves for purposes other than  
781 those for which they were intended. Effective July 1, 2024,

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782 members of a unit-owner controlled association may not vote to  
783 use reserve funds, or any interest accruing thereon, that are  
784 reserved for items listed in paragraph (g) for any other purpose  
785 other than their intended purpose ~~without the approval of a~~  
786 ~~majority of all nondeveloper voting interests, voting in person~~  
787 ~~or by limited proxy at a duly called meeting of the association.~~

788 4. The only voting interests that are eligible to vote on  
789 questions that involve waiving or reducing the funding of  
790 reserves, or using existing reserve funds for purposes other  
791 than purposes for which the reserves were intended, are the  
792 voting interests of the units subject to assessment to fund the  
793 reserves in question. Proxy questions relating to waiving or  
794 reducing the funding of reserves or using existing reserve funds  
795 for purposes other than purposes for which the reserves were  
796 intended must contain the following statement in capitalized,  
797 bold letters in a font size larger than any other used on the  
798 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
799 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
800 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
801 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

802 (g) Structural integrity reserve study.-

803 1. An association must have a structural integrity reserve  
804 study completed at least every 10 years after the condominium's  
805 creation for each building on the condominium property that is  
806 three stories or higher in height which includes, at a minimum,

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- 807 a study of the following items as related to the structural  
808 integrity and safety of the building:
- 809 a. Roof.
  - 810 b. Load-bearing walls or other primary structural members.
  - 811 c. Floor.
  - 812 d. Foundation.
  - 813 e. Fireproofing and fire protection systems.
  - 814 f. Plumbing.
  - 815 g. Electrical systems.
  - 816 h. Waterproofing and exterior painting.
  - 817 i. Windows.
  - 818 j. Any other item that has a deferred maintenance expense  
819 or replacement cost that exceeds \$10,000 and the failure to  
820 replace or maintain such item negatively affects the items  
821 listed in subparagraphs a.-i., as determined by the licensed  
822 engineer or architect performing the visual inspection portion  
823 of the structural integrity reserve study.
- 824 2. Before a developer turns over control of an association  
825 to unit owners other than the developer, the developer must have  
826 a structural integrity reserve study completed for each building  
827 on the condominium property that is three stories or higher in  
828 height.
- 829 3. Associations existing on or before July 1, 2022, which  
830 are controlled by unit owners other than the developer, must  
831 have a structural integrity reserve study completed by July 1,

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832 2024, for each building on the condominium property that is  
833 three stories or higher in height.

834 4. If an association fails to complete a structural  
835 integrity reserve study pursuant to this paragraph, such failure  
836 is a breach of an officer and director's fiduciary relationship  
837 to the unit owners as provided under s. 718.111(1).

838 Section 7. Paragraph (f) of subsection (8) of section  
839 718.116, Florida Statutes, is amended to read:

840 718.116 Assessments; liability; lien and priority;  
841 interest; collection.-

842 (8) Within 10 business days after receiving a written or  
843 electronic request therefor from a unit owner or the unit  
844 owner's designee, or a unit mortgagee or the unit mortgagee's  
845 designee, the association shall issue the estoppel certificate.  
846 Each association shall designate on its website a person or  
847 entity with a street or e-mail address for receipt of a request  
848 for an estoppel certificate issued pursuant to this section. The  
849 estoppel certificate must be provided by hand delivery, regular  
850 mail, or e-mail to the requestor on the date of issuance of the  
851 estoppel certificate.

852 (f) Notwithstanding any limitation on transfer fees  
853 contained in s. 718.112(2)(j) ~~s. 718.112(2)(i)~~, an association  
854 or its authorized agent may charge a reasonable fee for the  
855 preparation and delivery of an estoppel certificate, which may  
856 not exceed \$250, if, on the date the certificate is issued, no

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857 delinquent amounts are owed to the association for the  
858 applicable unit. If an estoppel certificate is requested on an  
859 expedited basis and delivered within 3 business days after the  
860 request, the association may charge an additional fee of \$100.  
861 If a delinquent amount is owed to the association for the  
862 applicable unit, an additional fee for the estoppel certificate  
863 may not exceed \$150.

864 Section 8. Paragraph (c) of subsection (2) of section  
865 718.117, Florida Statutes, is redesignated as paragraph (d),  
866 paragraph (b) of subsection (8) is amended, and a new paragraph  
867 (c) is added to subsection (2) of that section, to read:

868 718.117 Termination of condominium.—

869 (2) TERMINATION BECAUSE OF ECONOMIC WASTE OR  
870 IMPOSSIBILITY.—

871 (c)1. Notwithstanding paragraph (a), a condominium that  
872 has a building that has received a phase 2 inspection under s.  
873 718.132 with recommended repairs for substantial structural  
874 deterioration that exceed 65 percent of the combined fair market  
875 value of the units in the condominium after completion of the  
876 construction or repairs may be terminated pursuant to a plan of  
877 termination approved by a majority of the total voting interests  
878 of the condominium. Such termination must be approved at a  
879 properly called meeting of the association with the voting  
880 interests voting in person or by limited proxy. A bulk owner has  
881 the same number of voting interests as a single unit owner under

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882 this paragraph. For purposes of this paragraph, the term "bulk  
883 owner" has the same meaning as in paragraph (3) (c).

884 2. Written notice of the meeting must include an agenda  
885 that conspicuously states a plan of termination of the  
886 condominium will be considered. The written notice must be  
887 mailed, hand delivered, or electronically transmitted to each  
888 unit owner at least 14 days before the meeting; and be posted in  
889 a conspicuous place on the condominium property or association  
890 property at least 14 continuous days before the meeting.

891 3. The fair market value of the units in the condominium  
892 must be determined by an independent appraiser selected by the  
893 termination trustee no earlier than 90 days before the date on  
894 which the plan of termination is recorded.

895 (8) REPORTS AND REPLACEMENT OF RECEIVER.—

896 (b) The unit owners of an association in termination may  
897 recall or remove members of the board of administration with or  
898 without cause at any time as provided in s. 718.112(2)(k) ~~s.~~  
899 ~~718.112(2)(j)~~.

900 Section 9. Section 718.132, Florida Statutes, is created  
901 to read:

902 718.132 Building recertification.—

903 (1) As used in this section, the term:

904 (a) "Coastline" has the same meaning as in the Submerged  
905 Lands Act, 43 U.S.C. s. 1301(c).

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906 (b) "Phase 2 inspection" means an inspection that includes  
907 destructive and nondestructive testing at the discretion of the  
908 person performing the inspection and a written report of such  
909 inspection. A phase 2 inspection must be performed by an  
910 engineer licensed under chapter 471 or an architect licensed  
911 under chapter 481.

912 (c) "Recertification" or "recertify" means a visual  
913 inspection of a building's general structural condition and the  
914 general condition of its electrical system, including a written  
915 report of such inspection, performed by an engineer licensed  
916 under chapter 471 or an architect licensed under chapter 481.

917 (d) "Substantial structural deterioration" means  
918 substantial structural distress that negatively affects a  
919 building's general structural condition and integrity. Surface  
920 imperfections such as cracks, distortion, sagging, deflections,  
921 misalignment, signs of leakage, or peeling of finishes are not  
922 considered substantial structural deterioration unless the  
923 licensed engineer or architect performing the recertification or  
924 phase 2 inspection determines that such surface imperfections  
925 are a sign of substantial structural distress.

926 (e) "Visual inspection" means a visual examination of the  
927 items listed s. 718.112(2)(g).

928 (2)(a) An association must have any building on  
929 condominium property that is three stories or higher in height  
930 and that has been occupied for at least 30 years, or 25 years if

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931 the building is within 3 miles of the coastline of the state,  
932 recertified as determined by the local building official.

933 (b) An association must have any building on condominium  
934 property that is required to be recertified under paragraph (a)  
935 recertified at least every 10 years after its first  
936 recertification.

937 (3) Upon determining that a building on condominium  
938 property must be recertified, the local building official must  
939 provide written notice of such required recertification to the  
940 association by certified mail, return receipt requested.

941 (4) (a) Within 90 days after receiving the written notice  
942 under subsection (3), or within 180 days if the association  
943 receives the written notice before July 1, 2023, the association  
944 or the association's manager must provide the written  
945 recertification report by e-mail, United States Postal Service,  
946 or commercial delivery service to the local building official  
947 and state the date on which the association received such report  
948 from the licensed engineer or architect who performed the  
949 recertification.

950 (b) Within 14 days after receiving the written  
951 recertification report from the licensed engineer or architect  
952 who performed the recertification, the association must provide  
953 the written recertification report by e-mail, United States  
954 Postal Service, or commercial delivery service to each unit  
955 owner.

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956 (5) Upon completing a recertification, the licensed  
957 engineer or architect who performed the recertification must  
958 provide a written recertification report by e-mail, United  
959 States Postal Service, or commercial delivery service to the  
960 association. The written recertification report must, at a  
961 minimum:

962 (a) Bear the seal and signature or electronic signature of  
963 the licensed engineer or architect who performed the inspection.

964 (b) Indicate the manner and type of inspection forming the  
965 basis for the written recertification report and a description  
966 of any items identified as requiring further inspection or  
967 remedial action.

968 (c) Indicate whether there is damage to the items listed  
969 in s. 718.112(2)(g), within a reasonable professional  
970 probability based on the scope of the inspection, and list any  
971 recommended repairs for such damage.

972 (d) Indicate whether there is substantial structural  
973 deterioration within a reasonable professional probability based  
974 on the scope of the inspection.

975 (e) State whether unsafe or dangerous conditions, as those  
976 terms are defined in the Florida Building Code, were observed.

977 (6)(a) If a written recertification report indicates that  
978 there is substantial structural deterioration within a  
979 reasonable professional probability based on the scope of the  
980 inspection, the local building official must provide written

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981 notice to the association by certified mail, return receipt  
982 requested, that the association must have a phase 2 inspection  
983 performed.

984 (b) Within 60 days after receiving the written notice  
985 under paragraph (a), the association must provide written notice  
986 to the local building official by e-mail, United States Postal  
987 Service, or commercial delivery service that includes the start  
988 date of the phase 2 inspection and the name and contact  
989 information of the licensed engineer or architect who will  
990 perform the phase 2 inspection.

991 (c) The written phase 2 inspection report must, at a  
992 minimum:

993 1. Bear the seal and signature or electronic signature of  
994 the licensed engineer or architect who performed the inspection.

995 2. Indicate the manner and type of inspection forming the  
996 basis for the written report.

997 3. State whether there is substantial structural  
998 deterioration, within a reasonable professional probability  
999 based on the scope of the inspection, and the extent of such  
1000 damage and list any recommended repairs for such damage.

1001 4. State whether unsafe or dangerous conditions, as those  
1002 terms are defined in the Florida Building Code, were observed.

1003 (d) The licensed engineer or architect performing the  
1004 phase 2 inspection must provide the written phase 2 inspection  
1005 report by e-mail, United States Postal Service, or commercial

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1006 delivery service to the local building official and the  
1007 association upon completion.

1008 (e) Within 14 days after receiving the written phase 2  
1009 inspection report from the licensed engineer or architect who  
1010 performed the phase 2 inspection, the association must provide  
1011 the written phase 2 inspection report by e-mail, United States  
1012 Postal Service, or commercial delivery service to each unit  
1013 owner.

