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LEGISLATIVE ACTION

Senate

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House

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete 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



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12 chapter. A community association manager and a community
13 association management firm shall discharge duties performed on
14 behalf of the association as authorized by this chapter loyally,
15 skillfully, and diligently; dealing honestly and fairly; in good
16 faith; with care and full disclosure to the community
17 association; accounting for all funds; and not charging
18 unreasonable or excessive fees.

19 (b) If a community association manager or a community
20 association management firm has a contract with a community
21 association that has a building on the association's property
22 that is subject to s. 553.899, the community association manager
23 or the community association management firm must comply with
24 that section as directed by the board.

25 Section 2. Section 553.899, Florida Statutes, is created to
26 read:

27 553.899 Mandatory structural inspections for condominium
28 and cooperative buildings.-

29 (1) The Legislature finds that maintaining the structural
30 integrity of a building throughout its service life is of
31 paramount importance in order to ensure that buildings are
32 structurally sound so as to not pose a threat to the public
33 health, safety, or welfare. As such, the Legislature finds that
34 the imposition of a statewide structural inspection program for
35 aging condominium and cooperative buildings in this state is
36 necessary to ensure that such buildings are safe for continued
37 use.

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

39 (a) "Milestone inspection" means a structural inspection of
40 a building, including an inspection of load-bearing walls and



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41 the primary structural members and primary structural systems as
42 those terms are defined in s. 627.706, by a licensed architect
43 or engineer authorized to practice in this state for the
44 purposes of attesting to the life safety and adequacy of the
45 structural components of the building and, to the extent
46 reasonably possible, determining the general structural
47 condition of the building as it affects the safety of such
48 building, including a determination of any necessary
49 maintenance, repair, or replacement of any structural component
50 of the building. The purpose of such inspection is not to
51 determine if the condition of an existing building is in
52 compliance with the Florida Building Code or the firesafety
53 code.

54 (b) "Substantial structural deterioration" means
55 substantial structural distress that negatively affects a
56 building's general structural condition and integrity. The term
57 does not include surface imperfections such as cracks,
58 distortion, sagging, deflections, misalignment, signs of
59 leakage, or peeling of finishes unless the licensed engineer or
60 architect performing the phase one or phase two inspection
61 determines that such surface imperfections are a sign of
62 substantial structural deterioration.

63 (3) A condominium association under chapter 718 and a
64 cooperative association under chapter 719 must have a milestone
65 inspection performed for each building that is three stories or
66 more in height by December 31 of the year in which the building
67 reaches 30 years of age, based on the date the certificate of
68 occupancy for the building was issued, and every 10 years
69 thereafter. If the building is located within 3 miles of a



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70 coastline as defined in s. 376.031, the condominium association
71 or cooperative association must have a milestone inspection
72 performed by December 31 of the year in which the building
73 reaches 25 years of age, based on the date the certificate of
74 occupancy for the building was issued, and every 10 years
75 thereafter. The condominium association or cooperative
76 association must arrange for the milestone inspection to be
77 performed and is responsible for ensuring compliance with the
78 requirements of this section. The condominium association or
79 cooperative association is responsible for all costs associated
80 with the inspection. This subsection does not apply to a two-
81 family or three-family dwelling with three or fewer habitable
82 stories above ground.

83 (4) If a milestone inspection is required under this
84 section and the building's certificate of occupancy was issued
85 on or before July 1, 1992, the building's initial milestone
86 inspection must be performed before December 31, 2024. If the
87 date of issuance for the certificate of occupancy is not
88 available, the date of issuance of the building's certificate of
89 occupancy shall be the date of occupancy evidenced in any record
90 of the local building official.

91 (5) Upon determining that a building must have a milestone
92 inspection, the local enforcement agency must provide written
93 notice of such required inspection to the condominium
94 association or cooperative association by certified mail, return
95 receipt requested.

96 (6) Within 180 days after receiving the written notice
97 under subsection (5), the condominium association or cooperative
98 association must complete phase one of the milestone inspection.



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99 For purposes of this section, completion of phase one of the
100 milestone inspection means the licensed engineer or architect
101 who performed the phase one inspection submitted the inspection
102 report by e-mail, United States Postal Service, or commercial
103 delivery service to the local enforcement agency.

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

105 (a) For phase one of the milestone inspection, a licensed
106 architect or engineer authorized to practice in this state shall
107 perform a visual examination of habitable and nonhabitable areas
108 of a building, including the major structural components of a
109 building, and provide a qualitative assessment of the structural
110 conditions of the building. If the architect or engineer finds
111 no signs of substantial structural deterioration to any building
112 components under visual examination, phase two of the
113 inspection, as provided in paragraph (b), is not required. An
114 architect or engineer who completes a phase one milestone
115 inspection shall prepare and submit an inspection report
116 pursuant to subsection (8).

117 (b) A phase two of the milestone inspection must be
118 performed if any substantial structural deterioration is
119 identified during phase one. A phase two inspection may involve
120 destructive or nondestructive testing at the inspector's
121 direction. The inspection may be as extensive or as limited as
122 necessary to fully assess areas of structural distress in order
123 to confirm that the building is structurally sound and safe for
124 its intended use and to recommend a program for fully assessing
125 and repairing distressed and damaged portions of the building.
126 When determining testing locations, the inspector must give
127 preference to locations that are the least disruptive and most



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128 easily repairable while still being representative of the
129 structure. An inspector who completes a phase two milestone
130 inspection shall prepare and submit an inspection report
131 pursuant to subsection (8).

132 (8) Upon completion of a phase one or phase two milestone
133 inspection, the architect or engineer who performed the
134 inspection must submit a sealed copy of the inspection report
135 with a separate summary of, at minimum, the material findings
136 and recommendations in the inspection report to the condominium
137 association or cooperative association, and to the building
138 official of the local government which has jurisdiction. The
139 inspection report must, at a minimum, meet all of the following
140 criteria:

141 (a) Bear the seal and signature, or the electronic
142 signature, of the licensed engineer or architect who performed
143 the inspection.

144 (b) Indicate the manner and type of inspection forming the
145 basis for the inspection report.

146 (c) Identify any substantial structural deterioration,
147 within a reasonable professional probability based on the scope
148 of the inspection, describe the extent of such deterioration,
149 and identify any recommended repairs for such deterioration.

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

152 (e) Recommend any remedial or preventive repair for any
153 items that are damaged but are not substantial structural
154 deterioration.

155 (f) Identify and describe any items requiring further
156 inspection.



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157 (9) The association must distribute a copy of the
158 inspector-prepared summary of the inspection report to each
159 condominium unit owner or cooperative unit owner, regardless of
160 the findings or recommendations in the report, by United States
161 mail or personal delivery and by electronic transmission to unit
162 owners who previously consented to received notice by electronic
163 transmission; must post a copy of the inspector-prepared summary
164 in a conspicuous place on the condominium or cooperative
165 property; and must publish the full report and inspector-
166 prepared summary on the association's website, if the
167 association is required to have a website.

168 (10) A local enforcement agency may prescribe timelines and
169 penalties with respect to compliance with this section.

170 (11) A board of county commissioners may adopt an ordinance
171 requiring that a condominium or cooperative association schedule
172 or commence repairs for substantial structural deterioration
173 within a specified timeframe after the local enforcement agency
174 receives a phase two inspection report; however, such repairs
175 must be commenced within 365 days after receiving such report.
176 If an association fails to submit proof to the local enforcement
177 agency that repairs have been scheduled or have commenced for
178 substantial structural deterioration identified in a phase two
179 inspection report within the required timeframe, the local
180 enforcement agency must review and determine if the building is
181 unsafe for human occupancy.

182 (12) The Florida Building Commission shall review the
183 milestone inspection requirements under this section and make
184 recommendations, if any, to the Legislature to ensure
185 inspections are sufficient to determine the structural integrity



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186 of a building. The commission must provide a written report of
187 any recommendations to the Governor, the President of the
188 Senate, and the Speaker of the House of Representatives by
189 December 31, 2022.

190 (13) The Florida Building Commission shall consult with the
191 State Fire Marshal to provide recommendations to the Legislature
192 for the adoption of comprehensive structural and life safety
193 standards for maintaining and inspecting all types of buildings
194 and structures in this state that are three stories or more in
195 height. The commission shall provide a written report of its
196 recommendations to the Governor, the President of the Senate,
197 and the Speaker of the House of Representatives by December 31,
198 2023.

199 Section 3. Paragraphs (a), (c), and (g) of subsection (12)
200 of section 718.111, Florida Statutes, are amended to read:

201 718.111 The association.—

202 (12) OFFICIAL RECORDS.—

203 (a) From the inception of the association, the association
204 shall maintain each of the following items, if applicable, which
205 constitutes the official records of the association:

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

208 2. A photocopy of the recorded declaration of condominium
209 of each condominium operated by the association and each
210 amendment to each declaration.

211 3. A photocopy of the recorded bylaws of the association
212 and each amendment to the bylaws.

213 4. A certified copy of the articles of incorporation of the
214 association, or other documents creating the association, and



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215 each amendment thereto.

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

217 6. A book or books that contain the minutes of all meetings
218 of the association, the board of administration, and the unit
219 owners.

220 7. A current roster of all unit owners and their mailing
221 addresses, unit identifications, voting certifications, and, if
222 known, telephone numbers. The association shall also maintain
223 the e-mail addresses and facsimile numbers of unit owners
224 consenting to receive notice by electronic transmission. The e-
225 mail addresses and facsimile numbers are not accessible to unit
226 owners if consent to receive notice by electronic transmission
227 is not provided in accordance with sub-subparagraph (c)3.e.
228 However, the association is not liable for an inadvertent
229 disclosure of the e-mail address or facsimile number for
230 receiving electronic transmission of notices.

231 8. All current insurance policies of the association and
232 condominiums operated by the association.

233 9. A current copy of any management agreement, lease, or
234 other contract to which the association is a party or under
235 which the association or the unit owners have an obligation or
236 responsibility.

237 10. Bills of sale or transfer for all property owned by the
238 association.

