

1 A bill to be entitled
2 An act relating to condominium and cooperative
3 associations; amending s. 468.4334, F.S.; requiring
4 community association managers and community
5 association management firms to comply with specified
6 provisions under certain circumstances; amending s.
7 468.436, F.S.; providing grounds for disciplinary
8 action; amending ss. 718.103 and 719.103, F.S.;
9 providing definitions; amending ss. 718.104 and
10 719.1035, F.S.; requiring certain associations to
11 provide certain information to the Division of Florida
12 Condominiums, Timeshares, and Mobile Homes within a
13 specified time; amending s. 718.111, F.S.; revising
14 documents that constitute official records; requiring
15 certain official records to be maintained for a
16 specified period of time; providing that a renter of a
17 unit has a right to copy and inspect certain written
18 reports; revising documents that must be posted
19 online; conforming a cross-reference; amending ss.
20 718.112 and 719.106, F.S.; specifying the method for
21 determining reserve amounts; prohibiting certain
22 members and associations from waiving or reducing
23 reserves for certain items after a specified date;
24 requiring certain associations to receive approval
25 before waiving or reducing reserves for certain items;

26 | prohibiting certain associations from using reserve
27 | funds, or any interest accruing thereon, for certain
28 | purposes after a specified date; requiring certain
29 | associations to have a structural integrity reserve
30 | study completed at specified intervals and for certain
31 | buildings by a specified date; providing requirements
32 | for such study; conforming provisions to changes made
33 | by the act; amending s. 718.116, F.S.; conforming a
34 | cross-reference; amending s. 718.117, F.S.; providing
35 | that certain condominiums may be terminated by a
36 | majority vote under certain circumstances; providing
37 | requirements for meetings in which a plan of
38 | termination will be considered; specifying the method
39 | for determining a condominium's fair market value;
40 | conforming a cross-reference; creating ss. 718.132 and
41 | 719.132, F.S.; providing definitions; requiring
42 | certain associations to have specified buildings
43 | recertified at specified intervals; requiring phase 2
44 | inspections under certain circumstances; providing
45 | requirements for such recertifications and
46 | inspections; providing notice requirements; providing
47 | requirements for certain associations and local
48 | building officials; authorizing local building
49 | officials to prescribe penalties, which must be posted
50 | on the building department's website; amending ss.

51 718.301 and 719.301, F.S.; requiring developers to
52 deliver certain information to certain associations
53 when transferring control; amending ss. 718.501 and
54 719.501, F.S.; providing that the division has
55 jurisdiction to investigate specified complaints;
56 requiring certain associations to provide certain
57 information and updates to the division by a specified
58 date and within a specified time; requiring the
59 division to compile a list with certain information
60 and post such list on its website; amending ss.
61 718.503 and 719.503, F.S.; requiring a developer or
62 unit owner, as applicable, to deliver certain
63 documents to a buyer or lessee of a unit; amending ss.
64 718.504 and 719.504, F.S.; requiring certain
65 information to be included in a prospectus or an
66 offering circular; amending s. 719.104, F.S.; revising
67 documents that constitute official records; amending
68 ss. 720.303, 720.311, and 721.15, F.S.; conforming
69 cross-references; providing an appropriation;
70 providing an effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Subsection (1) of section 468.4334, Florida
75 Statutes, is amended to read:

76 468.4334 Professional practice standards; liability.—

77 (1) (a) A community association manager or a community
 78 association management firm is deemed to act as agent on behalf
 79 of a community association as principal within the scope of
 80 authority authorized by a written contract or under this
 81 chapter. A community association manager and a community
 82 association management firm shall discharge duties performed on
 83 behalf of the association as authorized by this chapter loyally,
 84 skillfully, and diligently; dealing honestly and fairly; in good
 85 faith; with care and full disclosure to the community
 86 association; accounting for all funds; and not charging
 87 unreasonable or excessive fees.