1014 (7)(a) A local building official may prescribe penalties,  
1015 which must be posted on the building department's website, for  
1016 failure to comply with this section.

1017 (b) If an association fails to schedule or begin repairs  
1018 that are identified in the written phase 2 inspection report  
1019 within a time period to be determined by the county  
1020 commissioners of the county where the building is located, which  
1021 time period may not exceed 365 days after the local building  
1022 official receives the written phase 2 inspection report, the  
1023 local building official must determine that the building is  
1024 unsafe for human occupancy until such repairs are scheduled or  
1025 begin.

1026 (8) If an association fails to complete a recertification  
1027 or phase 2 inspection pursuant to this section, such failure is  
1028 a breach of an officer and director's fiduciary relationship to  
1029 the unit owners as provided under s. 718.111(1).

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1030 Section 10. Paragraphs (r), (s), and (t) are added to  
1031 subsection (4) of section 718.301, Florida Statutes, to read:

1032 718.301 Transfer of association control; claims of defect  
1033 by association.—

1034 (4) At the time that unit owners other than the developer  
1035 elect a majority of the members of the board of administration  
1036 of an association, the developer shall relinquish control of the  
1037 association, and the unit owners shall accept control.

1038 Simultaneously, or for the purposes of paragraph (c) not more  
1039 than 90 days thereafter, the developer shall deliver to the  
1040 association, at the developer's expense, all property of the  
1041 unit owners and of the association which is held or controlled  
1042 by the developer, including, but not limited to, the following  
1043 items, if applicable, as to each condominium operated by the  
1044 association:

1045 (r) A copy of the association's most recent structural  
1046 integrity reserve study.

1047 (s) If a building on the condominium property must be  
1048 recertified under s. 718.132, a copy of the association's most  
1049 recent written recertification report.

1050 (t) If a building on the condominium property must have a  
1051 phase 2 inspection performed under s. 718.132, a copy of the  
1052 association's most recent written phase 2 inspection report.

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1053 Section 11. Subsection (1) of section 718.501, Florida  
1054 Statutes, is amended, and subsection (3) is added to that  
1055 section, to read:

1056 718.501 Authority, responsibility, and duties of Division  
1057 of Florida Condominiums, Timeshares, and Mobile Homes.—

1058 (1) The division may enforce and ensure compliance with  
1059 this chapter and rules relating to the development,  
1060 construction, sale, lease, ownership, operation, and management  
1061 of residential condominium units. In performing its duties, the  
1062 division has complete jurisdiction to investigate complaints and  
1063 enforce compliance with respect to associations that are still  
1064 under developer control or the control of a bulk assignee or  
1065 bulk buyer pursuant to part VII of this chapter and complaints  
1066 against developers, bulk assignees, or bulk buyers involving  
1067 improper turnover or failure to turnover, pursuant to s.

1068 718.301. However, after turnover has occurred, the division has  
1069 jurisdiction to investigate complaints related only to financial  
1070 issues, elections, ~~and~~ the maintenance of and unit owner access  
1071 to association records under s. 718.111(12), and complaints  
1072 related to the procedural completion of structural integrity  
1073 reserve studies under s. 718.112(2)(g) and recertification and  
1074 phase 2 inspections under s. 718.132.

1075 (a)1. The division may make necessary public or private  
1076 investigations within or outside this state to determine whether  
1077 any person has violated this chapter or any rule or order

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1078 hereunder, to aid in the enforcement of this chapter, or to aid  
1079 in the adoption of rules or forms.

1080 2. The division may submit any official written report,  
1081 worksheet, or other related paper, or a duly certified copy  
1082 thereof, compiled, prepared, drafted, or otherwise made by and  
1083 duly authenticated by a financial examiner or analyst to be  
1084 admitted as competent evidence in any hearing in which the  
1085 financial examiner or analyst is available for cross-examination  
1086 and attests under oath that such documents were prepared as a  
1087 result of an examination or inspection conducted pursuant to  
1088 this chapter.

1089 (b) The division may require or permit any person to file  
1090 a statement in writing, under oath or otherwise, as the division  
1091 determines, as to the facts and circumstances concerning a  
1092 matter to be investigated.

1093 (c) For the purpose of any investigation under this  
1094 chapter, the division director or any officer or employee  
1095 designated by the division director may administer oaths or  
1096 affirmations, subpoena witnesses and compel their attendance,  
1097 take evidence, and require the production of any matter which is  
1098 relevant to the investigation, including the existence,  
1099 description, nature, custody, condition, and location of any  
1100 books, documents, or other tangible things and the identity and  
1101 location of persons having knowledge of relevant facts or any  
1102 other matter reasonably calculated to lead to the discovery of

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1103 material evidence. Upon the failure by a person to obey a  
1104 subpoena or to answer questions propounded by the investigating  
1105 officer and upon reasonable notice to all affected persons, the  
1106 division may apply to the circuit court for an order compelling  
1107 compliance.

1108 (d) Notwithstanding any remedies available to unit owners  
1109 and associations, if the division has reasonable cause to  
1110 believe that a violation of any provision of this chapter or  
1111 related rule has occurred, the division may institute  
1112 enforcement proceedings in its own name against any developer,  
1113 bulk assignee, bulk buyer, association, officer, or member of  
1114 the board of administration, or its assignees or agents, as  
1115 follows:

1116 1. The division may permit a person whose conduct or  
1117 actions may be under investigation to waive formal proceedings  
1118 and enter into a consent proceeding whereby orders, rules, or  
1119 letters of censure or warning, whether formal or informal, may  
1120 be entered against the person.

1121 2. The division may issue an order requiring the  
1122 developer, bulk assignee, bulk buyer, association, developer-  
1123 designated officer, or developer-designated member of the board  
1124 of administration, developer-designated assignees or agents,  
1125 bulk assignee-designated assignees or agents, bulk buyer-  
1126 designated assignees or agents, community association manager,  
1127 or community association management firm to cease and desist

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1128 from the unlawful practice and take such affirmative action as  
1129 in the judgment of the division carry out the purposes of this  
1130 chapter. If the division finds that a developer, bulk assignee,  
1131 bulk buyer, association, officer, or member of the board of  
1132 administration, or its assignees or agents, is violating or is  
1133 about to violate ~~any provision of~~ this chapter, any rule adopted  
1134 or order issued by the division, or any written agreement  
1135 entered into with the division, and presents an immediate danger  
1136 to the public requiring an immediate final order, it may issue  
1137 an emergency cease and desist order reciting with particularity  
1138 the facts underlying such findings. The emergency cease and  
1139 desist order is effective for 90 days. If the division begins  
1140 nonemergency cease and desist proceedings, the emergency cease  
1141 and desist order remains effective until the conclusion of the  
1142 proceedings under ss. 120.569 and 120.57.

1143 3. If a developer, bulk assignee, or bulk buyer fails to  
1144 pay any restitution determined by the division to be owed, plus  
1145 any accrued interest at the highest rate permitted by law,  
1146 within 30 days after expiration of any appellate time period of  
1147 a final order requiring payment of restitution or the conclusion  
1148 of any appeal thereof, whichever is later, the division must  
1149 bring an action in circuit or county court on behalf of any  
1150 association, class of unit owners, lessees, or purchasers for  
1151 restitution, declaratory relief, injunctive relief, or any other  
1152 available remedy. The division may also temporarily revoke its

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1153 acceptance of the filing for the developer to which the  
1154 restitution relates until payment of restitution is made.

1155 4. The division may petition the court for appointment of  
1156 a receiver or conservator. If appointed, the receiver or  
1157 conservator may take action to implement the court order to  
1158 ensure the performance of the order and to remedy any breach  
1159 thereof. In addition to all other means provided by law for the  
1160 enforcement of an injunction or temporary restraining order, the  
1161 circuit court may impound or sequester the property of a party  
1162 defendant, including books, papers, documents, and related  
1163 records, and allow the examination and use of the property by  
1164 the division and a court-appointed receiver or conservator.

1165 5. The division may apply to the circuit court for an  
1166 order of restitution whereby the defendant in an action brought  
1167 under subparagraph 4. is ordered to make restitution of those  
1168 sums shown by the division to have been obtained by the  
1169 defendant in violation of this chapter. At the option of the  
1170 court, such restitution is payable to the conservator or  
1171 receiver appointed under subparagraph 4. or directly to the  
1172 persons whose funds or assets were obtained in violation of this  
1173 chapter.

1174 6. The division may impose a civil penalty against a  
1175 developer, bulk assignee, or bulk buyer, or association, or its  
1176 assignee or agent, for any violation of this chapter or related  
1177 rule. The division may impose a civil penalty individually

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1178 against an officer or board member who willfully and knowingly  
1179 violates this chapter, an adopted rule, or a final order of the  
1180 division; may order the removal of such individual as an officer  
1181 or from the board of administration or as an officer of the  
1182 association; and may prohibit such individual from serving as an  
1183 officer or on the board of a community association for a period  
1184 of time. The term "willfully and knowingly" means that the  
1185 division informed the officer or board member that his or her  
1186 action or intended action violates this chapter, a rule adopted  
1187 under this chapter, or a final order of the division and that  
1188 the officer or board member refused to comply with the  
1189 requirements of this chapter, a rule adopted under this chapter,  
1190 or a final order of the division. The division, before  
1191 initiating formal agency action under chapter 120, must afford  
1192 the officer or board member an opportunity to voluntarily  
1193 comply, and an officer or board member who complies within 10  
1194 days is not subject to a civil penalty. A penalty may be imposed  
1195 on the basis of each day of continuing violation, but the  
1196 penalty for any offense may not exceed \$5,000. The division  
1197 shall adopt, by rule, penalty guidelines applicable to possible  
1198 violations or to categories of violations of this chapter or  
1199 rules adopted by the division. The guidelines must specify a  
1200 meaningful range of civil penalties for each such violation of  
1201 the statute and rules and must be based upon the harm caused by  
1202 the violation, the repetition of the violation, and upon such

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1203 other factors deemed relevant by the division. For example, the  
1204 division may consider whether the violations were committed by a  
1205 developer, bulk assignee, or bulk buyer, or owner-controlled  
1206 association, the size of the association, and other factors. The  
1207 guidelines must designate the possible mitigating or aggravating  
1208 circumstances that justify a departure from the range of  
1209 penalties provided by the rules. It is the legislative intent  
1210 that minor violations be distinguished from those which endanger  
1211 the health, safety, or welfare of the condominium residents or  
1212 other persons and that such guidelines provide reasonable and  
1213 meaningful notice to the public of likely penalties that may be  
1214 imposed for proscribed conduct. This subsection does not limit  
1215 the ability of the division to informally dispose of  
1216 administrative actions or complaints by stipulation, agreed  
1217 settlement, or consent order. All amounts collected shall be  
1218 deposited with the Chief Financial Officer to the credit of the  
1219 Division of Florida Condominiums, Timeshares, and Mobile Homes  
1220 Trust Fund. If a developer, bulk assignee, or bulk buyer fails  
1221 to pay the civil penalty and the amount deemed to be owed to the  
1222 association, the division shall issue an order directing that  
1223 such developer, bulk assignee, or bulk buyer cease and desist  
1224 from further operation until such time as the civil penalty is  
1225 paid or may pursue enforcement of the penalty in a court of  
1226 competent jurisdiction. If an association fails to pay the civil  
1227 penalty, the division shall pursue enforcement in a court of

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1228 competent jurisdiction, and the order imposing the civil penalty  
1229 or the cease and desist order is not effective until 20 days  
1230 after the date of such order. Any action commenced by the  
1231 division shall be brought in the county in which the division  
1232 has its executive offices or in the county where the violation  
1233 occurred.