239 11. Accounting records for the association and separate
240 accounting records for each condominium that the association
241 operates. Any person who knowingly or intentionally defaces or
242 destroys such records, or who knowingly or intentionally fails
243 to create or maintain such records, with the intent of causing



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244 harm to the association or one or more of its members, is
245 personally subject to a civil penalty pursuant to s.
246 718.501(1)(d). The accounting records must include, but are not
247 limited to:
248 a. Accurate, itemized, and detailed records of all receipts
249 and expenditures.
250 b. A current account and a monthly, bimonthly, or quarterly
251 statement of the account for each unit designating the name of
252 the unit owner, the due date and amount of each assessment, the
253 amount paid on the account, and the balance due.
254 c. All audits, reviews, accounting statements, and
255 financial reports of the association or condominium.
256 d. All contracts for work to be performed. Bids for work to
257 be performed are also considered official records and must be
258 maintained by the association for at least 1 year after receipt
259 of the bid.
260 12. Ballots, sign-in sheets, voting proxies, and all other
261 papers and electronic records relating to voting by unit owners,
262 which must be maintained for 1 year from the date of the
263 election, vote, or meeting to which the document relates,
264 notwithstanding paragraph (b).
265 13. All rental records if the association is acting as
266 agent for the rental of condominium units.
267 14. A copy of the current question and answer sheet as
268 described in s. 718.504.
269 15. A copy of the inspection reports ~~report~~ as described in
270 ss. 553.899 and 718.301(4)(p) and any other inspection report
271 relating to a structural or life safety inspection of
272 condominium property. Such record must be maintained by the



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273 association for 15 years after receipt of the report s.
274 ~~718.301(4)(p).~~
275 16. Bids for materials, equipment, or services.
276 17. All affirmative acknowledgments made pursuant to s.
277 718.121(4)(c).
278 18. All other written records of the association not
279 specifically included in the foregoing which are related to the
280 operation of the association.
281 (c)1. The official records of the association are open to
282 inspection by any association member or the authorized
283 representative of such member at all reasonable times. The right
284 to inspect the records includes the right to make or obtain
285 copies, at the reasonable expense, if any, of the member or
286 authorized representative of such member. A renter of a unit has
287 a right to inspect and copy only the declaration of condominium,
288 ~~and~~ the association's bylaws and rules, and the inspection
289 reports described in ss. 553.899 and 718.301(4)(p). The
290 association may adopt reasonable rules regarding the frequency,
291 time, location, notice, and manner of record inspections and
292 copying but may not require a member to demonstrate any purpose
293 or state any reason for the inspection. The failure of an
294 association to provide the records within 10 working days after
295 receipt of a written request creates a rebuttable presumption
296 that the association willfully failed to comply with this
297 paragraph. A unit owner who is denied access to official records
298 is entitled to the actual damages or minimum damages for the
299 association's willful failure to comply. Minimum damages are \$50
300 per calendar day for up to 10 days, beginning on the 11th
301 working day after receipt of the written request. The failure to



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302 permit inspection entitles any person prevailing in an
303 enforcement action to recover reasonable attorney fees from the
304 person in control of the records who, directly or indirectly,
305 knowingly denied access to the records.

306 2. Any person who knowingly or intentionally defaces or
307 destroys accounting records that are required by this chapter to
308 be maintained during the period for which such records are
309 required to be maintained, or who knowingly or intentionally
310 fails to create or maintain accounting records that are required
311 to be created or maintained, with the intent of causing harm to
312 the association or one or more of its members, is personally
313 subject to a civil penalty pursuant to s. 718.501(1) (d).

314 3. The association shall maintain an adequate number of
315 copies of the declaration, articles of incorporation, bylaws,
316 and rules, and all amendments to each of the foregoing, as well
317 as the question and answer sheet as described in s. 718.504 and
318 year-end financial information required under this section, on
319 the condominium property to ensure their availability to unit
320 owners and prospective purchasers, and may charge its actual
321 costs for preparing and furnishing these documents to those
322 requesting the documents. An association shall allow a member or
323 his or her authorized representative to use a portable device,
324 including a smartphone, tablet, portable scanner, or any other
325 technology capable of scanning or taking photographs, to make an
326 electronic copy of the official records in lieu of the
327 association's providing the member or his or her authorized
328 representative with a copy of such records. The association may
329 not charge a member or his or her authorized representative for
330 the use of a portable device. Notwithstanding this paragraph,



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331 the following records are not accessible to unit owners:

332 a. Any record protected by the lawyer-client privilege as
333 described in s. 90.502 and any record protected by the work-
334 product privilege, including a record prepared by an association
335 attorney or prepared at the attorney's express direction, which
336 reflects a mental impression, conclusion, litigation strategy,
337 or legal theory of the attorney or the association, and which
338 was prepared exclusively for civil or criminal litigation or for
339 adversarial administrative proceedings, or which was prepared in
340 anticipation of such litigation or proceedings until the
341 conclusion of the litigation or proceedings.

342 b. Information obtained by an association in connection
343 with the approval of the lease, sale, or other transfer of a
344 unit.

345 c. Personnel records of association or management company
346 employees, including, but not limited to, disciplinary, payroll,
347 health, and insurance records. For purposes of this sub-
348 subparagraph, the term "personnel records" does not include
349 written employment agreements with an association employee or
350 management company, or budgetary or financial records that
351 indicate the compensation paid to an association employee.

352 d. Medical records of unit owners.

353 e. Social security numbers, driver license numbers, credit
354 card numbers, e-mail addresses, telephone numbers, facsimile
355 numbers, emergency contact information, addresses of a unit
356 owner other than as provided to fulfill the association's notice
357 requirements, and other personal identifying information of any
358 person, excluding the person's name, unit designation, mailing
359 address, property address, and any address, e-mail address, or



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360 facsimile number provided to the association to fulfill the
361 association's notice requirements. Notwithstanding the
362 restrictions in this sub-subparagraph, an association may print
363 and distribute to unit owners a directory containing the name,
364 unit address, and all telephone numbers of each unit owner.
365 However, an owner may exclude his or her telephone numbers from
366 the directory by so requesting in writing to the association. An
367 owner may consent in writing to the disclosure of other contact
368 information described in this sub-subparagraph. The association
369 is not liable for the inadvertent disclosure of information that
370 is protected under this sub-subparagraph if the information is
371 included in an official record of the association and is
372 voluntarily provided by an owner and not requested by the
373 association.

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

376 g. The software and operating system used by the
377 association which allow the manipulation of data, even if the
378 owner owns a copy of the same software used by the association.
379 The data is part of the official records of the association.

380 h. All affirmative acknowledgments made pursuant to s.
381 718.121(4)(c).

382 (g)1. By January 1, 2019, an association managing a
383 condominium with 150 or more units which does not contain
384 timeshare units shall post digital copies of the documents
385 specified in subparagraph 2. on its website or make such
386 documents available through an application that can be
387 downloaded on a mobile device.

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



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

391 (II) A website, application, or web portal operated by a
392 third-party provider with whom the association owns, leases,
393 rents, or otherwise obtains the right to operate a web page,
394 subpage, web portal, collection of subpages or web portals, or
395 an application which is dedicated to the association's
396 activities and on which required notices, records, and documents
397 may be posted or made available by the association.

398 b. The association's website or application must be
399 accessible through the Internet and must contain a subpage, web
400 portal, or other protected electronic location that is
401 inaccessible to the general public and accessible only to unit
402 owners and employees of the association.

403 c. Upon a unit owner's written request, the association
404 must provide the unit owner with a username and password and
405 access to the protected sections of the association's website or
406 application which contain any notices, records, or documents
407 that must be electronically provided.

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

410 a. The recorded declaration of condominium of each
411 condominium operated by the association and each amendment to
412 each declaration.

413 b. The recorded bylaws of the association and each
414 amendment to the bylaws.

415 c. The articles of incorporation of the association, or
416 other documents creating the association, and each amendment to
417 the articles of incorporation or other documents. The copy



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418 posted pursuant to this sub-subparagraph must be a copy of the
419 articles of incorporation filed with the Department of State.

420 d. The rules of the association.

421 e. A list of all executory contracts or documents to which
422 the association is a party or under which the association or the
423 unit owners have an obligation or responsibility and, after
424 bidding for the related materials, equipment, or services has
425 closed, a list of bids received by the association within the
426 past year. Summaries of bids for materials, equipment, or
427 services which exceed \$500 must be maintained on the website or
428 application for 1 year. In lieu of summaries, complete copies of
429 the bids may be posted.

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

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

435 h. The certification of each director required by s.
436 718.112(2)(d)4.b.

437 i. All contracts or transactions between the association
438 and any director, officer, corporation, firm, or association
439 that is not an affiliated condominium association or any other
440 entity in which an association director is also a director or
441 officer and financially interested.

442 j. Any contract or document regarding a conflict of
443 interest or possible conflict of interest as provided in ss.
444 468.436(2)(b)6. and 718.3027(3).

445 k. The notice of any unit owner meeting and the agenda for
446 the meeting, as required by s. 718.112(2)(d)3., no later than 14



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447 days before the meeting. The notice must be posted in plain view
448 on the front page of the website or application, or on a
449 separate subpage of the website or application labeled "Notices"
450 which is conspicuously visible and linked from the front page.
451 The association must also post on its website or application any
452 document to be considered and voted on by the owners during the
453 meeting or any document listed on the agenda at least 7 days
454 before the meeting at which the document or the information
455 within the document will be considered.

456 1. Notice of any board meeting, the agenda, and any other
457 document required for the meeting as required by s.
458 718.112(2)(c), which must be posted no later than the date
459 required for notice under s. 718.112(2)(c).

460 m. The inspection reports described in ss. 553.899 and
461 718.301(4)(p) and any other inspection report relating to a
462 structural or life safety inspection of condominium property.

463 3. The association shall ensure that the information and
464 records described in paragraph (c), which are not allowed to be
465 accessible to unit owners, are not posted on the association's
466 website or application. If protected information or information
467 restricted from being accessible to unit owners is included in
468 documents that are required to be posted on the association's
469 website or application, the association shall ensure the
470 information is redacted before posting the documents.

471 Notwithstanding the foregoing, the association or its agent is
472 not liable for disclosing information that is protected or
473 restricted under this paragraph unless such disclosure was made
474 with a knowing or intentional disregard of the protected or
475 restricted nature of such information.