88 (b) If a community association manager or a community
 89 association management firm has a contract with a community
 90 association with a building on the association's property that
 91 is subject to recertification under s. 718.132 or s. 719.132,
 92 the community association manager or the community association
 93 management firm must comply with such sections.

94 Section 2. Paragraph (b) of subsection (2) of section
 95 468.436, Florida Statutes, is amended to read:

96 468.436 Disciplinary proceedings.—

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

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

100 2. Violation of any lawful order or rule rendered or

101 adopted by the department or the council.

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

104 4. Obtaining a license or certification or any other
 105 order, ruling, or authorization by means of fraud,
 106 misrepresentation, or concealment of material facts.

107 5. Committing acts of gross misconduct or gross negligence
 108 in connection with the profession.

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

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

116 8. Failing to provide a written recertification report to
 117 a local building official, if the community association manager
 118 or the community association management firm receives the
 119 report, in accordance with s. 718.132 or s. 719.132 during the
 120 course of performing community association management services
 121 pursuant to a contract with a condominium, as defined in s.
 122 718.103, or a cooperative, as defined in s. 719.103.

123 Section 3. Subsection (22) and subsections (25) through
 124 (30) of section 718.103, Florida Statutes, are renumbered as
 125 subsection (23) and subsections (26) through (32), respectively,

126 and new subsections (22) and (25) are added to that section to
 127 read:

128 718.103 Definitions.— As used in this chapter, the term:
 129 (22) "Primary structural member" has the same meaning as
 130 in s. 627.706(2).

131 (25) "Structural integrity reserve study" means a study of
 132 the reserve funds required for future major repairs and
 133 replacement of the common elements based on a visual inspection
 134 of the common elements. A structural integrity reserve study may
 135 be performed by any person or entity qualified to perform such
 136 study. However, the visual inspection portion of the structural
 137 integrity reserve study must be performed by an engineer
 138 licensed under chapter 471 or an architect licensed under
 139 chapter 481. At a minimum, a structural integrity reserve study
 140 must identify the common elements being visually inspected,
 141 state the estimated remaining useful life and the estimated
 142 replacement cost or deferred maintenance expense of the common
 143 elements being visually inspected, and provide a recommended
 144 annual reserve amount that achieves the estimated replacement
 145 cost or deferred maintenance expense of each common element
 146 being visually inspected by the end of the estimated remaining
 147 useful life of each common element.

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

150 718.104 Creation of condominiums; contents of

151 declaration.—Every condominium created in this state shall be
 152 created pursuant to this chapter.

153 (2) A condominium is created by recording a declaration in
 154 the public records of the county where the land is located,
 155 executed and acknowledged with the requirements for a deed. All
 156 persons who have record title to the interest in the land being
 157 submitted to condominium ownership, or their lawfully authorized
 158 agents, must join in the execution of the declaration. Upon the
 159 recording of the declaration, or an amendment adding a phase to
 160 the condominium under s. 718.403(6), all units described in the
 161 declaration or phase amendment as being located in or on the
 162 land then being submitted to condominium ownership shall come
 163 into existence, regardless of the state of completion of planned
 164 improvements in which the units may be located or any other
 165 requirement or description that a declaration may provide. Upon
 166 recording the declaration of condominium pursuant to this
 167 section, the developer shall file the recording information with
 168 the division within 120 calendar days on a form prescribed by
 169 the division. If the condominium is subject to s. 718.132 and
 170 has at least one building on condominium property that is three
 171 stories or higher in height, the developer must also provide
 172 information to the division indicating the number of buildings
 173 described in the declaration located on the condominium property
 174 that are three stories or higher in height, the total number of
 175 units in all such buildings, and the addresses of such buildings

176 within 120 calendar days after recording the declaration on a
 177 form prescribed by the division.

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

181 718.111 The association.—

182 (7) TITLE TO PROPERTY.—

183 (b) Subject to s. 718.112(2)(n) ~~the provisions of s.~~
 184 ~~718.112(2)(m)~~, the association, through its board, has the
 185 limited power to convey a portion of the common elements to a
 186 condemning authority for the purposes of providing utility
 187 easements, right-of-way expansion, or other public purposes,
 188 whether negotiated or as a result of eminent domain proceedings.