1234 7. If a unit owner presents the division with proof that  
1235 the unit owner has requested access to official records in  
1236 writing by certified mail, and that after 10 days the unit owner  
1237 again made the same request for access to official records in  
1238 writing by certified mail, and that more than 10 days has  
1239 elapsed since the second request and the association has still  
1240 failed or refused to provide access to official records as  
1241 required by this chapter, the division shall issue a subpoena  
1242 requiring production of the requested records where the records  
1243 are kept pursuant to s. 718.112.

1244 8. In addition to subparagraph 6., the division may seek  
1245 the imposition of a civil penalty through the circuit court for  
1246 any violation for which the division may issue a notice to show  
1247 cause under paragraph (r). The civil penalty shall be at least  
1248 \$500 but no more than \$5,000 for each violation. The court may  
1249 also award to the prevailing party court costs and reasonable  
1250 attorney fees and, if the division prevails, may also award  
1251 reasonable costs of investigation.

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1252 (e) The division may prepare and disseminate a prospectus  
1253 and other information to assist prospective owners, purchasers,  
1254 lessees, and developers of residential condominiums in assessing  
1255 the rights, privileges, and duties pertaining thereto.

1256 (f) The division may adopt rules to administer and enforce  
1257 this chapter.

1258 (g) The division shall establish procedures for providing  
1259 notice to an association and the developer, bulk assignee, or  
1260 bulk buyer during the period in which the developer, bulk  
1261 assignee, or bulk buyer controls the association if the division  
1262 is considering the issuance of a declaratory statement with  
1263 respect to the declaration of condominium or any related  
1264 document governing such condominium community.

1265 (h) The division shall furnish each association that pays  
1266 the fees required by paragraph (2)(a) a copy of this chapter, as  
1267 amended, and the rules adopted thereto on an annual basis.

1268 (i) The division shall annually provide each association  
1269 with a summary of declaratory statements and formal legal  
1270 opinions relating to the operations of condominiums which were  
1271 rendered by the division during the previous year.

1272 (j) The division shall provide training and educational  
1273 programs for condominium association board members and unit  
1274 owners. The training may, in the division's discretion, include  
1275 web-based electronic media, and live training and seminars in  
1276 various locations throughout the state. The division may review

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1277 and approve education and training programs for board members  
1278 and unit owners offered by providers and shall maintain a  
1279 current list of approved programs and providers and make such  
1280 list available to board members and unit owners in a reasonable  
1281 and cost-effective manner.

1282 (k) The division shall maintain a toll-free telephone  
1283 number accessible to condominium unit owners.

1284 (l) The division shall develop a program to certify both  
1285 volunteer and paid mediators to provide mediation of condominium  
1286 disputes. The division shall provide, upon request, a list of  
1287 such mediators to any association, unit owner, or other  
1288 participant in alternative dispute resolution proceedings under  
1289 s. 718.1255 requesting a copy of the list. The division shall  
1290 include on the list of volunteer mediators only the names of  
1291 persons who have received at least 20 hours of training in  
1292 mediation techniques or who have mediated at least 20 disputes.  
1293 In order to become initially certified by the division, paid  
1294 mediators must be certified by the Supreme Court to mediate  
1295 court cases in county or circuit courts. However, the division  
1296 may adopt, by rule, additional factors for the certification of  
1297 paid mediators, which must be related to experience, education,  
1298 or background. Any person initially certified as a paid mediator  
1299 by the division must, in order to continue to be certified,  
1300 comply with the factors or requirements adopted by rule.

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1301 (m) If a complaint is made, the division must conduct its  
1302 inquiry with due regard for the interests of the affected  
1303 parties. Within 30 days after receipt of a complaint, the  
1304 division shall acknowledge the complaint in writing and notify  
1305 the complainant whether the complaint is within the jurisdiction  
1306 of the division and whether additional information is needed by  
1307 the division from the complainant. The division shall conduct  
1308 its investigation and, within 90 days after receipt of the  
1309 original complaint or of timely requested additional  
1310 information, take action upon the complaint. However, the  
1311 failure to complete the investigation within 90 days does not  
1312 prevent the division from continuing the investigation,  
1313 accepting or considering evidence obtained or received after 90  
1314 days, or taking administrative action if reasonable cause exists  
1315 to believe that a violation of this chapter or a rule has  
1316 occurred. If an investigation is not completed within the time  
1317 limits established in this paragraph, the division shall, on a  
1318 monthly basis, notify the complainant in writing of the status  
1319 of the investigation. When reporting its action to the  
1320 complainant, the division shall inform the complainant of any  
1321 right to a hearing under ss. 120.569 and 120.57. The division  
1322 may adopt rules regarding the submission of a complaint against  
1323 an association.

1324 (n) Condominium association directors, officers, and  
1325 employees; condominium developers; bulk assignees, bulk buyers,

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1326 and community association managers; and community association  
1327 management firms have an ongoing duty to reasonably cooperate  
1328 with the division in any investigation under this section. The  
1329 division shall refer to local law enforcement authorities any  
1330 person whom the division believes has altered, destroyed,  
1331 concealed, or removed any record, document, or thing required to  
1332 be kept or maintained by this chapter with the purpose to impair  
1333 its verity or availability in the department's investigation.

1334 (o) The division may:

1335 1. Contract with agencies in this state or other  
1336 jurisdictions to perform investigative functions; or

1337 2. Accept grants-in-aid from any source.

1338 (p) The division shall cooperate with similar agencies in  
1339 other jurisdictions to establish uniform filing procedures and  
1340 forms, public offering statements, advertising standards, and  
1341 rules and common administrative practices.

1342 (q) The division shall consider notice to a developer,  
1343 bulk assignee, or bulk buyer to be complete when it is delivered  
1344 to the address of the developer, bulk assignee, or bulk buyer  
1345 currently on file with the division.

1346 (r) In addition to its enforcement authority, the division  
1347 may issue a notice to show cause, which must provide for a  
1348 hearing, upon written request, in accordance with chapter 120.

1349 (s) The division shall submit to the Governor, the  
1350 President of the Senate, the Speaker of the House of

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1351 Representatives, and the chairs of the legislative  
1352 appropriations committees an annual report that includes, but  
1353 need not be limited to, the number of training programs provided  
1354 for condominium association board members and unit owners, the  
1355 number of complaints received by type, the number and percent of  
1356 complaints acknowledged in writing within 30 days and the number  
1357 and percent of investigations acted upon within 90 days in  
1358 accordance with paragraph (m), and the number of investigations  
1359 exceeding the 90-day requirement. The annual report must also  
1360 include an evaluation of the division's core business processes  
1361 and make recommendations for improvements, including statutory  
1362 changes. The report shall be submitted by September 30 following  
1363 the end of the fiscal year.

1364 (3) (a) On or before January 1, 2023, condominium  
1365 associations that existed on or before July 1, 2022, must  
1366 provide the following information to the division in writing by  
1367 e-mail, United States Postal Service, commercial delivery  
1368 service, or hand delivery, at a physical address or e-mail  
1369 address provided by the division and on a form posted on the  
1370 division's website:

- 1371 1. The number of buildings on the condominium property  
1372 that are three stories or higher in height
- 1373 2. The total number of units in all such buildings.
- 1374 3. The addresses of all such buildings.
- 1375 4. The county in which such buildings are located.

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1376 (b) The division must compile a list of the number of  
1377 buildings on condominium property that are three stories or  
1378 higher in height, which is searchable by county, and must post  
1379 the list on the division's website. This list must include all  
1380 of the following information:

- 1381 1. The name of each association with buildings on the  
1382 condominium property that are three stories or higher in height.  
1383 2. The number of such buildings in each association.  
1384 3. The addresses of all such buildings.  
1385 4. The county in which such buildings are located.

1386 (c) An association must provide an the update in writing  
1387 if there are any changes to the information in the list in  
1388 paragraph (b) to the division within 6 months after the change.

1389 Section 12. Paragraphs (b) and (c) of subsection (2) of  
1390 section 718.503, Florida Statutes, are redesignated as  
1391 paragraphs (c) and (d), respectively, and paragraph (b) of  
1392 subsection (1) and paragraph (a) of subsection (2) are amended  
1393 to read:

1394 718.503 Developer disclosure before ~~prior to~~ sale;  
1395 nondeveloper unit owner disclosure before ~~prior to~~ sale;  
1396 voidability.-

1397 (1) DEVELOPER DISCLOSURE.-

1398 (b) Copies of documents to be furnished to prospective  
1399 buyer or lessee.-Until such time as the developer has furnished  
1400 the documents listed below to a person who has entered into a

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1401 contract to purchase a residential unit or lease it for more  
1402 than 5 years, the contract may be voided by that person,  
1403 entitling the person to a refund of any deposit together with  
1404 interest thereon as provided in s. 718.202. The contract may be  
1405 terminated by written notice from the proposed buyer or lessee  
1406 delivered to the developer within 15 days after the buyer or  
1407 lessee receives all of the documents required by this section.  
1408 The developer may not close for 15 days after ~~following~~ the  
1409 execution of the agreement and delivery of the documents to the  
1410 buyer as evidenced by a signed receipt for documents unless the  
1411 buyer is informed in the 15-day voidability period and agrees to  
1412 close before ~~prior to~~ the expiration of the 15 days. The  
1413 developer shall retain in his or her records a separate  
1414 agreement signed by the buyer as proof of the buyer's agreement  
1415 to close before ~~prior to~~ the expiration of the ~~said~~ voidability  
1416 period. Such ~~Said~~ proof must ~~shall~~ be retained for ~~a period of~~ 5  
1417 years after the date of the closing of the transaction. The  
1418 documents to be delivered to the prospective buyer are the  
1419 prospectus or disclosure statement with all exhibits, if the  
1420 development is subject to ~~the provisions of~~ s. 718.504, or, if  
1421 not, then copies of the following which are applicable:  
1422 1. The question and answer sheet described in s. 718.504,  
1423 and declaration of condominium, or the proposed declaration if  
1424 the declaration has not been recorded, which shall include the

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- 1425 certificate of a surveyor approximately representing the  
1426 locations required by s. 718.104.
- 1427 2. The documents creating the association.
- 1428 3. The bylaws.
- 1429 4. The ground lease or other underlying lease of the  
1430 condominium.
- 1431 5. The management contract, maintenance contract, and  
1432 other contracts for management of the association and operation  
1433 of the condominium and facilities used by the unit owners having  
1434 a service term in excess of 1 year, and any management contracts  
1435 that are renewable.
- 1436 6. The estimated operating budget for the condominium and  
1437 a schedule of expenses for each type of unit, including fees  
1438 assessed under ~~pursuant to~~ s. 718.113(1) for the maintenance of  
1439 limited common elements where such costs are shared only by  
1440 those entitled to use the limited common elements.
- 1441 7. The lease of recreational and other facilities that  
1442 will be used only by unit owners of the subject condominium.
- 1443 8. The lease of recreational and other common facilities  
1444 that will be used by unit owners in common with unit owners of  
1445 other condominiums.
- 1446 9. The form of unit lease if the offer is of a leasehold.
- 1447 10. Any declaration of servitude of properties serving the  
1448 condominium but not owned by unit owners or leased to them or  
1449 the association.