476 4. The failure of the association to post information
477 required under subparagraph 2. is not in and of itself
478 sufficient to invalidate any action or decision of the
479 association's board or its committees.

480 Section 4. Paragraph (p) is added to subsection (2) of
481 section 718.112, Florida Statutes, to read:

482 718.112 Bylaws.—

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

486 (p) Mandatory milestone inspections.—If an association is
487 required to have a milestone inspection performed pursuant to s.
488 553.899, the association must arrange for the milestone
489 inspection to be performed and is responsible for ensuring
490 compliance with the requirements of s. 553.899. The association
491 is responsible for all costs associated with the inspection. If
492 the officers or directors of an association willfully and
493 knowingly fail to have a milestone inspection performed pursuant
494 to s. 553.899, such failure is a breach of the officers' and
495 directors' fiduciary relationship to the unit owners under s.
496 718.111(1)(a). Upon completion of a phase one or phase two
497 milestone inspection and receipt of the inspector-prepared
498 summary of the inspection report from the architect or engineer
499 who performed the inspection, the association must distribute a
500 copy of the inspector-prepared summary of the inspection report
501 to each unit owner, regardless of the findings or
502 recommendations in the report, by United States mail or personal
503 delivery and by electronic transmission to unit owners who
504 previously consented to receive notice by electronic



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505 transmission; must post a copy of the inspector-prepared summary
506 in a conspicuous place on the condominium property; and must
507 publish the full report and inspector-prepared summary on the
508 association's website, if the association is required to have a
509 website.

510 Section 5. Paragraph (p) of subsection (4) of section
511 718.301, Florida Statutes, is amended to read:

512 718.301 Transfer of association control; claims of defect
513 by association.—

514 (4) At the time that unit owners other than the developer
515 elect a majority of the members of the board of administration
516 of an association, the developer shall relinquish control of the
517 association, and the unit owners shall accept control.

518 Simultaneously, or for the purposes of paragraph (c) not more
519 than 90 days thereafter, the developer shall deliver to the
520 association, at the developer's expense, all property of the
521 unit owners and of the association which is held or controlled
522 by the developer, including, but not limited to, the following
523 items, if applicable, as to each condominium operated by the
524 association:

525 (p) Notwithstanding when the certificate of occupancy was
526 issued or the height of the building, a milestone inspection
527 report in compliance with s. 553.899 included in the official
528 records, under seal of an architect or engineer authorized to
529 practice in this state, and attesting to required maintenance,
530 condition, useful life, and replacement costs of the following
531 applicable condominium property ~~common elements~~ comprising a
532 turnover inspection report:

533 1. Roof.



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534 2. Structure, including load-bearing walls and primary
535 structural members and primary structural systems as those terms
536 are defined in s. 627.706.

537 3. Fireproofing and fire protection systems.

538 4. Elevators.

539 5. Heating and cooling systems.

540 6. Plumbing.

541 7. Electrical systems.

542 8. Swimming pool or spa and equipment.

543 9. Seawalls.

544 10. Pavement and parking areas.

545 11. Drainage systems.

546 12. Painting.

547 13. Irrigation systems.

548 14. Waterproofing.

549 Section 6. Subsection (1) of section 718.501, Florida
550 Statutes, is amended, and subsection (3) is added to that
551 section, to read:

552 718.501 Authority, responsibility, and duties of Division
553 of Florida Condominiums, Timeshares, and Mobile Homes.—

554 (1) The division may enforce and ensure compliance with
555 this chapter and rules relating to the development,
556 construction, sale, lease, ownership, operation, and management
557 of residential condominium units and complaints related to the
558 procedural completion of milestone inspections under s. 553.899.

559 In performing its duties, the division has complete jurisdiction
560 to investigate complaints and enforce compliance with respect to
561 associations that are still under developer control or the
562 control of a bulk assignee or bulk buyer pursuant to part VII of



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563 this chapter and complaints against developers, bulk assignees,
564 or bulk buyers involving improper turnover or failure to
565 turnover, pursuant to s. 718.301. However, after turnover has
566 occurred, the division has jurisdiction to investigate
567 complaints related only to financial issues, elections, and the
568 maintenance of and unit owner access to association records
569 under s. 718.111(12).

570 (a)1. The division may make necessary public or private
571 investigations within or outside this state to determine whether
572 any person has violated this chapter or any rule or order
573 hereunder, to aid in the enforcement of this chapter, or to aid
574 in the adoption of rules or forms.

575 2. The division may submit any official written report,
576 worksheet, or other related paper, or a duly certified copy
577 thereof, compiled, prepared, drafted, or otherwise made by and
578 duly authenticated by a financial examiner or analyst to be
579 admitted as competent evidence in any hearing in which the
580 financial examiner or analyst is available for cross-examination
581 and attests under oath that such documents were prepared as a
582 result of an examination or inspection conducted pursuant to
583 this chapter.

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

588 (c) For the purpose of any investigation under this
589 chapter, the division director or any officer or employee
590 designated by the division director may administer oaths or
591 affirmations, subpoena witnesses and compel their attendance,



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592 take evidence, and require the production of any matter which is
593 relevant to the investigation, including the existence,
594 description, nature, custody, condition, and location of any
595 books, documents, or other tangible things and the identity and
596 location of persons having knowledge of relevant facts or any
597 other matter reasonably calculated to lead to the discovery of
598 material evidence. Upon the failure by a person to obey a
599 subpoena or to answer questions propounded by the investigating
600 officer and upon reasonable notice to all affected persons, the
601 division may apply to the circuit court for an order compelling
602 compliance.

603 (d) Notwithstanding any remedies available to unit owners
604 and associations, if the division has reasonable cause to
605 believe that a violation of any provision of this chapter or
606 related rule has occurred, the division may institute
607 enforcement proceedings in its own name against any developer,
608 bulk assignee, bulk buyer, association, officer, or member of
609 the board of administration, or its assignees or agents, as
610 follows:

611 1. The division may permit a person whose conduct or
612 actions may be under investigation to waive formal proceedings
613 and enter into a consent proceeding whereby orders, rules, or
614 letters of censure or warning, whether formal or informal, may
615 be entered against the person.

616 2. The division may issue an order requiring the developer,
617 bulk assignee, bulk buyer, association, developer-designated
618 officer, or developer-designated member of the board of
619 administration, developer-designated assignees or agents, bulk
620 assignee-designated assignees or agents, bulk buyer-designated



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621 assignees or agents, community association manager, or community
622 association management firm to cease and desist from the
623 unlawful practice and take such affirmative action as in the
624 judgment of the division carry out the purposes of this chapter.
625 If the division finds that a developer, bulk assignee, bulk
626 buyer, association, officer, or member of the board of
627 administration, or its assignees or agents, is violating or is
628 about to violate any provision of this chapter, any rule adopted
629 or order issued by the division, or any written agreement
630 entered into with the division, and presents an immediate danger
631 to the public requiring an immediate final order, it may issue
632 an emergency cease and desist order reciting with particularity
633 the facts underlying such findings. The emergency cease and
634 desist order is effective for 90 days. If the division begins
635 nonemergency cease and desist proceedings, the emergency cease
636 and desist order remains effective until the conclusion of the
637 proceedings under ss. 120.569 and 120.57.

638 3. If a developer, bulk assignee, or bulk buyer fails to
639 pay any restitution determined by the division to be owed, plus
640 any accrued interest at the highest rate permitted by law,
641 within 30 days after expiration of any appellate time period of
642 a final order requiring payment of restitution or the conclusion
643 of any appeal thereof, whichever is later, the division must
644 bring an action in circuit or county court on behalf of any
645 association, class of unit owners, lessees, or purchasers for
646 restitution, declaratory relief, injunctive relief, or any other
647 available remedy. The division may also temporarily revoke its
648 acceptance of the filing for the developer to which the
649 restitution relates until payment of restitution is made.



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650 4. The division may petition the court for appointment of a
651 receiver or conservator. If appointed, the receiver or
652 conservator may take action to implement the court order to
653 ensure the performance of the order and to remedy any breach
654 thereof. In addition to all other means provided by law for the
655 enforcement of an injunction or temporary restraining order, the
656 circuit court may impound or sequester the property of a party
657 defendant, including books, papers, documents, and related
658 records, and allow the examination and use of the property by
659 the division and a court-appointed receiver or conservator.

660 5. The division may apply to the circuit court for an order
661 of restitution whereby the defendant in an action brought under
662 subparagraph 4. is ordered to make restitution of those sums
663 shown by the division to have been obtained by the defendant in
664 violation of this chapter. At the option of the court, such
665 restitution is payable to the conservator or receiver appointed
666 under subparagraph 4. or directly to the persons whose funds or
667 assets were obtained in violation of this chapter.