189 (12) OFFICIAL RECORDS.—

190 (a) From the inception of the association, the association
 191 shall maintain each of the following items, if applicable, which
 192 constitutes the official records of the association:

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

195 2. A photocopy of the recorded declaration of condominium
 196 of each condominium operated by the association and each
 197 amendment to each declaration.

198 3. A photocopy of the recorded bylaws of the association
 199 and each amendment to the bylaws.

200 4. A certified copy of the articles of incorporation of

201 the association, or other documents creating the association,
 202 and each amendment thereto.

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

204 6. A book or books that contain the minutes of all
 205 meetings of the association, the board of administration, and
 206 the unit owners.

207 7. A current roster of all unit owners and their mailing
 208 addresses, unit identifications, voting certifications, and, if
 209 known, telephone numbers. The association shall also maintain
 210 the e-mail addresses and facsimile numbers of unit owners
 211 consenting to receive notice by electronic transmission. The e-
 212 mail addresses and facsimile numbers are not accessible to unit
 213 owners if consent to receive notice by electronic transmission
 214 is not provided in accordance with sub-subparagraph (c)3.e.
 215 However, the association is not liable for an inadvertent
 216 disclosure of the e-mail address or facsimile number for
 217 receiving electronic transmission of notices.

218 8. All current insurance policies of the association and
 219 condominiums operated by the association.

220 9. A current copy of any management agreement, lease, or
 221 other contract to which the association is a party or under
 222 which the association or the unit owners have an obligation or
 223 responsibility.

224 10. Bills of sale or transfer for all property owned by
 225 the association.

226 11. Accounting records for the association and separate
 227 accounting records for each condominium that the association
 228 operates. Any person who knowingly or intentionally defaces or
 229 destroys such records, or who knowingly or intentionally fails
 230 to create or maintain such records, with the intent of causing
 231 harm to the association or one or more of its members, is
 232 personally subject to a civil penalty pursuant to s.
 233 718.501(1)(d). The accounting records must include, but are not
 234 limited to:

235 a. Accurate, itemized, and detailed records of all
 236 receipts and expenditures.

237 b. A current account and a monthly, bimonthly, or
 238 quarterly statement of the account for each unit designating the
 239 name of the unit owner, the due date and amount of each
 240 assessment, the amount paid on the account, and the balance due.

241 c. All audits, reviews, accounting statements, structural
 242 integrity reserve studies, and financial reports of the
 243 association or condominium.

244 d. All contracts for work to be performed. Bids for work
 245 to be performed are also considered official records and must be
 246 maintained by the association for at least 1 year after receipt
 247 of the bid.

248 12. Ballots, sign-in sheets, voting proxies, and all other
 249 papers and electronic records relating to voting by unit owners,
 250 which must be maintained for 1 year from the date of the

251 election, vote, or meeting to which the document relates,
 252 notwithstanding paragraph (b).

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

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

257 15. A copy of the inspection report as described in s.
 258 718.301(4)(p).

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

260 17. All affirmative acknowledgments made pursuant to s.
 261 718.121(4)(c).

262 18. All written recertification reports and written phase
 263 2 inspection reports if required under s. 718.132.

264 ~~19.18.~~ All other written records of the association not
 265 specifically included in the foregoing which are related to the
 266 operation of the association.