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1450           11. If the development is to be built in phases or if the  
1451 association is to manage more than one condominium, a  
1452 description of the plan of phase development or the arrangements  
1453 for the association to manage two or more condominiums.

1454           12. If the condominium is a conversion of existing  
1455 improvements, the statements and disclosure required by s.  
1456 718.616.

1457           13. The form of agreement for sale or lease of units.

1458           14. A copy of the floor plan of the unit and the plot plan  
1459 showing the location of the residential buildings and the  
1460 recreation and other common areas.

1461           15. A copy of all covenants and restrictions that ~~which~~  
1462 ~~will~~ affect the use of the property and ~~which~~ are not contained  
1463 in the foregoing.

1464           16. If the developer is required by state or local  
1465 authorities to obtain acceptance or approval of any dock or  
1466 marina facilities intended to serve the condominium, a copy of  
1467 any such acceptance or approval acquired by the time of filing  
1468 with the division under s. 718.502(1), or a statement that such  
1469 acceptance or approval has not been acquired or received.

1470           17. Evidence demonstrating that the developer has an  
1471 ownership, leasehold, or contractual interest in the land upon  
1472 which the condominium is to be developed.

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1473 18. A copy of the association's most recent structural  
1474 integrity reserve study or a statement that the association has  
1475 not completed a structural integrity reserve study.

1476 19. If the unit is located in a building on the  
1477 condominium property that must be recertified under s. 718.132,  
1478 a copy of the association's most recent written recertification  
1479 report or a statement that the association has not completed the  
1480 required recertification.

1481 20. If the unit is located in a building on the  
1482 condominium property that must have a phase 2 inspection  
1483 performed under s. 718.132, a copy of the association's most  
1484 recent written phase 2 inspection report or a statement that the  
1485 association has not completed the required phase 2 inspection.

1486 (2) NONDEVELOPER DISCLOSURE.—

1487 (a) Each unit owner who is not a developer as defined by  
1488 this chapter must ~~shall~~ comply with ~~the provisions of~~ this  
1489 subsection before ~~prior to~~ the sale of his or her unit. Each  
1490 prospective purchaser who has entered into a contract for the  
1491 purchase of a condominium unit is entitled, at the seller's  
1492 expense, to a current copy of all of the following:

- 1493 1. The declaration of condominium.τ  
1494 2. Articles of incorporation of the association.τ  
1495 3. Bylaws and rules of the association.τ  
1496 4. Financial information required by s. 718.111.τ

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1497 5. The association's most recent structural integrity  
1498 reserve study or a statement that the association has not  
1499 completed a structural integrity reserve study.

1500 6. If the unit is located in a building on the condominium  
1501 property that must be recertified under s. 718.132, the  
1502 association's most recent written recertification report or a  
1503 statement that the association has not completed the required  
1504 recertification.

1505 7. If the unit is located in a building on the condominium  
1506 property that must have a phase 2 inspection performed under s.  
1507 718.132, the association's most recent written phase 2  
1508 inspection report or a statement that the association has not  
1509 completed the required phase 2 inspection. and

1510 8. The document entitled "Frequently Asked Questions and  
1511 Answers" required by s. 718.504.

1512 (b) On and after January 1, 2009, The prospective  
1513 purchaser ~~is shall~~ also ~~be~~ entitled to receive from the seller a  
1514 copy of a governance form. Such form shall be provided by the  
1515 division summarizing governance of condominium associations. In  
1516 addition to such other information as the division considers  
1517 helpful to a prospective purchaser in understanding association  
1518 governance, the governance form shall address the following  
1519 subjects:

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- 1520           1. The role of the board in conducting the day-to-day  
1521 affairs of the association on behalf of, and in the best  
1522 interests of, the owners.
- 1523           2. The board's responsibility to provide advance notice of  
1524 board and membership meetings.
- 1525           3. The rights of owners to attend and speak at board and  
1526 membership meetings.
- 1527           4. The responsibility of the board and of owners with  
1528 respect to maintenance of the condominium property.
- 1529           5. The responsibility of the board and owners to abide by  
1530 the condominium documents, this chapter, rules adopted by the  
1531 division, and reasonable rules adopted by the board.
- 1532           6. Owners' rights to inspect and copy association records  
1533 and the limitations on such rights.
- 1534           7. Remedies available to owners with respect to actions by  
1535 the board which may be abusive or beyond the board's power and  
1536 authority.
- 1537           8. The right of the board to hire a property management  
1538 firm, subject to its own primary responsibility for such  
1539 management.
- 1540           9. The responsibility of owners with regard to payment of  
1541 regular or special assessments necessary for the operation of  
1542 the property and the potential consequences of failure to pay  
1543 such assessments.
- 1544           10. The voting rights of owners.

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1545 11. Rights and obligations of the board in enforcement of  
1546 rules in the condominium documents and rules adopted by the  
1547 board.

1548  
1549 The governance form must ~~shall~~ also include the following  
1550 statement in conspicuous type: "This publication is intended as  
1551 an informal educational overview of condominium governance. In  
1552 the event of a conflict, the provisions of chapter 718, Florida  
1553 Statutes, rules adopted by the Division of Florida Condominiums,  
1554 Timeshares, and Mobile Homes of the Department of Business and  
1555 Professional Regulation, the provisions of the condominium  
1556 documents, and reasonable rules adopted by the condominium  
1557 association's board of administration prevail over the contents  
1558 of this publication."

1559 Section 13. Paragraph (f) of subsection (24) of section  
1560 718.504, Florida Statutes, is amended, and paragraphs (q) and  
1561 (r) are added to that subsection, to read:

1562 718.504 Prospectus or offering circular.—Every developer  
1563 of a residential condominium which contains more than 20  
1564 residential units, or which is part of a group of residential  
1565 condominiums which will be served by property to be used in  
1566 common by unit owners of more than 20 residential units, shall  
1567 prepare a prospectus or offering circular and file it with the  
1568 Division of Florida Condominiums, Timeshares, and Mobile Homes  
1569 prior to entering into an enforceable contract of purchase and

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1570 sale of any unit or lease of a unit for more than 5 years and  
1571 shall furnish a copy of the prospectus or offering circular to  
1572 each buyer. In addition to the prospectus or offering circular,  
1573 each buyer shall be furnished a separate page entitled  
1574 "Frequently Asked Questions and Answers," which shall be in  
1575 accordance with a format approved by the division and a copy of  
1576 the financial information required by s. 718.111. This page  
1577 shall, in readable language, inform prospective purchasers  
1578 regarding their voting rights and unit use restrictions,  
1579 including restrictions on the leasing of a unit; shall indicate  
1580 whether and in what amount the unit owners or the association is  
1581 obligated to pay rent or land use fees for recreational or other  
1582 commonly used facilities; shall contain a statement identifying  
1583 that amount of assessment which, pursuant to the budget, would  
1584 be levied upon each unit type, exclusive of any special  
1585 assessments, and which shall further identify the basis upon  
1586 which assessments are levied, whether monthly, quarterly, or  
1587 otherwise; shall state and identify any court cases in which the  
1588 association is currently a party of record in which the  
1589 association may face liability in excess of \$100,000; and which  
1590 shall further state whether membership in a recreational  
1591 facilities association is mandatory, and if so, shall identify  
1592 the fees currently charged per unit type. The division shall by  
1593 rule require such other disclosure as in its judgment will  
1594 assist prospective purchasers. The prospectus or offering

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1595 circular may include more than one condominium, although not all  
1596 such units are being offered for sale as of the date of the  
1597 prospectus or offering circular. The prospectus or offering  
1598 circular must contain the following information:

1599 (24) Copies of the following, to the extent they are  
1600 applicable, shall be included as exhibits:

1601 (f) The estimated operating budget for the condominium,  
1602 and the required schedule of unit owners' expenses, and the  
1603 association's most recent structural integrity reserve study or  
1604 a statement that the association has not completed a structural  
1605 integrity reserve study.

1606 (g) If the unit is located in a building on the  
1607 condominium property that must be recertified under s. 718.132,  
1608 the association's most recent written recertification report or  
1609 a statement that the association has not completed the required  
1610 recertification.

1611 (r) If the unit is located in a building on the  
1612 condominium property that must have a phase 2 inspection  
1613 performed under s. 718.132, the association's most recent  
1614 written phase 2 inspection report or a statement that the  
1615 association has not completed the required phase 2 inspection.

1616 Section 14. Subsection (21) and subsections (24) through  
1617 (28) of section 719.103, Florida Statutes, are renumbered as  
1618 subsection (22) and subsections (25) through (30), respectively,

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1619 and new subsections (21) and (24) are added to that section to  
1620 read:

1621 719.103 Definitions.—As used in this chapter:

1622 (21) "Primary structural member" has the same meaning as  
1623 in s. 627.706(2).

1624 (24) "Structural integrity reserve study" means a study of  
1625 the reserve funds required for future major repairs and  
1626 replacement of the common areas based on a visual inspection of  
1627 the common areas. A structural integrity reserve study may be  
1628 performed by any person qualified to perform such study.  
1629 However, the visual inspection portion of the structural  
1630 integrity reserve study must be performed by an engineer  
1631 licensed under chapter 471 or an architect licensed under  
1632 chapter 481. At a minimum, a structural integrity reserve study  
1633 must identify the common areas being visually inspected, state  
1634 the estimated remaining useful life and the estimated  
1635 replacement cost or deferred maintenance expense of the common  
1636 areas being visually inspected, and provide a recommended annual  
1637 reserve amount that achieves the estimated replacement cost or  
1638 deferred maintenance expense of each common area being visually  
1639 inspected by the end of the estimated remaining useful life of  
1640 each common area.

1641 Section 15. Subsection (1) of section 719.1035, Florida  
1642 Statutes, is amended to read:

1643 719.1035 Creation of cooperatives.—

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1644 (1) The date when cooperative existence shall commence is  
1645 upon commencement of corporate existence of the cooperative  
1646 association as provided in s. 607.0203. The cooperative  
1647 documents must be recorded in the county in which the  
1648 cooperative is located before property may be conveyed or  
1649 transferred to the cooperative. All persons who have any record  
1650 interest in any mortgage encumbering the interest in the land  
1651 being submitted to cooperative ownership must either join in the  
1652 execution of the cooperative documents or execute, with the  
1653 requirements for deed, and record, a consent to the cooperative  
1654 documents or an agreement subordinating their mortgage interest  
1655 to the cooperative documents. Upon creation of a cooperative,  
1656 the developer or association shall file the recording  
1657 information with the division within 30 working days on a form  
1658 prescribed by the division. If the cooperative is subject to s.  
1659 719.132 and has at least one building on the cooperative  
1660 property that is three stories or higher in height, the  
1661 developer or association must also provide information to the  
1662 division indicating the number of buildings described in the  
1663 recording information located on the cooperative property that  
1664 are three stories or higher in height, the total number of units  
1665 in each building, and the address of each building within 30  
1666 working days of creation of the cooperative on a form prescribed  
1667 by the division.