668 6. The division may impose a civil penalty against a
669 developer, bulk assignee, or bulk buyer, or association, or its
670 assignee or agent, for any violation of this chapter or related
671 rule. The division may impose a civil penalty individually
672 against an officer or board member who willfully and knowingly
673 violates this chapter, an adopted rule, or a final order of the
674 division; may order the removal of such individual as an officer
675 or from the board of administration or as an officer of the
676 association; and may prohibit such individual from serving as an
677 officer or on the board of a community association for a period
678 of time. The term "willfully and knowingly" means that the



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679 division informed the officer or board member that his or her
680 action or intended action violates this chapter, a rule adopted
681 under this chapter, or a final order of the division and that
682 the officer or board member refused to comply with the
683 requirements of this chapter, a rule adopted under this chapter,
684 or a final order of the division. The division, before
685 initiating formal agency action under chapter 120, must afford
686 the officer or board member an opportunity to voluntarily
687 comply, and an officer or board member who complies within 10
688 days is not subject to a civil penalty. A penalty may be imposed
689 on the basis of each day of continuing violation, but the
690 penalty for any offense may not exceed \$5,000. The division
691 shall adopt, by rule, penalty guidelines applicable to possible
692 violations or to categories of violations of this chapter or
693 rules adopted by the division. The guidelines must specify a
694 meaningful range of civil penalties for each such violation of
695 the statute and rules and must be based upon the harm caused by
696 the violation, the repetition of the violation, and upon such
697 other factors deemed relevant by the division. For example, the
698 division may consider whether the violations were committed by a
699 developer, bulk assignee, or bulk buyer, or owner-controlled
700 association, the size of the association, and other factors. The
701 guidelines must designate the possible mitigating or aggravating
702 circumstances that justify a departure from the range of
703 penalties provided by the rules. It is the legislative intent
704 that minor violations be distinguished from those which endanger
705 the health, safety, or welfare of the condominium residents or
706 other persons and that such guidelines provide reasonable and
707 meaningful notice to the public of likely penalties that may be



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708 imposed for proscribed conduct. This subsection does not limit
709 the ability of the division to informally dispose of
710 administrative actions or complaints by stipulation, agreed
711 settlement, or consent order. All amounts collected shall be
712 deposited with the Chief Financial Officer to the credit of the
713 Division of Florida Condominiums, Timeshares, and Mobile Homes
714 Trust Fund. If a developer, bulk assignee, or bulk buyer fails
715 to pay the civil penalty and the amount deemed to be owed to the
716 association, the division shall issue an order directing that
717 such developer, bulk assignee, or bulk buyer cease and desist
718 from further operation until such time as the civil penalty is
719 paid or may pursue enforcement of the penalty in a court of
720 competent jurisdiction. If an association fails to pay the civil
721 penalty, the division shall pursue enforcement in a court of
722 competent jurisdiction, and the order imposing the civil penalty
723 or the cease and desist order is not effective until 20 days
724 after the date of such order. Any action commenced by the
725 division shall be brought in the county in which the division
726 has its executive offices or in the county where the violation
727 occurred.

728 7. If a unit owner presents the division with proof that
729 the unit owner has requested access to official records in
730 writing by certified mail, and that after 10 days the unit owner
731 again made the same request for access to official records in
732 writing by certified mail, and that more than 10 days has
733 elapsed since the second request and the association has still
734 failed or refused to provide access to official records as
735 required by this chapter, the division shall issue a subpoena
736 requiring production of the requested records where the records



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737 are kept pursuant to s. 718.112.

738 8. In addition to subparagraph 6., the division may seek
739 the imposition of a civil penalty through the circuit court for
740 any violation for which the division may issue a notice to show
741 cause under paragraph (r). The civil penalty shall be at least
742 \$500 but no more than \$5,000 for each violation. The court may
743 also award to the prevailing party court costs and reasonable
744 attorney fees and, if the division prevails, may also award
745 reasonable costs of investigation.

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

750 (f) The division may adopt rules to administer and enforce
751 this chapter.

752 (g) The division shall establish procedures for providing
753 notice to an association and the developer, bulk assignee, or
754 bulk buyer during the period in which the developer, bulk
755 assignee, or bulk buyer controls the association if the division
756 is considering the issuance of a declaratory statement with
757 respect to the declaration of condominium or any related
758 document governing such condominium community.

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

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



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766 (j) The division shall provide training and educational
767 programs for condominium association board members and unit
768 owners. The training may, in the division's discretion, include
769 web-based electronic media, and live training and seminars in
770 various locations throughout the state. The division may review
771 and approve education and training programs for board members
772 and unit owners offered by providers and shall maintain a
773 current list of approved programs and providers and make such
774 list available to board members and unit owners in a reasonable
775 and cost-effective manner.

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

778 (l) The division shall develop a program to certify both
779 volunteer and paid mediators to provide mediation of condominium
780 disputes. The division shall provide, upon request, a list of
781 such mediators to any association, unit owner, or other
782 participant in alternative dispute resolution proceedings under
783 s. 718.1255 requesting a copy of the list. The division shall
784 include on the list of volunteer mediators only the names of
785 persons who have received at least 20 hours of training in
786 mediation techniques or who have mediated at least 20 disputes.
787 In order to become initially certified by the division, paid
788 mediators must be certified by the Supreme Court to mediate
789 court cases in county or circuit courts. However, the division
790 may adopt, by rule, additional factors for the certification of
791 paid mediators, which must be related to experience, education,
792 or background. Any person initially certified as a paid mediator
793 by the division must, in order to continue to be certified,
794 comply with the factors or requirements adopted by rule.



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795 (m) If a complaint is made, the division must conduct its
796 inquiry with due regard for the interests of the affected
797 parties. Within 30 days after receipt of a complaint, the
798 division shall acknowledge the complaint in writing and notify
799 the complainant whether the complaint is within the jurisdiction
800 of the division and whether additional information is needed by
801 the division from the complainant. The division shall conduct
802 its investigation and, within 90 days after receipt of the
803 original complaint or of timely requested additional
804 information, take action upon the complaint. However, the
805 failure to complete the investigation within 90 days does not
806 prevent the division from continuing the investigation,
807 accepting or considering evidence obtained or received after 90
808 days, or taking administrative action if reasonable cause exists
809 to believe that a violation of this chapter or a rule has
810 occurred. If an investigation is not completed within the time
811 limits established in this paragraph, the division shall, on a
812 monthly basis, notify the complainant in writing of the status
813 of the investigation. When reporting its action to the
814 complainant, the division shall inform the complainant of any
815 right to a hearing under ss. 120.569 and 120.57. The division
816 may adopt rules regarding the submission of a complaint against
817 an association.

818 (n) Condominium association directors, officers, and
819 employees; condominium developers; bulk assignees, bulk buyers,
820 and community association managers; and community association
821 management firms have an ongoing duty to reasonably cooperate
822 with the division in any investigation under this section. The
823 division shall refer to local law enforcement authorities any



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824 person whom the division believes has altered, destroyed,
825 concealed, or removed any record, document, or thing required to
826 be kept or maintained by this chapter with the purpose to impair
827 its verity or availability in the department's investigation.

828 (o) The division may:

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

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

832 (p) The division shall cooperate with similar agencies in
833 other jurisdictions to establish uniform filing procedures and
834 forms, public offering statements, advertising standards, and
835 rules and common administrative practices.

836 (q) The division shall consider notice to a developer, bulk
837 assignee, or bulk buyer to be complete when it is delivered to
838 the address of the developer, bulk assignee, or bulk buyer
839 currently on file with the division.

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

843 (s) The division shall submit to the Governor, the
844 President of the Senate, the Speaker of the House of
845 Representatives, and the chairs of the legislative
846 appropriations committees an annual report that includes, but
847 need not be limited to, the number of training programs provided
848 for condominium association board members and unit owners, the
849 number of complaints received by type, the number and percent of
850 complaints acknowledged in writing within 30 days and the number
851 and percent of investigations acted upon within 90 days in
852 accordance with paragraph (m), and the number of investigations



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853 exceeding the 90-day requirement. The annual report must also
854 include an evaluation of the division's core business processes
855 and make recommendations for improvements, including statutory
856 changes. The report shall be submitted by September 30 following
857 the end of the fiscal year.

858 (3) (a) On or before January 1, 2023, condominium
859 associations existing on or before July 1, 2022, must provide
860 the following information to the division in writing, by e-mail,
861 United States Postal Service, commercial delivery service, or
862 hand delivery, at a physical address or e-mail address provided
863 by the division and on a form posted on the division's website:

864 1. The number of buildings on the condominium property that
865 are three stories or higher in height.

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

867 3. The addresses of all such buildings.

868 4. The counties in which all such buildings are located.

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

874 1. The name of each association with buildings on the
875 condominium property that are three stories or higher in height.

876 2. The number of such buildings on each association's
877 property.

878 3. The addresses of all such buildings.

879 4. The counties in which all such buildings are located.

880 (c) An association must provide an update in writing to the
881 division if there are any changes to the information in the list



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882 under paragraph (b) within 6 months after the change.

883 Section 7. Present paragraphs (b) and (c) of subsection (2)
884 of section 718.503, Florida Statutes, are redesignated as
885 paragraphs (c) and (d), respectively, a new paragraph (b) is
886 added to that subsection, and paragraph (b) of subsection (1)
887 and paragraph (a) of subsection (2) of that section are amended,
888 to read:

889 718.503 Developer disclosure prior to sale; nondeveloper
890 unit owner disclosure prior to sale; voidability.—

891 (1) DEVELOPER DISCLOSURE.—

892 (b) *Copies of documents to be furnished to prospective*
893 *buyer or lessee.*—Until such time as the developer has furnished
894 the documents listed below to a person who has entered into a
895 contract to purchase a residential unit or lease it for more
896 than 5 years, the contract may be voided by that person,
897 entitling the person to a refund of any deposit together with
898 interest thereon as provided in s. 718.202. The contract may be
899 terminated by written notice from the proposed buyer or lessee
900 delivered to the developer within 15 days after the buyer or
901 lessee receives all of the documents required by this section.
902 The developer may not close for 15 days after ~~following~~ the
903 execution of the agreement and delivery of the documents to the
904 buyer as evidenced by a signed receipt for documents unless the
905 buyer is informed in the 15-day voidability period and agrees to
906 close before ~~prior to~~ the expiration of the 15 days. The
907 developer shall retain in his or her records a separate
908 agreement signed by the buyer as proof of the buyer's agreement
909 to close before ~~prior to~~ the expiration of the ~~said~~ voidability
910 period. The developer must retain such ~~said~~ proof ~~shall be~~



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911 ~~retained~~ for a period of 5 years after the date of the closing
912 of the transaction. The documents to be delivered to the
913 prospective buyer are the prospectus or disclosure statement
914 with all exhibits, if the development is subject to ~~the~~
915 ~~provisions of~~ s. 718.504, or, if not, then copies of the
916 following which are applicable:

917 1. The question and answer sheet described in s. 718.504,
918 and declaration of condominium, or the proposed declaration if
919 the declaration has not been recorded, which shall include the
920 certificate of a surveyor approximately representing the
921 locations required by s. 718.104.

922 2. The documents creating the association.

923 3. The bylaws.

924 4. The ground lease or other underlying lease of the
925 condominium.

926 5. The management contract, maintenance contract, and other
927 contracts for management of the association and operation of the
928 condominium and facilities used by the unit owners having a
929 service term in excess of 1 year, and any management contracts
930 that are renewable.