267 (b) The official records specified in subparagraphs (a)1.-
 268 6. and 18. must be permanently maintained from the inception of
 269 the association. Bids for work to be performed or for materials,
 270 equipment, or services must be maintained for at least 1 year
 271 after receipt of the bid. Structural integrity reserve studies
 272 must be maintained for at least 15 years after the study is
 273 completed. All other official records must be maintained within
 274 the state for at least 7 years, unless otherwise provided by
 275 general law. The records of the association shall be made

276 available to a unit owner within 45 miles of the condominium
277 property or within the county in which the condominium property
278 is located within 10 working days after receipt of a written
279 request by the board or its designee. However, such distance
280 requirement does not apply to an association governing a
281 timeshare condominium. This paragraph may be complied with by
282 having a copy of the official records of the association
283 available for inspection or copying on the condominium property
284 or association property, or the association may offer the option
285 of making the records available to a unit owner electronically
286 via the Internet or by allowing the records to be viewed in
287 electronic format on a computer screen and printed upon request.
288 The association is not responsible for the use or misuse of the
289 information provided to an association member or his or her
290 authorized representative in compliance with this chapter unless
291 the association has an affirmative duty not to disclose such
292 information under this chapter.

293 (c)1. The official records of the association are open to
294 inspection by any association member or the authorized
295 representative of such member at all reasonable times. The right
296 to inspect the records includes the right to make or obtain
297 copies, at the reasonable expense, if any, of the member or
298 authorized representative of such member. A renter of a unit has
299 a right to inspect and copy only the declaration of condominium,
300 ~~and~~ and the association's bylaws and rules, and, if applicable, the

301 association's written recertification reports and written phase
302 2 inspection reports as described in s. 718.132. The association
303 may adopt reasonable rules regarding the frequency, time,
304 location, notice, and manner of record inspections and copying
305 but may not require a member to demonstrate any purpose or state
306 any reason for the inspection. The failure of an association to
307 provide the records within 10 working days after receipt of a
308 written request creates a rebuttable presumption that the
309 association willfully failed to comply with this paragraph. A
310 unit owner who is denied access to official records is entitled
311 to the actual damages or minimum damages for the association's
312 willful failure to comply. Minimum damages are \$50 per calendar
313 day for up to 10 days, beginning on the 11th working day after
314 receipt of the written request. The failure to permit inspection
315 entitles any person prevailing in an enforcement action to
316 recover reasonable attorney fees from the person in control of
317 the records who, directly or indirectly, knowingly denied access
318 to the records.

319 2. Any person who knowingly or intentionally defaces or
320 destroys accounting records that are required by this chapter to
321 be maintained during the period for which such records are
322 required to be maintained, or who knowingly or intentionally
323 fails to create or maintain accounting records that are required
324 to be created or maintained, with the intent of causing harm to
325 the association or one or more of its members, is personally

326 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

327 3. The association must ~~shall~~ maintain an adequate number
328 of copies of the declaration, articles of incorporation, bylaws,
329 and rules, and all amendments to each of the foregoing, as well
330 as the question and answer sheet as described in s. 718.504 and
331 year-end financial information required under this section, on
332 the condominium property to ensure their availability to unit
333 owners and prospective purchasers, and may charge its actual
334 costs for preparing and furnishing these documents to those
335 requesting the documents. An association must ~~shall~~ allow a
336 member or his or her authorized representative to use a portable
337 device, including a smartphone, tablet, portable scanner, or any
338 other technology capable of scanning or taking photographs, to
339 make an electronic copy of the official records in lieu of the
340 association's providing the member or his or her authorized
341 representative with a copy of such records. The association may
342 not charge a member or his or her authorized representative for
343 the use of a portable device. Notwithstanding this paragraph,
344 the following records are not accessible to unit owners:

345 a. Any record protected by the lawyer-client privilege as
346 described in s. 90.502 and any record protected by the work-
347 product privilege, including a record prepared by an association
348 attorney or prepared at the attorney's express direction, which
349 reflects a mental impression, conclusion, litigation strategy,
350 or legal theory of the attorney or the association, and which

351 was prepared exclusively for civil or criminal litigation or for
352 adversarial administrative proceedings, or which was prepared in
353 anticipation of such litigation or proceedings until the
354 conclusion of the litigation or proceedings.

355 b. Information obtained by an association in connection
356 with the approval of the lease, sale, or other transfer of a
357 unit.