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1668 Section 16. Paragraph (a) of subsection (2) of section  
1669 719.104, Florida Statutes, is amended to read:

1670 719.104 Cooperatives; access to units; records; financial  
1671 reports; assessments; purchase of leases.—

1672 (2) OFFICIAL RECORDS.—

1673 (a) From the inception of the association, the association  
1674 shall maintain a copy of each of the following, if where  
1675 applicable, which shall constitute the official records of the  
1676 association:

1677 1. The plans, permits, warranties, and other items  
1678 provided by the developer pursuant to s. 719.301(4).

1679 2. A photocopy of the cooperative documents.

1680 3. A copy of the current rules of the association.

1681 4. A book or books containing the minutes of all meetings  
1682 of the association, of the board of directors, and of the unit  
1683 owners.

1684 5. A current roster of all unit owners and their mailing  
1685 addresses, unit identifications, voting certifications, and, if  
1686 known, telephone numbers. The association shall also maintain  
1687 the e-mail addresses and the numbers designated by unit owners  
1688 for receiving notice sent by electronic transmission of those  
1689 unit owners consenting to receive notice by electronic  
1690 transmission. The e-mail addresses and numbers provided by unit  
1691 owners to receive notice by electronic transmission shall be  
1692 removed from association records when consent to receive notice

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1693 by electronic transmission is revoked. However, the association  
1694 is not liable for an erroneous disclosure of the e-mail address  
1695 or the number for receiving electronic transmission of notices.

1696 6. All current insurance policies of the association.

1697 7. A current copy of any management agreement, lease, or  
1698 other contract to which the association is a party or under  
1699 which the association or the unit owners have an obligation or  
1700 responsibility.

1701 8. Bills of sale or transfer for all property owned by the  
1702 association.

1703 9. Accounting records for the association and separate  
1704 accounting records for each unit it operates, according to good  
1705 accounting practices. The accounting records shall include, but  
1706 not be limited to:

1707 a. Accurate, itemized, and detailed records of all  
1708 receipts and expenditures.

1709 b. A current account and a monthly, bimonthly, or  
1710 quarterly statement of the account for each unit designating the  
1711 name of the unit owner, the due date and amount of each  
1712 assessment, the amount paid upon the account, and the balance  
1713 due.

1714 c. All audits, reviews, accounting statements, structural  
1715 integrity reserve studies, and financial reports of the  
1716 association. Structural integrity reserve studies must be  
1717 maintained for at least 15 years after the study is completed.

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1718 d. All contracts for work to be performed. Bids for work  
1719 to be performed shall also be considered official records and  
1720 shall be maintained for ~~a period of~~ 1 year.

1721 10. Ballots, sign-in sheets, voting proxies, and all other  
1722 papers and electronic records relating to voting by unit owners,  
1723 which shall be maintained for ~~a period of~~ 1 year after the date  
1724 of the election, vote, or meeting to which the document relates.

1725 11. All rental records where the association is acting as  
1726 agent for the rental of units.

1727 12. A copy of the current question and answer sheet as  
1728 described in s. 719.504.

1729 13. All affirmative acknowledgments made pursuant to s.  
1730 719.108 (3) (b) 3.

1731 14. All written recertification reports and written phase  
1732 2 inspection reports as described in s. 719.132, if applicable,  
1733 which must be permanently maintained.

1734 ~~15.14.~~ All other written records of the association not  
1735 specifically included in the foregoing which are related to the  
1736 operation of the association.

1737 Section 17. Paragraphs (k) through (m) of subsection (1)  
1738 of section 719.106, Florida Statutes, are redesignated as  
1739 paragraphs (l) through (n), respectively, paragraph (j) of  
1740 subsection (1) is amended, and a new paragraph (k) is added to  
1741 subsection (1) of that section, to read:

1742 719.106 Bylaws; cooperative ownership.—

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1743 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1744 documents shall provide for the following, and if they do not,  
1745 they shall be deemed to include the following:

1746 (j) Annual budget.—

1747 1. The proposed annual budget of common expenses must  
1748 ~~shall~~ be detailed and must ~~shall~~ show the amounts budgeted by  
1749 accounts and expense classifications, including, if applicable,  
1750 but not limited to, those expenses listed in s. 719.504(20). The  
1751 board of administration shall adopt the annual budget at least  
1752 14 days before ~~prior to~~ the start of the association's fiscal  
1753 year. In the event that the board fails to timely adopt the  
1754 annual budget a second time, it is ~~shall be~~ deemed a minor  
1755 violation and the prior year's budget shall continue in effect  
1756 until a new budget is adopted.

1757 2. In addition to annual operating expenses, the budget  
1758 must ~~shall~~ include reserve accounts for capital expenditures and  
1759 deferred maintenance. These accounts must ~~shall~~ include, but not  
1760 be limited to, roof replacement, building painting, and pavement  
1761 resurfacing, regardless of the amount of deferred maintenance  
1762 expense or replacement cost, and for any other items for which  
1763 the deferred maintenance expense or replacement cost exceeds  
1764 \$10,000. The amount to be reserved for an item is determined by  
1765 the association's most recent structural integrity reserve  
1766 study. If the amount to be reserved for an item is not in the  
1767 association's most recent structural integrity reserve study or

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1768 the association has not completed a structural integrity reserve  
1769 study, the amount must ~~shall~~ be computed by means of a formula  
1770 which is based upon estimated remaining useful life and  
1771 estimated replacement cost or deferred maintenance expense of  
1772 the each reserve item. The association may adjust replacement  
1773 reserve assessments annually to take into account any changes in  
1774 estimates or extension of the useful life of a reserve item  
1775 caused by deferred maintenance. ~~This paragraph shall not apply~~  
1776 ~~to any budget in which~~ The members of unit-owner controlled an  
1777 association may determine ~~have~~, at a duly called meeting of the  
1778 association, ~~determined~~ for a fiscal year to provide no reserves  
1779 or reserves less adequate than required by this subsection.  
1780 Before turnover of control of an association by a developer to  
1781 unit owners other than a developer under s. 719.301, the  
1782 developer-controlled association may not vote to waive the  
1783 reserves or reduce funding of the reserves. Effective July 1,  
1784 2024, a unit-owner controlled association may not determine to  
1785 provide no reserves or reserves less adequate than required by  
1786 this paragraph for items listed in paragraph (k). ~~However, prior~~  
1787 ~~to turnover of control of an association by a developer to unit-~~  
1788 ~~owners other than a developer pursuant to s. 719.301, the~~  
1789 ~~developer may vote to waive the reserves or reduce the funding~~  
1790 ~~of reserves for the first 2 years of the operation of the~~  
1791 ~~association after which time reserves may only be waived or~~  
1792 ~~reduced upon the vote of a majority of all nondeveloper voting~~

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1793 ~~interests voting in person or by limited proxy at a duly called~~  
1794 ~~meeting of the association.~~ If a meeting of the unit owners has  
1795 been called to determine to provide no reserves, or reserves  
1796 less adequate than required, and such result is not attained or  
1797 a quorum is not attained, the reserves as included in the budget  
1798 shall go into effect.

1799       3. Reserve funds and any interest accruing thereon shall  
1800 remain in the reserve account or accounts, and shall be used  
1801 only for authorized reserve expenditures unless their use for  
1802 other purposes is approved in advance by a vote of the majority  
1803 of the voting interests, voting in person or by limited proxy at  
1804 a duly called meeting of the association. Prior to turnover of  
1805 control of an association by a developer to unit owners other  
1806 than the developer under s. 719.301, the developer may not vote  
1807 to use reserves for purposes other than that for which they were  
1808 intended ~~without the approval of a majority of all nondeveloper~~  
1809 ~~voting interests, voting in person or by limited proxy at a duly~~  
1810 ~~called meeting of the association.~~ Effective July 1, 2024, a  
1811 unit-owner controlled association may not vote to use reserve  
1812 funds, or any interest thereon, which are reserved for items  
1813 listed in paragraph (k) for purposes other than their intended  
1814 purpose.

1815       (k) Structural integrity reserve study.-

1816       1. An association must have a structural integrity reserve  
1817 study completed at least every 10 years for each building on the

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1818 cooperative property that is three stories or higher in height  
1819 that includes, at a minimum, a study of the following items as  
1820 related to the structural integrity and safety of the building:

1821 a. Roof.

1822 b. Load-bearing walls or other primary structural members.

1823 c. Floor.

1824 d. Foundation.

1825 e. Fireproofing and fire protection systems.

1826 f. Plumbing.

1827 g. Electrical systems.

1828 h. Waterproofing and exterior painting.

1829 i. Windows.

1830 j. Any other item that has a deferred maintenance expense  
1831 or replacement cost that exceeds \$10,000 and the failure to  
1832 replace or maintain such item negatively affects the items  
1833 listed in subparagraphs a.-i., as determined by the licensed  
1834 engineer or architect performing the visual inspection portion  
1835 of the structural integrity reserve study.

1836 2. Before a developer turns over control of an association  
1837 to unit owners other than the developer, the developer must have  
1838 a structural integrity reserve study completed for each building  
1839 on the cooperative property that is three stories or higher in  
1840 height.

1841 3. Associations existing on or before July 1, 2022, which  
1842 are controlled by unit owners other than the developer, must

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1843 have a structural integrity reserve study completed by July 1,  
1844 2024, for each building on the cooperative property that is  
1845 three stories or higher in height.

1846 4. If an association fails to complete a structural  
1847 integrity reserve study pursuant to this paragraph, such failure  
1848 is a breach of an officer and director's fiduciary relationship  
1849 to the unit owners as provided under s. 719.104(8).

1850 Section 18. Section 719.132, Florida Statutes, is created  
1851 to read:

1852 719.132 Building recertification.—

1853 (1) As used in this section, the term:

1854 (a) "Coastline" has the same meaning as in the Submerged  
1855 Lands Act, 43 U.S.C. s. 1301(c).

1856 (b) "Phase 2 inspection" means an inspection that includes  
1857 destructive and nondestructive testing at the discretion of the  
1858 person performing the inspection and a written report of such  
1859 inspection. A phase 2 inspection must be performed by an  
1860 engineer licensed under chapter 471 or an architect licensed  
1861 under chapter 481.

1862 (c) "Recertification" or "recertify" means a visual  
1863 inspection of a building's general structural condition and  
1864 general condition of its electrical system, including a written  
1865 report of such inspection, performed by an engineer licensed  
1866 under chapter 471 or an architect licensed under chapter 481.

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1867 (d) "Substantial structural deterioration" means  
1868 substantial structural distress that negatively affects a  
1869 building's general structural condition and integrity. Surface  
1870 imperfections, such as cracks, distortion, sagging, deflections,  
1871 misalignment, signs of leakage, or peeling of finishes are not  
1872 considered substantial structural deterioration unless the  
1873 licensed engineer or architect performing the recertification or  
1874 phase 2 inspection determines that such surface imperfections  
1875 are a sign of structural distress.

1876 (e) "Visual inspection" means a visual examination of the  
1877 items listed s. 719.106(1)(k).

1878 (2)(a) An association must have any building on the  
1879 cooperative property that is three stories or higher in height  
1880 and that has been occupied for at least 30 years, or 25 years if  
1881 the building is within 3 miles of the coastline of the state,  
1882 recertified as determined by the local building official.

1883 (b) An association must have any building on the  
1884 cooperative property that is required to be recertified under  
1885 paragraph (a) recertified at least every 10 years after its  
1886 first recertification.