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

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

938 8. The lease of recreational and other common facilities
939 that will be used by unit owners in common with unit owners of



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940 other condominiums.

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

942 10. Any declaration of servitude of properties serving the
943 condominium but not owned by unit owners or leased to them or
944 the association.

945 11. If the development is to be built in phases or if the
946 association is to manage more than one condominium, a
947 description of the plan of phase development or the arrangements
948 for the association to manage two or more condominiums.

949 12. If the condominium is a conversion of existing
950 improvements, the statements and disclosure required by s.
951 718.616.

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

953 14. A copy of the floor plan of the unit and the plot plan
954 showing the location of the residential buildings and the
955 recreation and other common areas.

956 15. A copy of all covenants and restrictions that ~~which~~
957 will affect the use of the property and ~~which~~ are not contained
958 in the foregoing.

959 16. If the developer is required by state or local
960 authorities to obtain acceptance or approval of any dock or
961 marina facilities intended to serve the condominium, a copy of
962 any such acceptance or approval acquired by the time of filing
963 with the division under s. 718.502(1), or a statement that such
964 acceptance or approval has not been acquired or received.

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

968 18. A copy of the inspector-prepared summary of the



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969 milestone inspection report as described in ss. 553.899 and
970 718.301(4)(p).

971 (2) NONDEVELOPER DISCLOSURE.—

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

978 1. The declaration of condominium.┘

979 2. Articles of incorporation of the association.┘

980 3. Bylaws and rules of the association.┘

981 4. Financial information required by s. 718.111.┘

982 5. A copy of the inspector-prepared summary of the
983 milestone inspection report as described in ss. 553.899 and
984 718.301(4)(p), if applicable.

985 7. and The document entitled "Frequently Asked Questions
986 and Answers" required by s. 718.504.

987 (b) ~~On and after January 1, 2009,~~ The prospective purchaser
988 is ~~shall~~ also ~~be~~ entitled to receive from the seller a copy of a
989 governance form. Such form shall be provided by the division
990 summarizing governance of condominium associations. In addition
991 to such other information as the division considers helpful to a
992 prospective purchaser in understanding association governance,
993 the governance form shall address the following subjects:

994 1. The role of the board in conducting the day-to-day
995 affairs of the association on behalf of, and in the best
996 interests of, the owners.

997 2. The board's responsibility to provide advance notice of



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998 board and membership meetings.

999 3. The rights of owners to attend and speak at board and
1000 membership meetings.

1001 4. The responsibility of the board and of owners with
1002 respect to maintenance of the condominium property.

1003 5. The responsibility of the board and owners to abide by
1004 the condominium documents, this chapter, rules adopted by the
1005 division, and reasonable rules adopted by the board.

1006 6. Owners' rights to inspect and copy association records
1007 and the limitations on such rights.

1008 7. Remedies available to owners with respect to actions by
1009 the board which may be abusive or beyond the board's power and
1010 authority.

1011 8. The right of the board to hire a property management
1012 firm, subject to its own primary responsibility for such
1013 management.

1014 9. The responsibility of owners with regard to payment of
1015 regular or special assessments necessary for the operation of
1016 the property and the potential consequences of failure to pay
1017 such assessments.

1018 10. The voting rights of owners.

1019 11. Rights and obligations of the board in enforcement of
1020 rules in the condominium documents and rules adopted by the
1021 board.

1022

1023 The governance form shall also include the following statement
1024 in conspicuous type: "This publication is intended as an
1025 informal educational overview of condominium governance. In the
1026 event of a conflict, the provisions of chapter 718, Florida



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1027 Statutes, rules adopted by the Division of Florida Condominiums,
1028 Timeshares, and Mobile Homes of the Department of Business and
1029 Professional Regulation, the provisions of the condominium
1030 documents, and reasonable rules adopted by the condominium
1031 association's board of administration prevail over the contents
1032 of this publication."

1033 Section 8. Paragraph (q) is added to subsection (24) of
1034 section 718.504, Florida Statutes, to read:

1035 718.504 Prospectus or offering circular.—Every developer of
1036 a residential condominium which contains more than 20
1037 residential units, or which is part of a group of residential
1038 condominiums which will be served by property to be used in
1039 common by unit owners of more than 20 residential units, shall
1040 prepare a prospectus or offering circular and file it with the
1041 Division of Florida Condominiums, Timeshares, and Mobile Homes
1042 prior to entering into an enforceable contract of purchase and
1043 sale of any unit or lease of a unit for more than 5 years and
1044 shall furnish a copy of the prospectus or offering circular to
1045 each buyer. In addition to the prospectus or offering circular,
1046 each buyer shall be furnished a separate page entitled
1047 "Frequently Asked Questions and Answers," which shall be in
1048 accordance with a format approved by the division and a copy of
1049 the financial information required by s. 718.111. This page
1050 shall, in readable language, inform prospective purchasers
1051 regarding their voting rights and unit use restrictions,
1052 including restrictions on the leasing of a unit; shall indicate
1053 whether and in what amount the unit owners or the association is
1054 obligated to pay rent or land use fees for recreational or other
1055 commonly used facilities; shall contain a statement identifying



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1056 that amount of assessment which, pursuant to the budget, would
1057 be levied upon each unit type, exclusive of any special
1058 assessments, and which shall further identify the basis upon
1059 which assessments are levied, whether monthly, quarterly, or
1060 otherwise; shall state and identify any court cases in which the
1061 association is currently a party of record in which the
1062 association may face liability in excess of \$100,000; and which
1063 shall further state whether membership in a recreational
1064 facilities association is mandatory, and if so, shall identify
1065 the fees currently charged per unit type. The division shall by
1066 rule require such other disclosure as in its judgment will
1067 assist prospective purchasers. The prospectus or offering
1068 circular may include more than one condominium, although not all
1069 such units are being offered for sale as of the date of the
1070 prospectus or offering circular. The prospectus or offering
1071 circular must contain the following information:

1072 (24) Copies of the following, to the extent they are
1073 applicable, shall be included as exhibits:

1074 (g) A copy of the inspector-prepared summary of the
1075 milestone inspection report as described in ss. 553.899 and
1076 718.301(4)(p), as applicable.

1077 Section 9. Paragraphs (a) and (c) of subsection (2) of
1078 section 719.104, Florida Statutes, are amended to read:

1079 719.104 Cooperatives; access to units; records; financial
1080 reports; assessments; purchase of leases.—

1081 (2) OFFICIAL RECORDS.—

1082 (a) From the inception of the association, the association
1083 shall maintain a copy of each of the following, where
1084 applicable, which shall constitute the official records of the



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1085 association:

1086 1. The plans, permits, warranties, and other items provided
1087 by the developer pursuant to s. 719.301(4).

1088 2. A photocopy of the cooperative documents.

1089 3. A copy of the current rules of the association.

1090 4. A book or books containing the minutes of all meetings
1091 of the association, of the board of directors, and of the unit
1092 owners.

1093 5. A current roster of all unit owners and their mailing
1094 addresses, unit identifications, voting certifications, and, if
1095 known, telephone numbers. The association shall also maintain
1096 the e-mail addresses and the numbers designated by unit owners
1097 for receiving notice sent by electronic transmission of those
1098 unit owners consenting to receive notice by electronic
1099 transmission. The e-mail addresses and numbers provided by unit
1100 owners to receive notice by electronic transmission shall be
1101 removed from association records when consent to receive notice
1102 by electronic transmission is revoked. However, the association
1103 is not liable for an erroneous disclosure of the e-mail address
1104 or the number for receiving electronic transmission of notices.

1105 6. All current insurance policies of the association.

1106 7. A current copy of any management agreement, lease, or
1107 other contract to which the association is a party or under
1108 which the association or the unit owners have an obligation or
1109 responsibility.

1110 8. Bills of sale or transfer for all property owned by the
1111 association.

1112 9. Accounting records for the association and separate
1113 accounting records for each unit it operates, according to good



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1114 accounting practices. The accounting records shall include, but
1115 not be limited to:

1116 a. Accurate, itemized, and detailed records of all receipts
1117 and expenditures.

1118 b. A current account and a monthly, bimonthly, or quarterly
1119 statement of the account for each unit designating the name of
1120 the unit owner, the due date and amount of each assessment, the
1121 amount paid upon the account, and the balance due.

1122 c. All audits, reviews, accounting statements, and
1123 financial reports of the association.

1124 d. All contracts for work to be performed. Bids for work to
1125 be performed shall also be considered official records and shall
1126 be maintained for a period of 1 year.

1127 10. Ballots, sign-in sheets, voting proxies, and all other
1128 papers and electronic records relating to voting by unit owners,
1129 which shall be maintained for a period of 1 year after the date
1130 of the election, vote, or meeting to which the document relates.

1131 11. All rental records where the association is acting as
1132 agent for the rental of units.

1133 12. A copy of the current question and answer sheet as
1134 described in s. 719.504.

1135 13. All affirmative acknowledgments made pursuant to s.
1136 719.108(3)(b)3.

1137 14. A copy of the inspection reports described in s.
1138 553.899 and 719.301(4)(p) and any other inspection report
1139 relating to a structural or life safety inspection of the
1140 cooperative property. Such record must be maintained by the
1141 association for 15 years after receipt of the report.

1142 15. All other written records of the association not



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1143 specifically included in the foregoing which are related to the
1144 operation of the association.