358 c. Personnel records of association or management company
359 employees, including, but not limited to, disciplinary, payroll,
360 health, and insurance records. For purposes of this sub-
361 subparagraph, the term "personnel records" does not include
362 written employment agreements with an association employee or
363 management company, or budgetary or financial records that
364 indicate the compensation paid to an association employee.

365 d. Medical records of unit owners.

366 e. Social security numbers, driver license numbers, credit
367 card numbers, e-mail addresses, telephone numbers, facsimile
368 numbers, emergency contact information, addresses of a unit
369 owner other than as provided to fulfill the association's notice
370 requirements, and other personal identifying information of any
371 person, excluding the person's name, unit designation, mailing
372 address, property address, and any address, e-mail address, or
373 facsimile number provided to the association to fulfill the
374 association's notice requirements. Notwithstanding the
375 restrictions in this sub-subparagraph, an association may print

376 and distribute to unit owners a directory containing the name,
377 unit address, and all telephone numbers of each unit owner.
378 However, an owner may exclude his or her telephone numbers from
379 the directory by so requesting in writing to the association. An
380 owner may consent in writing to the disclosure of other contact
381 information described in this sub-subparagraph. The association
382 is not liable for the inadvertent disclosure of information that
383 is protected under this sub-subparagraph if the information is
384 included in an official record of the association and is
385 voluntarily provided by an owner and not requested by the
386 association.

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

389 g. The software and operating system used by the
390 association which allow the manipulation of data, even if the
391 owner owns a copy of the same software used by the association.
392 The data is part of the official records of the association.

393 h. All affirmative acknowledgments made pursuant to s.
394 718.121(4)(c).

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

401 a. The association's website or application must be:
 402 (I) An independent website, application, or web portal
 403 wholly owned and operated by the association; or
 404 (II) A website, application, or web portal operated by a
 405 third-party provider with whom the association owns, leases,
 406 rents, or otherwise obtains the right to operate a web page,
 407 subpage, web portal, collection of subpages or web portals, or
 408 an application which is dedicated to the association's
 409 activities and on which required notices, records, and documents
 410 may be posted or made available by the association.

411 b. The association's website or application must be
 412 accessible through the Internet and must contain a subpage, web
 413 portal, or other protected electronic location that is
 414 inaccessible to the general public and accessible only to unit
 415 owners and employees of the association.

416 c. Upon a unit owner's written request, the association
 417 must provide the unit owner with a username and password and
 418 access to the protected sections of the association's website or
 419 application which contain any notices, records, or documents
 420 that must be electronically provided.

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

424 a. The recorded declaration of condominium of each
 425 condominium operated by the association and each amendment to

426 each declaration.

427 b. The recorded bylaws of the association and each
428 amendment to the bylaws.

429 c. The articles of incorporation of the association, or
430 other documents creating the association, and each amendment to
431 the articles of incorporation or other documents. The copy
432 posted pursuant to this sub-subparagraph must be a copy of the
433 articles of incorporation filed with the Department of State.

434 d. The rules of the association.

435 e. A list of all executory contracts or documents to which
436 the association is a party or under which the association or the
437 unit owners have an obligation or responsibility and, after
438 bidding for the related materials, equipment, or services has
439 closed, a list of bids received by the association within the
440 past year. Summaries of bids for materials, equipment, or
441 services which exceed \$500 must be maintained on the website or
442 application for 1 year. In lieu of summaries, complete copies of
443 the bids may be posted.

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

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

449 h. The certification of each director required by s.
450 718.112(2)(d)4.b.

451 i. All contracts or transactions between the association
452 and any director, officer, corporation, firm, or association
453 that is not an affiliated condominium association or any other
454 entity in which an association director is also a director or
455 officer and financially interested.

456 j. Any contract or document regarding a conflict of
457 interest or possible conflict of interest as provided in ss.
458 468.436(2)(b)6. and 718.3027(3).