1887 (3) Upon determining that a building on the cooperative  
1888 property must be recertified, the local building official must  
1889 provide written notice of such required recertification to the  
1890 association by certified mail, return receipt requested.

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1891 (4) (a) Within 90 days after receiving the written notice  
1892 under subsection (3), or within 180 days if the association  
1893 receives the written notice before July 1, 2023, the association  
1894 or the association's manager must provide the written  
1895 recertification report by e-mail, United States Postal Service,  
1896 or commercial delivery service to the local building official  
1897 and state the date on which the association received such report  
1898 from the licensed engineer or architect who performed the  
1899 recertification.

1900 (b) Within 14 days after receiving the written  
1901 recertification report from the licensed engineer or architect  
1902 who performed the recertification, the association must provide  
1903 the written recertification report by e-mail, United States  
1904 Postal Service, or commercial delivery service to each unit  
1905 owner.

1906 (5) Upon completing a recertification, the licensed  
1907 engineer or architect who performed the recertification must  
1908 provide a written recertification report by e-mail, United  
1909 States Postal Service, or commercial delivery service to the  
1910 association. The written recertification report must, at a  
1911 minimum:

1912 (a) Bear the seal and signature, or electronic signature,  
1913 of the licensed engineer or architect who performed the  
1914 inspection.

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1915 (b) Indicate the manner and type of inspection forming the  
1916 basis for the written recertification report and a description  
1917 of any items identified as requiring further inspection or  
1918 remedial action.

1919 (c) Indicate whether there is damage to the items listed  
1920 in s. 719.106(1)(k), within a reasonable professional  
1921 probability based on the scope of the inspection, and list any  
1922 recommended repairs for such damage.

1923 (d) Indicate whether there is substantial structural  
1924 deterioration within a reasonable professional probability based  
1925 on the scope of the inspection.

1926 (e) State whether unsafe or dangerous conditions, as those  
1927 terms are defined in the Florida Building Code, were observed.

1928 (6)(a) If a written recertification report indicates that  
1929 there is substantial structural deterioration, within a  
1930 reasonable professional probability based on the scope of the  
1931 inspection, the local building official must provide written  
1932 notice to the association by certified mail, return receipt  
1933 requested, that the association must have a phase 2 inspection  
1934 performed.

1935 (b) Within 60 days after receiving the written notice  
1936 under paragraph (a), the association must provide written notice  
1937 to the local building official by e-mail, United States Postal  
1938 Service, or commercial delivery service that includes the start  
1939 date of the phase 2 inspection and the name and contact

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1940 information of the licensed engineer or architect who will  
1941 perform the phase 2 inspection.

1942 (c) The written phase 2 inspection report must, at a  
1943 minimum:

1944 1. Bear the seal and signature, or the electronic  
1945 signature, of the licensed engineer or architect who performed  
1946 the inspection.

1947 2. State the manner and type of inspection forming the  
1948 basis for the written report.

1949 3. State whether there is substantial structural  
1950 deterioration, within a reasonable professional probability  
1951 based on the scope of the inspection, and the extent of such  
1952 damage and list any recommended repairs for such damage.

1953 4. State whether the unsafe or dangerous conditions, as  
1954 those terms are defined in the Florida Building Code, were  
1955 observed.

1956 (d) The licensed engineer or architect performing the  
1957 phase 2 inspection must provide the written phase 2 inspection  
1958 report by e-mail, United States Postal Service, or commercial  
1959 delivery service to the local building official and the  
1960 association upon completion.

1961 (e) Within 14 days after receiving the written phase 2  
1962 inspection report from the licensed engineer or architect who  
1963 performed the phase 2 inspection, the association must provide  
1964 the written phase 2 inspection report by e-mail, United States

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1965 Postal Service, or commercial delivery service to each unit  
1966 owner.

1967 (7)(a) A local building official may prescribe penalties,  
1968 which must be posted on the building department's website, for  
1969 failure to comply with this section.

1970 (b) If an association fails to schedule or begin repairs  
1971 that are identified in the written phase 2 inspection report  
1972 within a time period to be determined by the county  
1973 commissioners of the county where the building is located, which  
1974 time period may not exceed 365 days after the local building  
1975 official receives the written phase 2 inspection report, the  
1976 local building official must determine that the building is  
1977 unsafe for human occupancy until such repairs are scheduled or  
1978 begin.

1979 (8) If an association fails to complete a recertification  
1980 or phase 2 inspection pursuant to this section, such failure is  
1981 a breach of an officer and director's fiduciary relationship to  
1982 the unit owners as provided under s. 719.104(8).

1983 Section 19. Paragraphs (p), (q), and (r) are added to  
1984 subsection (4) of section 719.301, Florida Statutes, to read:

1985 719.301 Transfer of association control.-

1986 (4) When unit owners other than the developer elect a  
1987 majority of the members of the board of administration of an  
1988 association, the developer shall relinquish control of the  
1989 association, and the unit owners shall accept control.

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1990 Simultaneously, or for the purpose of paragraph (c) not more  
1991 than 90 days thereafter, the developer shall deliver to the  
1992 association, at the developer's expense, all property of the  
1993 unit owners and of the association held or controlled by the  
1994 developer, including, but not limited to, the following items,  
1995 if applicable, as to each cooperative operated by the  
1996 association:

1997 (p) A copy of the association's most recent structural  
1998 integrity reserve study.

1999 (q) If a building on the cooperative property must be  
2000 recertified under s. 719.132, a copy of the association's most  
2001 recent written recertification report or a statement that the  
2002 association has not completed the required recertification.

2003 (r) If a building on the cooperative property must have a  
2004 phase 2 inspection performed under s. 719.132, a copy of the  
2005 association's most recent written phase 2 inspection report or a  
2006 statement that the association has not completed the required  
2007 phase 2 inspection.

2008 Section 20. Subsection (1) of section 719.501, Florida  
2009 Statutes, is amended, and subsection (3) is added to that  
2010 section, to read:

2011 719.501 Powers and duties of Division of Florida  
2012 Condominiums, Timeshares, and Mobile Homes.—

2013 (1) The Division of Florida Condominiums, Timeshares, and  
2014 Mobile Homes of the Department of Business and Professional

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2015 Regulation, referred to as the "division" in this part, in  
2016 addition to other powers and duties prescribed by chapter 718,  
2017 has the power to enforce and ensure compliance with this chapter  
2018 and adopted rules relating to the development, construction,  
2019 sale, lease, ownership, operation, complaints related to the  
2020 procedural completion of the structural integrity reserve  
2021 studies required under s. 719.106(1)(k) or recertifications and  
2022 phase 2 inspections required under s. 719.132, and management of  
2023 residential cooperative units. In performing its duties, the  
2024 division shall have the following powers and duties:

2025 (a) The division may make necessary public or private  
2026 investigations within or outside this state to determine whether  
2027 any person has violated this chapter or any rule or order  
2028 hereunder, to aid in the enforcement of this chapter, or to aid  
2029 in the adoption of rules or forms hereunder.

2030 (b) The division may require or permit any person to file  
2031 a statement in writing, under oath or otherwise, as the division  
2032 determines, as to the facts and circumstances concerning a  
2033 matter to be investigated.

2034 (c) For the purpose of any investigation under this  
2035 chapter, the division director or any officer or employee  
2036 designated by the division director may administer oaths or  
2037 affirmations, subpoena witnesses and compel their attendance,  
2038 take evidence, and require the production of any matter which is  
2039 relevant to the investigation, including the existence,

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2040 description, nature, custody, condition, and location of any  
2041 books, documents, or other tangible things and the identity and  
2042 location of persons having knowledge of relevant facts or any  
2043 other matter reasonably calculated to lead to the discovery of  
2044 material evidence. Upon failure by a person to obey a subpoena  
2045 or to answer questions propounded by the investigating officer  
2046 and upon reasonable notice to all persons affected thereby, the  
2047 division may apply to the circuit court for an order compelling  
2048 compliance.

2049 (d) Notwithstanding any remedies available to unit owners  
2050 and associations, if the division has reasonable cause to  
2051 believe that a violation of any provision of this chapter or  
2052 related rule has occurred, the division may institute  
2053 enforcement proceedings in its own name against a developer,  
2054 association, officer, or member of the board, or its assignees  
2055 or agents, as follows:

2056 1. The division may permit a person whose conduct or  
2057 actions may be under investigation to waive formal proceedings  
2058 and enter into a consent proceeding whereby orders, rules, or  
2059 letters of censure or warning, whether formal or informal, may  
2060 be entered against the person.

2061 2. The division may issue an order requiring the  
2062 developer, association, officer, or member of the board, or its  
2063 assignees or agents, to cease and desist from the unlawful  
2064 practice and take such affirmative action as in the judgment of

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2065 the division will carry out the purposes of this chapter. Such  
2066 affirmative action may include, but is not limited to, an order  
2067 requiring a developer to pay moneys determined to be owed to a  
2068 condominium association.

2069 3. The division may bring an action in circuit court on  
2070 behalf of a class of unit owners, lessees, or purchasers for  
2071 declaratory relief, injunctive relief, or restitution.

2072 4. The division may impose a civil penalty against a  
2073 developer or association, or its assignees or agents, for any  
2074 violation of this chapter or related rule. The division may  
2075 impose a civil penalty individually against any officer or board  
2076 member who willfully and knowingly violates a provision of this  
2077 chapter, a rule adopted pursuant to this chapter, or a final  
2078 order of the division. The term "willfully and knowingly" means  
2079 that the division informed the officer or board member that his  
2080 or her action or intended action violates this chapter, a rule  
2081 adopted under this chapter, or a final order of the division,  
2082 and that the officer or board member refused to comply with the  
2083 requirements of this chapter, a rule adopted under this chapter,  
2084 or a final order of the division. The division, prior to  
2085 initiating formal agency action under chapter 120, shall afford  
2086 the officer or board member an opportunity to voluntarily comply  
2087 with this chapter, a rule adopted under this chapter, or a final  
2088 order of the division. An officer or board member who complies  
2089 within 10 days is not subject to a civil penalty. A penalty may

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2090 be imposed on the basis of each day of continuing violation, but  
2091 in no event shall the penalty for any offense exceed \$5,000. By  
2092 January 1, 1998, the division shall adopt, by rule, penalty  
2093 guidelines applicable to possible violations or to categories of  
2094 violations of this chapter or rules adopted by the division. The  
2095 guidelines must specify a meaningful range of civil penalties  
2096 for each such violation of the statute and rules and must be  
2097 based upon the harm caused by the violation, the repetition of  
2098 the violation, and upon such other factors deemed relevant by  
2099 the division. For example, the division may consider whether the  
2100 violations were committed by a developer or owner-controlled  
2101 association, the size of the association, and other factors. The  
2102 guidelines must designate the possible mitigating or aggravating  
2103 circumstances that justify a departure from the range of  
2104 penalties provided by the rules. It is the legislative intent  
2105 that minor violations be distinguished from those which endanger  
2106 the health, safety, or welfare of the cooperative residents or  
2107 other persons and that such guidelines provide reasonable and  
2108 meaningful notice to the public of likely penalties that may be  
2109 imposed for proscribed conduct. This subsection does not limit  
2110 the ability of the division to informally dispose of  
2111 administrative actions or complaints by stipulation, agreed  
2112 settlement, or consent order. All amounts collected shall be  
2113 deposited with the Chief Financial Officer to the credit of the  
2114 Division of Florida Condominiums, Timeshares, and Mobile Homes

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2115 Trust Fund. If a developer fails to pay the civil penalty, the  
2116 division shall thereupon issue an order directing that such  
2117 developer cease and desist from further operation until such  
2118 time as the civil penalty is paid or may pursue enforcement of  
2119 the penalty in a court of competent jurisdiction. If an  
2120 association fails to pay the civil penalty, the division shall  
2121 thereupon pursue enforcement in a court of competent  
2122 jurisdiction, and the order imposing the civil penalty or the  
2123 cease and desist order shall not become effective until 20 days  
2124 after the date of such order. Any action commenced by the  
2125 division shall be brought in the county in which the division  
2126 has its executive offices or in the county where the violation  
2127 occurred.