1145 (c) The official records of the association are open to
1146 inspection by any association member or the authorized
1147 representative of such member at all reasonable times. The right
1148 to inspect the records includes the right to make or obtain
1149 copies, at the reasonable expense, if any, of the association
1150 member. A renter of a unit has a right to inspect and copy only
1151 the association's bylaws and rules and the inspection reports
1152 described in ss. 553.899 and 719.301(4) (p). The association may
1153 adopt reasonable rules regarding the frequency, time, location,
1154 notice, and manner of record inspections and copying, but may
1155 not require a member to demonstrate any purpose or state any
1156 reason for the inspection. The failure of an association to
1157 provide the records within 10 working days after receipt of a
1158 written request creates a rebuttable presumption that the
1159 association willfully failed to comply with this paragraph. A
1160 member who is denied access to official records is entitled to
1161 the actual damages or minimum damages for the association's
1162 willful failure to comply. The minimum damages are \$50 per
1163 calendar day for up to 10 days, beginning on the 11th working
1164 day after receipt of the written request. The failure to permit
1165 inspection entitles any person prevailing in an enforcement
1166 action to recover reasonable attorney fees from the person in
1167 control of the records who, directly or indirectly, knowingly
1168 denied access to the records. Any person who knowingly or
1169 intentionally defaces or destroys accounting records that are
1170 required by this chapter to be maintained during the period for
1171 which such records are required to be maintained, or who



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1172 knowingly or intentionally fails to create or maintain
1173 accounting records that are required to be created or
1174 maintained, with the intent of causing harm to the association
1175 or one or more of its members, is personally subject to a civil
1176 penalty under s. 719.501(1)(d). The association shall maintain
1177 an adequate number of copies of the declaration, articles of
1178 incorporation, bylaws, and rules, and all amendments to each of
1179 the foregoing, as well as the question and answer sheet as
1180 described in s. 719.504 and year-end financial information
1181 required by the department, on the cooperative property to
1182 ensure their availability to members and prospective purchasers,
1183 and may charge its actual costs for preparing and furnishing
1184 these documents to those requesting the same. An association
1185 shall allow a member or his or her authorized representative to
1186 use a portable device, including a smartphone, tablet, portable
1187 scanner, or any other technology capable of scanning or taking
1188 photographs, to make an electronic copy of the official records
1189 in lieu of the association providing the member or his or her
1190 authorized representative with a copy of such records. The
1191 association may not charge a member or his or her authorized
1192 representative for the use of a portable device. Notwithstanding
1193 this paragraph, the following records shall not be accessible to
1194 members:

1195 1. Any record protected by the lawyer-client privilege as
1196 described in s. 90.502 and any record protected by the work-
1197 product privilege, including any record prepared by an
1198 association attorney or prepared at the attorney's express
1199 direction which reflects a mental impression, conclusion,
1200 litigation strategy, or legal theory of the attorney or the



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1201 association, and which was prepared exclusively for civil or
1202 criminal litigation or for adversarial administrative
1203 proceedings, or which was prepared in anticipation of such
1204 litigation or proceedings until the conclusion of the litigation
1205 or proceedings.

1206 2. Information obtained by an association in connection
1207 with the approval of the lease, sale, or other transfer of a
1208 unit.

1209 3. Personnel records of association or management company
1210 employees, including, but not limited to, disciplinary, payroll,
1211 health, and insurance records. For purposes of this
1212 subparagraph, the term "personnel records" does not include
1213 written employment agreements with an association employee or
1214 management company, or budgetary or financial records that
1215 indicate the compensation paid to an association employee.

1216 4. Medical records of unit owners.

1217 5. Social security numbers, driver license numbers, credit
1218 card numbers, e-mail addresses, telephone numbers, facsimile
1219 numbers, emergency contact information, addresses of a unit
1220 owner other than as provided to fulfill the association's notice
1221 requirements, and other personal identifying information of any
1222 person, excluding the person's name, unit designation, mailing
1223 address, property address, and any address, e-mail address, or
1224 facsimile number provided to the association to fulfill the
1225 association's notice requirements. Notwithstanding the
1226 restrictions in this subparagraph, an association may print and
1227 distribute to unit owners a directory containing the name, unit
1228 address, and all telephone numbers of each unit owner. However,
1229 an owner may exclude his or her telephone numbers from the



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1230 directory by so requesting in writing to the association. An
1231 owner may consent in writing to the disclosure of other contact
1232 information described in this subparagraph. The association is
1233 not liable for the inadvertent disclosure of information that is
1234 protected under this subparagraph if the information is included
1235 in an official record of the association and is voluntarily
1236 provided by an owner and not requested by the association.

1237 6. Electronic security measures that are used by the
1238 association to safeguard data, including passwords.

1239 7. The software and operating system used by the
1240 association which allow the manipulation of data, even if the
1241 owner owns a copy of the same software used by the association.
1242 The data is part of the official records of the association.

1243 8. All affirmative acknowledgments made pursuant to s.
1244 719.108(3)(b)3.

1245 Section 10. Paragraph (n) is added to subsection (1) of
1246 section 719.106, Florida Statutes, to read:

1247 719.106 Bylaws; cooperative ownership.—

1248 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1249 documents shall provide for the following, and if they do not,
1250 they shall be deemed to include the following:

1251 (n) Mandatory milestone inspections.—If an association is
1252 required to have a milestone inspection performed pursuant to s.
1253 553.899, the association must arrange for the milestone
1254 inspection to be performed and is responsible for ensuring
1255 compliance with the requirements of s. 553.899. The association
1256 is responsible for all costs associated with the inspection. If
1257 the officers or directors of an association willfully and
1258 knowingly fail to have a milestone inspection performed pursuant



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1259 to s. 553.899, such failure is a breach of the officers' and
1260 directors' fiduciary relationship to the unit owners under s.
1261 719.104(8)(a). Upon completion of a phase one or phase two
1262 milestone inspection and receipt of the inspector-prepared
1263 summary of the inspection report from the architect or engineer
1264 who performed the inspection, the association must distribute a
1265 copy of the inspector-prepared summary of the inspection report
1266 to each unit owner, regardless of the findings or
1267 recommendations in the report, by United States mail or personal
1268 delivery and by electronic transmission to unit owners who
1269 previously consented to receive notice by electronic
1270 transmission; must post a copy of the inspector-prepared summary
1271 in a conspicuous place on the cooperative property; and must
1272 publish the full report and inspector-prepared summary on the
1273 association's website, if the association is required to have a
1274 website.

1275 Section 11. Paragraph (p) is added to subsection (4) of
1276 section 719.301, Florida Statutes, to read:

1277 719.301 Transfer of association control.-

1278 (4) When unit owners other than the developer elect a
1279 majority of the members of the board of administration of an
1280 association, the developer shall relinquish control of the
1281 association, and the unit owners shall accept control.
1282 Simultaneously, or for the purpose of paragraph (c) not more
1283 than 90 days thereafter, the developer shall deliver to the
1284 association, at the developer's expense, all property of the
1285 unit owners and of the association held or controlled by the
1286 developer, including, but not limited to, the following items,
1287 if applicable, as to each cooperative operated by the



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1288 association:

1289 (p) Notwithstanding when the certificate of occupancy was
1290 issued or the height of the building, a milestone inspection
1291 report in compliance with s. 553.899 included in the official
1292 records, under seal of an architect or engineer authorized to
1293 practice in this state, attesting to required maintenance,
1294 condition, useful life, and replacement costs of the following
1295 applicable cooperative property comprising a turnover inspection
1296 report:

1297 1. Roof.

1298 2. Structure, including load-bearing walls and primary
1299 structural members and primary structural systems as those terms
1300 are defined in s. 627.706.

1301 3. Fireproofing and fire protection systems.

1302 4. Elevators.

1303 5. Heating and cooling systems.

1304 6. Plumbing.

1305 7. Electrical systems.

1306 8. Swimming pool or spa and equipment.

1307 9. Seawalls.

1308 10. Pavement and parking areas.

1309 11. Drainage systems.

1310 12. Painting.

1311 13. Irrigation systems.

1312 14. Waterproofing.

1313 Section 12. Subsection (1) of section 719.501, Florida
1314 Statutes, is amended, and subsection (3) is added to that
1315 section, to read:

1316 719.501 Powers and duties of Division of Florida



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1317 Condominiums, Timeshares, and Mobile Homes.—

1318 (1) The Division of Florida Condominiums, Timeshares, and
1319 Mobile Homes of the Department of Business and Professional
1320 Regulation, referred to as the "division" in this part, in
1321 addition to other powers and duties prescribed by chapter 718,
1322 has the power to enforce and ensure compliance with this chapter
1323 and adopted rules relating to the development, construction,
1324 sale, lease, ownership, operation, and management of residential
1325 cooperative units and complaints related to the procedural
1326 completion of milestone inspections under s. 553.899. In
1327 performing its duties, the division shall have the following
1328 powers and duties:

1329 (a) The division may make necessary public or private
1330 investigations within or outside this state to determine whether
1331 any person has violated this chapter or any rule or order
1332 hereunder, to aid in the enforcement of this chapter, or to aid
1333 in the adoption of rules or forms hereunder.

1334 (b) The division may require or permit any person to file a
1335 statement in writing, under oath or otherwise, as the division
1336 determines, as to the facts and circumstances concerning a
1337 matter to be investigated.

1338 (c) For the purpose of any investigation under this
1339 chapter, the division director or any officer or employee
1340 designated by the division director may administer oaths or
1341 affirmations, subpoena witnesses and compel their attendance,
1342 take evidence, and require the production of any matter which is
1343 relevant to the investigation, including the existence,
1344 description, nature, custody, condition, and location of any
1345 books, documents, or other tangible things and the identity and



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1346 location of persons having knowledge of relevant facts or any
1347 other matter reasonably calculated to lead to the discovery of
1348 material evidence. Upon failure by a person to obey a subpoena
1349 or to answer questions propounded by the investigating officer
1350 and upon reasonable notice to all persons affected thereby, the
1351 division may apply to the circuit court for an order compelling
1352 compliance.

1353 (d) Notwithstanding any remedies available to unit owners
1354 and associations, if the division has reasonable cause to
1355 believe that a violation of any provision of this chapter or
1356 related rule has occurred, the division may institute
1357 enforcement proceedings in its own name against a developer,
1358 association, officer, or member of the board, or its assignees
1359 or agents, as follows:

1360 1. The division may permit a person whose conduct or
1361 actions may be under investigation to waive formal proceedings
1362 and enter into a consent proceeding whereby orders, rules, or
1363 letters of censure or warning, whether formal or informal, may
1364 be entered against the person.

1365 2. The division may issue an order requiring the developer,
1366 association, officer, or member of the board, or its assignees
1367 or agents, to cease and desist from the unlawful practice and
1368 take such affirmative action as in the judgment of the division
1369 will carry out the purposes of this chapter. Such affirmative
1370 action may include, but is not limited to, an order requiring a
1371 developer to pay moneys determined to be owed to a condominium
1372 association.