459 k. The notice of any unit owner meeting and the agenda for
460 the meeting, as required by s. 718.112(2)(d)3., no later than 14
461 days before the meeting. The notice must be posted in plain view
462 on the front page of the website or application, or on a
463 separate subpage of the website or application labeled "Notices"
464 which is conspicuously visible and linked from the front page.
465 The association must also post on its website or application any
466 document to be considered and voted on by the owners during the
467 meeting or any document listed on the agenda at least 7 days
468 before the meeting at which the document or the information
469 within the document will be considered.

470 l. Notice of any board meeting, the agenda, and any other
471 document required for the meeting as required by s.
472 718.112(2)(c), which must be posted no later than the date
473 required for notice under s. 718.112(2)(c).

474 m. The association's most recent structural integrity
475 reserve study, if applicable.

476 n. The association's most recent written recertification
477 report and written phase 2 inspection report as described in s.
478 718.132, if applicable.

479 3. The association shall ensure that the information and
480 records described in paragraph (c), which are not allowed to be
481 accessible to unit owners, are not posted on the association's
482 website or application. If protected information or information
483 restricted from being accessible to unit owners is included in
484 documents that are required to be posted on the association's
485 website or application, the association must ~~shall~~ ensure the
486 information is redacted before posting the documents.
487 Notwithstanding the foregoing, the association or its agent is
488 not liable for disclosing information that is protected or
489 restricted under this paragraph unless such disclosure was made
490 with a knowing or intentional disregard of the protected or
491 restricted nature of such information.

492 4. The failure of the association to post information
493 required under subparagraph 2. is not in and of itself
494 sufficient to invalidate any action or decision of the
495 association's board or its committees.

496 Section 6. Paragraphs (g) through (o) of subsection (2) of
497 section 718.112, Florida Statutes, are redesignated as
498 paragraphs (h) through (p), respectively, paragraphs (d) and (f)
499 of that subsection are amended, and a new paragraph (g) is added
500 to that subsection, to read:

501 718.112 Bylaws.—

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

505 (d) Unit owner meetings.—

506 1. An annual meeting of the unit owners must be held at
 507 the location provided in the association bylaws and, if the
 508 bylaws are silent as to the location, the meeting must be held
 509 within 45 miles of the condominium property. However, such
 510 distance requirement does not apply to an association governing
 511 a timeshare condominium.

512 2. Unless the bylaws provide otherwise, a vacancy on the
 513 board caused by the expiration of a director's term must be
 514 filled by electing a new board member, and the election must be
 515 by secret ballot. An election is not required if the number of
 516 vacancies equals or exceeds the number of candidates. For
 517 purposes of this paragraph, the term "candidate" means an
 518 eligible person who has timely submitted the written notice, as
 519 described in sub-subparagraph 4.a., of his or her intention to
 520 become a candidate. Except in a timeshare or nonresidential
 521 condominium, or if the staggered term of a board member does not
 522 expire until a later annual meeting, or if all members' terms
 523 would otherwise expire but there are no candidates, the terms of
 524 all board members expire at the annual meeting, and such members
 525 may stand for reelection unless prohibited by the bylaws. Board

526 members may serve terms longer than 1 year if permitted by the
527 bylaws or articles of incorporation. A board member may not
528 serve more than 8 consecutive years unless approved by an
529 affirmative vote of unit owners representing two-thirds of all
530 votes cast in the election or unless there are not enough
531 eligible candidates to fill the vacancies on the board at the
532 time of the vacancy. Only board service that occurs on or after
533 July 1, 2018, may be used when calculating a board member's term
534 limit. If the number of board members whose terms expire at the
535 annual meeting equals or exceeds the number of candidates, the
536 candidates become members of the board effective upon the
537 adjournment of the annual meeting. Unless the bylaws provide
538 otherwise, any remaining vacancies shall be filled by the
539 affirmative vote of the majority of the directors making up the
540 newly constituted board even if the directors constitute less
541 than a quorum or there is only one director. In a residential
542 condominium association of more than 10 units or in a
543 residential condominium association that does not include
544 timeshare units or timeshare interests, co-owners of a unit may
545 not serve as members of the board of directors at the same time
546 unless they own more than one unit or unless there are not
547 enough eligible candidates to fill the vacancies on the board at
548 the time of the vacancy. A unit owner in a residential
549 condominium desiring to be a candidate for board membership must
550 comply with sub-subparagraph 4.a. and must be eligible to be a