2128 (e) The division may prepare and disseminate a prospectus  
2129 and other information to assist prospective owners, purchasers,  
2130 lessees, and developers of residential cooperatives in assessing  
2131 the rights, privileges, and duties pertaining thereto.

2132 (f) The division has authority to adopt rules pursuant to  
2133 ss. 120.536(1) and 120.54 to implement and enforce the  
2134 provisions of this chapter.

2135 (g) The division shall establish procedures for providing  
2136 notice to an association when the division is considering the  
2137 issuance of a declaratory statement with respect to the  
2138 cooperative documents governing such cooperative community.

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2139 (h) The division shall furnish each association which pays  
2140 the fees required by paragraph (2)(a) a copy of this act,  
2141 subsequent changes to this act on an annual basis, an amended  
2142 version of this act as it becomes available from the Secretary  
2143 of State's office on a biennial basis, and the rules adopted  
2144 thereto on an annual basis.

2145 (i) The division shall annually provide each association  
2146 with a summary of declaratory statements and formal legal  
2147 opinions relating to the operations of cooperatives which were  
2148 rendered by the division during the previous year.

2149 (j) The division shall adopt uniform accounting  
2150 principles, policies, and standards to be used by all  
2151 associations in the preparation and presentation of all  
2152 financial statements required by this chapter. The principles,  
2153 policies, and standards shall take into consideration the size  
2154 of the association and the total revenue collected by the  
2155 association.

2156 (k) The division shall provide training and educational  
2157 programs for cooperative association board members and unit  
2158 owners. The training may, in the division's discretion, include  
2159 web-based electronic media, and live training and seminars in  
2160 various locations throughout the state. The division may review  
2161 and approve education and training programs for board members  
2162 and unit owners offered by providers and shall maintain a  
2163 current list of approved programs and providers and make such

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2164 list available to board members and unit owners in a reasonable  
2165 and cost-effective manner.

2166 (l) The division shall maintain a toll-free telephone  
2167 number accessible to cooperative unit owners.

2168 (m) When a complaint is made to the division, the division  
2169 shall conduct its inquiry with reasonable dispatch and with due  
2170 regard to the interests of the affected parties. Within 30 days  
2171 after receipt of a complaint, the division shall acknowledge the  
2172 complaint in writing and notify the complainant whether the  
2173 complaint is within the jurisdiction of the division and whether  
2174 additional information is needed by the division from the  
2175 complainant. The division shall conduct its investigation and  
2176 shall, within 90 days after receipt of the original complaint or  
2177 timely requested additional information, take action upon the  
2178 complaint. However, the failure to complete the investigation  
2179 within 90 days does not prevent the division from continuing the  
2180 investigation, accepting or considering evidence obtained or  
2181 received after 90 days, or taking administrative action if  
2182 reasonable cause exists to believe that a violation of this  
2183 chapter or a rule of the division has occurred. If an  
2184 investigation is not completed within the time limits  
2185 established in this paragraph, the division shall, on a monthly  
2186 basis, notify the complainant in writing of the status of the  
2187 investigation. When reporting its action to the complainant, the

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2188 | division shall inform the complainant of any right to a hearing  
2189 | pursuant to ss. 120.569 and 120.57.

2190 |       (n) The division shall develop a program to certify both  
2191 | volunteer and paid mediators to provide mediation of cooperative  
2192 | disputes. The division shall provide, upon request, a list of  
2193 | such mediators to any association, unit owner, or other  
2194 | participant in arbitration proceedings under s. 718.1255  
2195 | requesting a copy of the list. The division shall include on the  
2196 | list of voluntary mediators only persons who have received at  
2197 | least 20 hours of training in mediation techniques or have  
2198 | mediated at least 20 disputes. In order to become initially  
2199 | certified by the division, paid mediators must be certified by  
2200 | the Supreme Court to mediate court cases in county or circuit  
2201 | courts. However, the division may adopt, by rule, additional  
2202 | factors for the certification of paid mediators, which factors  
2203 | must be related to experience, education, or background. Any  
2204 | person initially certified as a paid mediator by the division  
2205 | must, in order to continue to be certified, comply with the  
2206 | factors or requirements imposed by rules adopted by the  
2207 | division.

2208 |       (3) (a) On or before January 1, 2023, cooperative  
2209 | associations existing on or before July 1, 2022, must provide  
2210 | the following information to the division in writing, by e-mail,  
2211 | United States Postal Service, commercial delivery service, or

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2212 hand delivery, at a physical address or e-mail address provided  
2213 by the division and on a form posted on the division's website:

2214 1. The number of buildings on the cooperative property  
2215 that are three stories or higher in height

2216 2. The total number of units in all such buildings.

2217 3. The addresses of all such buildings.

2218 4. The county in which such buildings are located.

2219 (b) The division must compile a list of the number of  
2220 buildings on cooperative property that are three stories or  
2221 higher in height, which is searchable by county, and must post  
2222 the list on the division's website. This list must include all  
2223 of the following information:

2224 1. The name of each association with buildings on the  
2225 cooperative property that are three stories or higher in height

2226 2. The number of such buildings in each association.

2227 3. The addresses of all such buildings.

2228 4. The county in which such buildings are located.

2229 (c) An association must provide an the update in writing  
2230 if there are any changes to the information in the list in  
2231 paragraph (b) to the division within 6 months after the change.

2232 Section 21. Paragraph (b) of subsection (1) and paragraph  
2233 (a) of subsection (2) of section 719.503, Florida Statutes, are  
2234 amended to read:

2235 719.503 Disclosure before ~~prior to~~ sale.-

2236 (1) DEVELOPER DISCLOSURE.-

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2237 (b) Copies of documents to be furnished to prospective  
2238 buyer or lessee.—Until such time as the developer has furnished  
2239 the documents listed below to a person who has entered into a  
2240 contract to purchase a unit or lease it for more than 5 years,  
2241 the contract may be voided by that person, entitling the person  
2242 to a refund of any deposit together with interest thereon as  
2243 provided in s. 719.202. The contract may be terminated by  
2244 written notice from the proposed buyer or lessee delivered to  
2245 the developer within 15 days after the buyer or lessee receives  
2246 all of the documents required by this section. The developer may  
2247 ~~shall~~ not close for 15 days after ~~following~~ the execution of the  
2248 agreement and delivery of the documents to the buyer as  
2249 evidenced by a receipt for documents signed by the buyer unless  
2250 the buyer is informed in the 15-day voidability period and  
2251 agrees to close before ~~prior to~~ the expiration of the 15 days.  
2252 The developer must ~~shall~~ retain in his or her records a separate  
2253 signed agreement as proof of the buyer's agreement to close  
2254 before ~~prior to~~ the expiration of the ~~said~~ voidability period.  
2255 Such ~~Said~~ proof must ~~shall~~ be retained for ~~a period of~~ 5 years  
2256 after the date of the closing transaction. The documents to be  
2257 delivered to the prospective buyer are the prospectus or  
2258 disclosure statement with all exhibits, if the development is  
2259 subject to ~~the provisions of~~ s. 719.504, or, if not, then copies  
2260 of the following which are applicable:

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- 2261           1. The question and answer sheet described in s. 719.504,  
2262 and cooperative documents, or the proposed cooperative documents  
2263 if the documents have not been recorded, which must ~~shall~~  
2264 include the certificate of a surveyor approximately representing  
2265 the locations required by s. 719.104.
- 2266           2. The documents creating the association.
- 2267           3. The bylaws.
- 2268           4. The ground lease or other underlying lease of the  
2269 cooperative.
- 2270           5. The management contract, maintenance contract, and  
2271 other contracts for management of the association and operation  
2272 of the cooperative and facilities used by the unit owners having  
2273 a service term in excess of 1 year, and any management contracts  
2274 that are renewable.
- 2275           6. The estimated operating budget for the cooperative and  
2276 a schedule of expenses for each type of unit, including fees  
2277 assessed to a shareholder who has exclusive use of limited  
2278 common areas, where such costs are shared only by those entitled  
2279 to use such limited common areas.
- 2280           7. The lease of recreational and other facilities that  
2281 will be used only by unit owners of the subject cooperative.
- 2282           8. The lease of recreational and other common areas that  
2283 will be used by unit owners in common with unit owners of other  
2284 cooperatives.
- 2285           9. The form of unit lease if the offer is of a leasehold.

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2286 10. Any declaration of servitude of properties serving the  
2287 cooperative but not owned by unit owners or leased to them or  
2288 the association.

2289 11. If the development is to be built in phases or if the  
2290 association is to manage more than one cooperative, a  
2291 description of the plan of phase development or the arrangements  
2292 for the association to manage two or more cooperatives.

2293 12. If the cooperative is a conversion of existing  
2294 improvements, the statements and disclosure required by s.  
2295 719.616.

2296 13. The form of agreement for sale or lease of units.

2297 14. A copy of the floor plan of the unit and the plot plan  
2298 showing the location of the residential buildings and the  
2299 recreation and other common areas.

2300 15. A copy of all covenants and restrictions that ~~which~~  
2301 will affect the use of the property and ~~which~~ are not contained  
2302 in the foregoing.

2303 16. If the developer is required by state or local  
2304 authorities to obtain acceptance or approval of any dock or  
2305 marina facilities intended to serve the cooperative, a copy of  
2306 any such acceptance or approval acquired by the time of filing  
2307 with the division under ~~pursuant to~~ s. 719.502(1) or a statement  
2308 that such acceptance or approval has not been acquired or  
2309 received.

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2310 17. Evidence demonstrating that the developer has an  
2311 ownership, leasehold, or contractual interest in the land upon  
2312 which the cooperative is to be developed.

2313 18. A copy of the association's most recent structural  
2314 integrity reserve study or a statement that the association has  
2315 not completed a structural integrity reserve study.

2316 19. If the unit is located in a building on the  
2317 cooperative property that must be recertified under s. 719.132,  
2318 a copy of the association's most recent written recertification  
2319 report or a statement that the association has not completed the  
2320 required recertification.

2321 20. If the unit is located in a building on the  
2322 cooperative property that must have a phase 2 inspection  
2323 performed under s. 719.132, a copy of the association's most  
2324 recent written phase 2 inspection report or a statement that the  
2325 association has not completed the required phase 2 inspection.