1373 3. The division may bring an action in circuit court on
1374 behalf of a class of unit owners, lessees, or purchasers for



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1375 declaratory relief, injunctive relief, or restitution.
1376 4. The division may impose a civil penalty against a
1377 developer or association, or its assignees or agents, for any
1378 violation of this chapter or related rule. The division may
1379 impose a civil penalty individually against any officer or board
1380 member who willfully and knowingly violates a provision of this
1381 chapter, a rule adopted pursuant to this chapter, or a final
1382 order of the division. The term "willfully and knowingly" means
1383 that the division informed the officer or board member that his
1384 or her action or intended action violates this chapter, a rule
1385 adopted under this chapter, or a final order of the division,
1386 and that the officer or board member refused to comply with the
1387 requirements of this chapter, a rule adopted under this chapter,
1388 or a final order of the division. The division, prior to
1389 initiating formal agency action under chapter 120, shall afford
1390 the officer or board member an opportunity to voluntarily comply
1391 with this chapter, a rule adopted under this chapter, or a final
1392 order of the division. An officer or board member who complies
1393 within 10 days is not subject to a civil penalty. A penalty may
1394 be imposed on the basis of each day of continuing violation, but
1395 in no event shall the penalty for any offense exceed \$5,000. By
1396 January 1, 1998, the division shall adopt, by rule, penalty
1397 guidelines applicable to possible violations or to categories of
1398 violations of this chapter or rules adopted by the division. The
1399 guidelines must specify a meaningful range of civil penalties
1400 for each such violation of the statute and rules and must be
1401 based upon the harm caused by the violation, the repetition of
1402 the violation, and upon such other factors deemed relevant by
1403 the division. For example, the division may consider whether the



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1404 violations were committed by a developer or owner-controlled
1405 association, the size of the association, and other factors. The
1406 guidelines must designate the possible mitigating or aggravating
1407 circumstances that justify a departure from the range of
1408 penalties provided by the rules. It is the legislative intent
1409 that minor violations be distinguished from those which endanger
1410 the health, safety, or welfare of the cooperative residents or
1411 other persons and that such guidelines provide reasonable and
1412 meaningful notice to the public of likely penalties that may be
1413 imposed for proscribed conduct. This subsection does not limit
1414 the ability of the division to informally dispose of
1415 administrative actions or complaints by stipulation, agreed
1416 settlement, or consent order. All amounts collected shall be
1417 deposited with the Chief Financial Officer to the credit of the
1418 Division of Florida Condominiums, Timeshares, and Mobile Homes
1419 Trust Fund. If a developer fails to pay the civil penalty, the
1420 division shall thereupon issue an order directing that such
1421 developer cease and desist from further operation until such
1422 time as the civil penalty is paid or may pursue enforcement of
1423 the penalty in a court of competent jurisdiction. If an
1424 association fails to pay the civil penalty, the division shall
1425 thereupon pursue enforcement in a court of competent
1426 jurisdiction, and the order imposing the civil penalty or the
1427 cease and desist order shall not become effective until 20 days
1428 after the date of such order. Any action commenced by the
1429 division shall be brought in the county in which the division
1430 has its executive offices or in the county where the violation
1431 occurred.

1432 (e) The division may prepare and disseminate a prospectus



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1433 and other information to assist prospective owners, purchasers,
1434 lessees, and developers of residential cooperatives in assessing
1435 the rights, privileges, and duties pertaining thereto.

1436 (f) The division has authority to adopt rules pursuant to
1437 ss. 120.536(1) and 120.54 to implement and enforce the
1438 provisions of this chapter.

1439 (g) The division shall establish procedures for providing
1440 notice to an association when the division is considering the
1441 issuance of a declaratory statement with respect to the
1442 cooperative documents governing such cooperative community.

1443 (h) The division shall furnish each association which pays
1444 the fees required by paragraph (2) (a) a copy of this act,
1445 subsequent changes to this act on an annual basis, an amended
1446 version of this act as it becomes available from the Secretary
1447 of State's office on a biennial basis, and the rules adopted
1448 thereto on an annual basis.

1449 (i) The division shall annually provide each association
1450 with a summary of declaratory statements and formal legal
1451 opinions relating to the operations of cooperatives which were
1452 rendered by the division during the previous year.

1453 (j) The division shall adopt uniform accounting principles,
1454 policies, and standards to be used by all associations in the
1455 preparation and presentation of all financial statements
1456 required by this chapter. The principles, policies, and
1457 standards shall take into consideration the size of the
1458 association and the total revenue collected by the association.

1459 (k) The division shall provide training and educational
1460 programs for cooperative association board members and unit
1461 owners. The training may, in the division's discretion, include



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1462 web-based electronic media, and live training and seminars in
1463 various locations throughout the state. The division may review
1464 and approve education and training programs for board members
1465 and unit owners offered by providers and shall maintain a
1466 current list of approved programs and providers and make such
1467 list available to board members and unit owners in a reasonable
1468 and cost-effective manner.

1469 (l) The division shall maintain a toll-free telephone
1470 number accessible to cooperative unit owners.

1471 (m) When a complaint is made to the division, the division
1472 shall conduct its inquiry with reasonable dispatch and with due
1473 regard to the interests of the affected parties. Within 30 days
1474 after receipt of a complaint, the division shall acknowledge the
1475 complaint in writing and notify the complainant whether the
1476 complaint is within the jurisdiction of the division and whether
1477 additional information is needed by the division from the
1478 complainant. The division shall conduct its investigation and
1479 shall, within 90 days after receipt of the original complaint or
1480 timely requested additional information, take action upon the
1481 complaint. However, the failure to complete the investigation
1482 within 90 days does not prevent the division from continuing the
1483 investigation, accepting or considering evidence obtained or
1484 received after 90 days, or taking administrative action if
1485 reasonable cause exists to believe that a violation of this
1486 chapter or a rule of the division has occurred. If an
1487 investigation is not completed within the time limits
1488 established in this paragraph, the division shall, on a monthly
1489 basis, notify the complainant in writing of the status of the
1490 investigation. When reporting its action to the complainant, the



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1491 division shall inform the complainant of any right to a hearing
1492 pursuant to ss. 120.569 and 120.57.

1493 (n) The division shall develop a program to certify both
1494 volunteer and paid mediators to provide mediation of cooperative
1495 disputes. The division shall provide, upon request, a list of
1496 such mediators to any association, unit owner, or other
1497 participant in arbitration proceedings under s. 718.1255
1498 requesting a copy of the list. The division shall include on the
1499 list of voluntary mediators only persons who have received at
1500 least 20 hours of training in mediation techniques or have
1501 mediated at least 20 disputes. In order to become initially
1502 certified by the division, paid mediators must be certified by
1503 the Supreme Court to mediate court cases in county or circuit
1504 courts. However, the division may adopt, by rule, additional
1505 factors for the certification of paid mediators, which factors
1506 must be related to experience, education, or background. Any
1507 person initially certified as a paid mediator by the division
1508 must, in order to continue to be certified, comply with the
1509 factors or requirements imposed by rules adopted by the
1510 division.

1511 (3) (a) On or before January 1, 2023, cooperative
1512 associations existing on or before July 1, 2022, must provide
1513 the following information to the division in writing, by e-mail,
1514 United States Postal Service, commercial delivery service, or
1515 hand delivery, at a physical address or e-mail address provided
1516 by the division and on a form posted on the division's website:

1517 1. The number of buildings on the cooperative property that
1518 are three stories or higher in height.

1519 2. The total number of units in all such buildings.



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1520 3. The addresses of all such buildings.
1521 4. The counties in which all such buildings are located.
1522 (b) The division must compile a list of the number of
1523 buildings on cooperative property that are three stories or
1524 higher in height, which is searchable by county, and must post
1525 the list on the division's website. This list must include all
1526 of the following information:
1527 1. The name of each association with buildings on the
1528 cooperative property that are three stories or higher in height.
1529 2. The number of such buildings on each association's
1530 property.
1531 3. The addresses of all such buildings.
1532 4. The counties in which all such buildings are located.
1533 (c) An association must provide an update in writing to the
1534 division if there are any changes to the information in the list
1535 under paragraph (b) within 6 months after the change.
1536 Section 13. Paragraph (b) of subsection (1) and paragraph
1537 (a) of subsection (2) of section 719.503, Florida Statutes, are
1538 amended to read:
1539 719.503 Disclosure prior to sale.—
1540 (1) DEVELOPER DISCLOSURE.—
1541 (b) *Copies of documents to be furnished to prospective*
1542 *buyer or lessee.*—Until such time as the developer has furnished
1543 the documents listed below to a person who has entered into a
1544 contract to purchase a unit or lease it for more than 5 years,
1545 the contract may be voided by that person, entitling the person
1546 to a refund of any deposit together with interest thereon as
1547 provided in s. 719.202. The contract may be terminated by
1548 written notice from the proposed buyer or lessee delivered to



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1549 the developer within 15 days after the buyer or lessee receives
1550 all of the documents required by this section. The developer may
1551 ~~shall~~ not close for 15 days after ~~following~~ the execution of the
1552 agreement and delivery of the documents to the buyer as
1553 evidenced by a receipt for documents signed by the buyer unless
1554 the buyer is informed in the 15-day voidability period and
1555 agrees to close before ~~prior to~~ the expiration of the 15 days.
1556 The developer shall retain in his or her records a separate
1557 signed agreement as proof of the buyer's agreement to close
1558 before ~~prior to~~ the expiration of the ~~said~~ voidability period.
1559 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for
1560 a period of 5 years after the date of the closing transaction.
1561 The documents to be delivered to the prospective buyer are the
1562 prospectus or disclosure statement with all exhibits, if the
1563 development is subject to ~~the provisions of~~ s. 719.504, or, if
1564 not, then copies of the following which are applicable:
1565 1. The question and answer sheet described in s. 719.504,
1566 and cooperative documents, or the proposed cooperative documents
1567 if the documents have not been recorded, which shall include the
1568 certificate of a surveyor approximately representing the
1569 locations required by s. 719.104.
1570 2. The documents creating the association.
1571 3. The bylaws.
1572 4. The ground lease or other underlying lease of the
1573 cooperative.
1574 5. The management contract, maintenance contract, and other
1575 contracts for management of the association and operation of the
1576 cooperative and facilities used by the unit owners having a
1577 service term in excess of 1 year, and any management contracts



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1578 that are renewable.

1579 6. The estimated operating budget for the cooperative and a
1580 schedule of expenses for each type of unit, including fees
1581 assessed to a shareholder who has exclusive use of limited
1582 common areas, where such costs are shared only by those entitled
1583 to use such limited common areas.

1584 7. The lease of recreational and other facilities that will
1585 be used only by unit owners of the subject cooperative.

1586 8. The lease of recreational and other common areas that
1587 will be used by unit owners in common with unit owners of other
1588 cooperatives.

1589 9. The form of unit lease if the offer is of a leasehold.

1590 10. Any declaration of servitude of properties serving the
1591 cooperative but not owned by unit owners or leased to them or
1592 the association.

1593 11. If the development is to be built in phases or if the
1594 association is to manage more than one cooperative, a
1595 description of the plan of phase development or the arrangements
1596 for the association to manage two or more cooperatives.

1597 12. If the cooperative is a conversion of existing
1598 improvements, the statements and disclosure required by s.
1599 719.616.

1600 13. The form of agreement for sale or lease of units.

1601 14. A copy of the floor plan of the unit and the plot plan
1602 showing the location of the residential buildings and the
1603 recreation and other common areas.

1604 15. A copy of all covenants and restrictions that ~~which~~
1605 will affect the use of the property and ~~which~~ are not contained
1606 in the foregoing.



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1607 16. If the developer is required by state or local
1608 authorities to obtain acceptance or approval of any dock or
1609 marina facilities intended to serve the cooperative, a copy of
1610 any such acceptance or approval acquired by the time of filing
1611 with the division pursuant to s. 719.502(1) or a statement that
1612 such acceptance or approval has not been acquired or received.

1613 17. Evidence demonstrating that the developer has an
1614 ownership, leasehold, or contractual interest in the land upon
1615 which the cooperative is to be developed.

1616 18. A copy of the inspector-prepared summary of the
1617 milestone inspection report as described in ss. 553.899 and
1618 719.301(4)(p), if applicable.

1619 (2) NONDEVELOPER DISCLOSURE.—

1620 (a) Each unit owner who is not a developer as defined by
1621 this chapter must comply with ~~the provisions of~~ this subsection
1622 before ~~prior to~~ the sale of his or her interest in the
1623 association. Each prospective purchaser who has entered into a
1624 contract for the purchase of an interest in a cooperative is
1625 entitled, at the seller's expense, to a current copy of all of
1626 the following:

1627 1. The articles of incorporation of the association.~~7~~

1628 2. The bylaws~~7~~ and rules of the association.

1629 3. ~~as well as~~ A copy of the question and answer sheet as
1630 provided in s. 719.504.

1631 4. A copy of the inspector-prepared summary of the
1632 milestone inspection report as described in ss. 553.899 and
1633 719.301(4)(p), if applicable.

1634 Section 14. Paragraph (q) is added to subsection (23) of
1635 section 719.504, Florida Statutes, to read:



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1636 719.504 Prospectus or offering circular.—Every developer of
1637 a residential cooperative which contains more than 20
1638 residential units, or which is part of a group of residential
1639 cooperatives which will be served by property to be used in
1640 common by unit owners of more than 20 residential units, shall
1641 prepare a prospectus or offering circular and file it with the
1642 Division of Florida Condominiums, Timeshares, and Mobile Homes
1643 prior to entering into an enforceable contract of purchase and
1644 sale of any unit or lease of a unit for more than 5 years and
1645 shall furnish a copy of the prospectus or offering circular to
1646 each buyer. In addition to the prospectus or offering circular,
1647 each buyer shall be furnished a separate page entitled
1648 “Frequently Asked Questions and Answers,” which must be in
1649 accordance with a format approved by the division. This page
1650 must, in readable language: inform prospective purchasers
1651 regarding their voting rights and unit use restrictions,
1652 including restrictions on the leasing of a unit; indicate
1653 whether and in what amount the unit owners or the association is
1654 obligated to pay rent or land use fees for recreational or other
1655 commonly used facilities; contain a statement identifying that
1656 amount of assessment which, pursuant to the budget, would be
1657 levied upon each unit type, exclusive of any special
1658 assessments, and which identifies the basis upon which
1659 assessments are levied, whether monthly, quarterly, or
1660 otherwise; state and identify any court cases in which the
1661 association is currently a party of record in which the
1662 association may face liability in excess of \$100,000; and state
1663 whether membership in a recreational facilities association is
1664 mandatory and, if so, identify the fees currently charged per



1665 unit type. The division shall by rule require such other
1666 disclosure as in its judgment will assist prospective
1667 purchasers. The prospectus or offering circular may include more
1668 than one cooperative, although not all such units are being
1669 offered for sale as of the date of the prospectus or offering
1670 circular. The prospectus or offering circular must contain the
1671 following information:

1672 (23) Copies of the following, to the extent they are
1673 applicable, shall be included as exhibits:

1674 (q) A copy of the inspector-prepared summary of the
1675 milestone inspection report as described in ss. 553.899 and
1676 719.301(4)(p), if applicable.

1677 Section 15. This act shall take effect July 1, 2022.

1678
1679 ===== T I T L E A M E N D M E N T =====

1680 And the title is amended as follows:

1681 Delete everything before the enacting clause
1682 and insert:

1683 A bill to be entitled
1684 An act relating to condominium and cooperative
1685 associations; amending s. 468.4334, F.S.; requiring
1686 community association managers and community
1687 association management firms to comply with a
1688 specified provision under certain circumstances;
1689 creating s. 553.899, F.S.; providing legislative
1690 findings; defining the terms "milestone inspection"
1691 and "substantial structural deterioration"; specifying
1692 that the purpose of a milestone inspection is not to
1693 determine compliance with the Florida Building Code or



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1694 the firesafety code; requiring condominium
1695 associations and cooperative associations to have
1696 milestone inspections performed on certain buildings
1697 at specified times; specifying that such associations
1698 are responsible for costs relating to milestone
1699 inspections; providing applicability; requiring that
1700 initial milestone inspections for certain buildings be
1701 performed before a specified date; requiring local
1702 enforcement agencies to provide certain written notice
1703 to condominium associations and cooperative
1704 associations; requiring condominium associations and
1705 cooperative associations to complete phase one of a
1706 milestone inspection within a specified timeframe;
1707 specifying that milestone inspections consist of two
1708 phases; providing requirements for each phase of a
1709 milestone inspection; requiring architects and
1710 engineers performing a milestone inspection to submit
1711 a sealed copy of the inspection report and a summary
1712 that includes specified findings and recommendations
1713 to certain entities; providing requirements for such
1714 inspection reports; requiring condominium associations
1715 and cooperative associations to distribute and post a
1716 copy of each inspection report and summary in a
1717 specified manner; authorizing local enforcement
1718 agencies to prescribe timelines and penalties relating
1719 to milestone inspections; authorizing boards of county
1720 commissioners to adopt certain ordinances relating to
1721 repairs for substantial structural deterioration;
1722 requiring local enforcement agencies to review and



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1723 determine if a building is unsafe for human occupancy
1724 under certain circumstances; requiring the Florida
1725 Building Commission to review milestone inspection
1726 requirements and make any recommendations to the
1727 Governor and the Legislature by a specified date;
1728 requiring the commission to consult with the State
1729 Fire Marshal to provide certain recommendations to the
1730 Governor and the Legislature by a specified date;
1731 amending s. 718.111, F.S.; revising the types of
1732 records that constitute the official records of a
1733 condominium association; requiring associations to
1734 maintain specified records for a certain timeframe;
1735 specifying that renters of a unit have the right to
1736 inspect and copy certain reports; requiring
1737 associations to post a copy of certain reports and
1738 reserve studies on the association's website; amending
1739 s. 718.112, F.S.; restating requirements for
1740 associations relating to milestone inspections;
1741 specifying that if the officers or directors of a
1742 condominium association fail to have a milestone
1743 inspection performed, such failure is a breach of
1744 their fiduciary relationship to the unit owners;
1745 amending s. 718.301, F.S.; revising reporting
1746 requirements relating to the transfer of association
1747 control; amending s. 718.501, F.S.; revising the
1748 Division of Florida Condominiums, Timeshares, and
1749 Mobile Homes' authority relating to enforcement and
1750 compliance; requiring certain associations to provide
1751 certain information and updates to the division by a



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1752 specified date and within a specified timeframe;
1753 requiring the division to compile a list with certain
1754 information and post such list on its website;
1755 amending s. 718.503, F.S.; revising the documents that
1756 must be delivered to a prospective buyer or lessee of
1757 a residential unit; revising requirements for
1758 nondeveloper disclosures; amending s. 718.504, F.S.;
1759 revising requirements for prospectuses and offering
1760 circulars; amending s. 719.104, F.S.; revising the
1761 types of records that constitute the official records
1762 of a cooperative association; requiring associations
1763 to maintain specified records for a certain timeframe;
1764 specifying that renters of a unit have the right to
1765 inspect and copy certain reports; amending s. 719.106,
1766 F.S.; restating requirements for associations relating
1767 to milestone inspections; specifying that if the
1768 officers or directors of a cooperative association
1769 fail to have a milestone inspection performed, such
1770 failure is a breach of their fiduciary relationship to
1771 the unit owners; amending s. 719.301, F.S.; requiring
1772 developers to deliver a turnover inspection report
1773 relating to cooperative property under certain
1774 circumstances; amending s. 719.501, F.S.; revising the
1775 division's authority relating to enforcement and
1776 compliance; requiring certain associations to provide
1777 certain information and updates to the division by a
1778 specified date and within a specified time; requiring
1779 the division to compile a list with certain
1780 information and post such list on its website;



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1781 amending s. 719.503, F.S.; revising the documents that
1782 must be delivered to a prospective buyer or lessee of
1783 a residential unit; revising nondeveloper disclosure
1784 requirements; amending s. 719.504, F.S.; revising
1785 requirements for prospectuses and offering circulars;
1786 providing an effective date.