2326 (2) NONDEVELOPER DISCLOSURE.—

2327 (a) Each unit owner who is not a developer as defined by  
2328 this chapter must comply with ~~the provisions of~~ this subsection  
2329 before ~~prior to~~ the sale of his or her interest in the  
2330 association. Each prospective purchaser who has entered into a  
2331 contract for the purchase of an interest in a cooperative is  
2332 entitled, at the seller's expense, to a current copy of the  
2333 articles of incorporation of the association, the bylaws, and  
2334 rules of the association, ~~as well as~~ a copy of the question and

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2335 answer sheet as provided in s. 719.504, a copy of the  
2336 association's most recent structural integrity reserve study or  
2337 a statement that the association has not completed a structural  
2338 integrity reserve study, and, if applicable, a copy of the  
2339 association's most recent written recertification report or most  
2340 recent written phase 2 inspection report or a statement that the  
2341 association has not completed the required recertification or  
2342 required phase 2 inspection.

2343 Section 22. Paragraphs (q), (r), and (s) are added to  
2344 subsection (23) of section 719.504, Florida Statutes, to read:

2345 719.504 Prospectus or offering circular.—Every developer  
2346 of a residential cooperative which contains more than 20  
2347 residential units, or which is part of a group of residential  
2348 cooperatives which will be served by property to be used in  
2349 common by unit owners of more than 20 residential units, shall  
2350 prepare a prospectus or offering circular and file it with the  
2351 Division of Florida Condominiums, Timeshares, and Mobile Homes  
2352 prior to entering into an enforceable contract of purchase and  
2353 sale of any unit or lease of a unit for more than 5 years and  
2354 shall furnish a copy of the prospectus or offering circular to  
2355 each buyer. In addition to the prospectus or offering circular,  
2356 each buyer shall be furnished a separate page entitled  
2357 "Frequently Asked Questions and Answers," which must be in  
2358 accordance with a format approved by the division. This page  
2359 must, in readable language: inform prospective purchasers

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2360 regarding their voting rights and unit use restrictions,  
2361 including restrictions on the leasing of a unit; indicate  
2362 whether and in what amount the unit owners or the association is  
2363 obligated to pay rent or land use fees for recreational or other  
2364 commonly used facilities; contain a statement identifying that  
2365 amount of assessment which, pursuant to the budget, would be  
2366 levied upon each unit type, exclusive of any special  
2367 assessments, and which identifies the basis upon which  
2368 assessments are levied, whether monthly, quarterly, or  
2369 otherwise; state and identify any court cases in which the  
2370 association is currently a party of record in which the  
2371 association may face liability in excess of \$100,000; and state  
2372 whether membership in a recreational facilities association is  
2373 mandatory and, if so, identify the fees currently charged per  
2374 unit type. The division shall by rule require such other  
2375 disclosure as in its judgment will assist prospective  
2376 purchasers. The prospectus or offering circular may include more  
2377 than one cooperative, although not all such units are being  
2378 offered for sale as of the date of the prospectus or offering  
2379 circular. The prospectus or offering circular must contain the  
2380 following information:

2381 (23) Copies of the following, to the extent they are  
2382 applicable, shall be included as exhibits:

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2383       (q) The association's most recent structural integrity  
2384 reserve study or a statement that the association has not  
2385 completed a structural integrity reserve study.

2386       (r) If the unit is located in a building on the  
2387 cooperative property that must be recertified under s. 719.132,  
2388 the association's most recent written recertification report or  
2389 a statement that the association has not completed the required  
2390 recertification.

2391       (s) If the unit is located in a building on the  
2392 cooperative property that must have a phase 2 inspection  
2393 performed under s. 719.132, the association's most recent  
2394 written phase 2 inspection report or a statement that the  
2395 association has not completed the required phase 2 inspection.

2396       Section 23. Paragraphs (d) and (k) of subsection (10) of  
2397 section 720.303, Florida Statutes, are amended to read:

2398       720.303 Association powers and duties; meetings of board;  
2399 official records; budgets; financial reporting; association  
2400 funds; recalls.—

2401       (10) RECALL OF DIRECTORS.—

2402       (d) If the board determines not to certify the written  
2403 agreement or written ballots to recall a director or directors  
2404 of the board or does not certify the recall by a vote at a  
2405 meeting, the board shall, within 5 full business days after the  
2406 meeting, file an action with a court of competent jurisdiction  
2407 or file with the department a petition for binding arbitration

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2408 under the applicable procedures in ss. 718.112(2)(k) ~~ss.~~  
2409 ~~718.112(2)(j)~~ and 718.1255 and the rules adopted thereunder. For  
2410 the purposes of this section, the members who voted at the  
2411 meeting or who executed the agreement in writing shall  
2412 constitute one party under the petition for arbitration or in a  
2413 court action. If the arbitrator or court certifies the recall as  
2414 to any director or directors of the board, the recall will be  
2415 effective upon the final order of the court or the mailing of  
2416 the final order of arbitration to the association. The director  
2417 or directors so recalled shall deliver to the board any and all  
2418 records of the association in their possession within 5 full  
2419 business days after the effective date of the recall.

2420 (k) A board member who has been recalled may file an  
2421 action with a court of competent jurisdiction or a petition  
2422 under ss. 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and 718.1255 and the  
2423 rules adopted challenging the validity of the recall. The  
2424 petition or action must be filed within 60 days after the recall  
2425 is deemed certified. The association and the parcel owner  
2426 representative shall be named as respondents.

2427 Section 24. Subsection (1) of section 720.311, Florida  
2428 Statutes, is amended to read:

2429 720.311 Dispute resolution.—

2430 (1) The Legislature finds that alternative dispute  
2431 resolution has made progress in reducing court dockets and  
2432 trials and in offering a more efficient, cost-effective option

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2433 to litigation. The filing of any petition for arbitration or the  
2434 serving of a demand for presuit mediation as provided for in  
2435 this section shall toll the applicable statute of limitations.  
2436 Any recall dispute filed with the department under s.  
2437 720.303(10) shall be conducted by the department in accordance  
2438 with the provisions of ss. 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and  
2439 718.1255 and the rules adopted by the division. In addition, the  
2440 department shall conduct binding arbitration of election  
2441 disputes between a member and an association in accordance with  
2442 s. 718.1255 and rules adopted by the division. Election disputes  
2443 and recall disputes are not eligible for presuit mediation;  
2444 these disputes must be arbitrated by the department or filed in  
2445 a court of competent jurisdiction. At the conclusion of an  
2446 arbitration proceeding, the department shall charge the parties  
2447 a fee in an amount adequate to cover all costs and expenses  
2448 incurred by the department in conducting the proceeding.  
2449 Initially, the petitioner shall remit a filing fee of at least  
2450 \$200 to the department. The fees paid to the department shall  
2451 become a recoverable cost in the arbitration proceeding, and the  
2452 prevailing party in an arbitration proceeding shall recover its  
2453 reasonable costs and attorney fees in an amount found reasonable  
2454 by the arbitrator. The department shall adopt rules to  
2455 effectuate the purposes of this section.

2456 Section 25. Subsection (6) of section 721.15, Florida  
2457 Statutes, is amended to read:

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2458 721.15 Assessments for common expenses.—

2459 (6) Notwithstanding any contrary requirements of s.  
2460 718.112(2)(h) ~~s. 718.112(2)(g)~~ or s. 719.106(1)(g), for  
2461 timeshare plans subject to this chapter, assessments against  
2462 purchasers need not be made more frequently than annually.

2463 Section 26. For the 2022-2023 fiscal year, the sums of  
2464 \$333,380 in recurring funds and \$167,564 in nonrecurring funds  
2465 are appropriated from the Division of Florida Condominiums,  
2466 Timeshares, and Mobile Homes Trust Fund to the Department of  
2467 Business and Professional Regulation, and four full-time  
2468 equivalent positions with associated salary rate of 197,500 are  
2469 authorized, for the purpose of implementing the provisions  
2470 related to this act.

2471 Section 27. This act shall take effect July 1, 2022.

2472

2473 -----

2474 **T I T L E A M E N D M E N T**

2475 Remove everything before the enacting clause and insert:

2476 A bill to be entitled

2477 An act relating to condominium and cooperative  
2478 associations; amending s. 468.4334, F.S.; providing  
2479 certain duties for community association managers or  
2480 community association management firms under certain  
2481 circumstances; amending s. 468.436, F.S.; providing  
2482 grounds for disciplinary action; amending ss. 718.103

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2483 and 719.103, F.S.; providing definitions; amending ss.  
2484 718.104 and 719.1035, F.S.; requiring certain  
2485 associations to provide certain information to the  
2486 Division of Florida Condominiums, Timeshares, and  
2487 Mobile Homes within a specified time and by a  
2488 specified date; amending s. 718.111, F.S.; revising  
2489 documents that constitute official records; requiring  
2490 certain official records to be maintained for a  
2491 specified period of time; providing that a renter of a  
2492 unit has a right to copy and inspect certain written  
2493 reports; revising documents that must be included  
2494 online; conforming a cross-reference; amending ss.  
2495 718.112 and 719.106, F.S.; specifying the method for  
2496 determining reserve amounts; prohibiting members and  
2497 certain associations from waiving or reducing reserves  
2498 for certain items after a specified date; requiring  
2499 certain associations to receive approval before  
2500 waiving or reducing reserves for certain items;  
2501 prohibiting certain associations from using reserve  
2502 funds, or interest thereon, for certain purposes after  
2503 a specified date; requiring certain associations to  
2504 have a structural integrity reserve study completed at  
2505 specified intervals; providing requirements for the  
2506 structural integrity reserve study; specifying that  
2507 certain associations must have a structural integrity

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2508 reserve study completed for certain buildings by a  
2509 specified date; conforming provisions to changes made  
2510 by the act; amending s. 718.116, F.S.; conforming a  
2511 cross-reference; amending s. 718.117, F.S.; providing  
2512 that certain condominiums may be terminated by a  
2513 majority vote under certain circumstances; specifying  
2514 the method for determining a condominium's fair market  
2515 value; conforming a cross-reference; creating ss.  
2516 718.132 and 719.132, F.S.; providing definitions;  
2517 requiring the recertification of specified buildings;  
2518 requiring phase 2 inspections under certain  
2519 circumstances; providing requirements for such  
2520 recertifications and inspections; providing notice  
2521 requirements; providing requirements for certain  
2522 associations and local building officials; authorizing  
2523 local building officials to prescribe penalties, which  
2524 must be posted on the building department's website;  
2525 amending ss. 718.301 and 719.301, F.S.; requiring  
2526 developers to deliver certain information to certain  
2527 associations when transferring control; amending ss.  
2528 718.501 and 719.501, F.S.; revising matters that the  
2529 division has jurisdiction to investigate; requiring  
2530 certain associations to provide certain information  
2531 and updates to the division within a specified time  
2532 and by a specified date; requiring the division to

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2533 create a report with certain information and post it  
2534 on its website; amending ss. 718.503 and 719.503,  
2535 F.S.; requiring a developer or unit owner, as  
2536 applicable, to deliver certain documents to a buyer or  
2537 lessee of a unit; amending ss. 718.504 and 719.504,  
2538 F.S.; requiring certain information to be included in  
2539 a prospectus or an offering circular; amending s.  
2540 719.104, F.S.; revising documents that constitute  
2541 official records; amending ss. 720.303, 720.311, and  
2542 721.15, F.S.; conforming cross-references; providing  
2543 an appropriation; providing an effective date.  
2544