551 candidate to serve on the board of directors at the time of the
552 deadline for submitting a notice of intent to run in order to
553 have his or her name listed as a proper candidate on the ballot
554 or to serve on the board. A person who has been suspended or
555 removed by the division under this chapter, or who is delinquent
556 in the payment of any assessment due to the association, is not
557 eligible to be a candidate for board membership and may not be
558 listed on the ballot. For purposes of this paragraph, a person
559 is delinquent if a payment is not made by the due date as
560 specifically identified in the declaration of condominium,
561 bylaws, or articles of incorporation. If a due date is not
562 specifically identified in the declaration of condominium,
563 bylaws, or articles of incorporation, the due date is the first
564 day of the assessment period. A person who has been convicted of
565 any felony in this state or in a United States District or
566 Territorial Court, or who has been convicted of any offense in
567 another jurisdiction which would be considered a felony if
568 committed in this state, is not eligible for board membership
569 unless such felon's civil rights have been restored for at least
570 5 years as of the date such person seeks election to the board.
571 The validity of an action by the board is not affected if it is
572 later determined that a board member is ineligible for board
573 membership due to having been convicted of a felony. This
574 subparagraph does not limit the term of a member of the board of
575 a nonresidential or timeshare condominium.

576 3. The bylaws must provide the method of calling meetings
577 of unit owners, including annual meetings. Written notice of an
578 annual meeting must include an agenda; be mailed, hand
579 delivered, or electronically transmitted to each unit owner at
580 least 14 days before the annual meeting; and be posted in a
581 conspicuous place on the condominium property or association
582 property at least 14 continuous days before the annual meeting.
583 Written notice of a meeting other than an annual meeting must
584 include an agenda; be mailed, hand delivered, or electronically
585 transmitted to each unit owner; and be posted in a conspicuous
586 place on the condominium property or association property within
587 the timeframe specified in the bylaws. If the bylaws do not
588 specify a timeframe for written notice of a meeting other than
589 an annual meeting, notice must be provided at least 14
590 continuous days before the meeting. Upon notice to the unit
591 owners, the board shall, by duly adopted rule, designate a
592 specific location on the condominium property or association
593 property where all notices of unit owner meetings must be
594 posted. This requirement does not apply if there is no
595 condominium property for posting notices. In lieu of, or in
596 addition to, the physical posting of meeting notices, the
597 association may, by reasonable rule, adopt a procedure for
598 conspicuously posting and repeatedly broadcasting the notice and
599 the agenda on a closed-circuit cable television system serving
600 the condominium association. However, if broadcast notice is

601 used in lieu of a notice posted physically on the condominium
602 property, the notice and agenda must be broadcast at least four
603 times every broadcast hour of each day that a posted notice is
604 otherwise required under this section. If broadcast notice is
605 provided, the notice and agenda must be broadcast in a manner
606 and for a sufficient continuous length of time so as to allow an
607 average reader to observe the notice and read and comprehend the
608 entire content of the notice and the agenda. In addition to any
609 of the authorized means of providing notice of a meeting of the
610 board, the association may, by rule, adopt a procedure for
611 conspicuously posting the meeting notice and the agenda on a
612 website serving the condominium association for at least the
613 minimum period of time for which a notice of a meeting is also
614 required to be physically posted on the condominium property.
615 Any rule adopted shall, in addition to other matters, include a
616 requirement that the association send an electronic notice in
617 the same manner as a notice for a meeting of the members, which
618 must include a hyperlink to the website where the notice is
619 posted, to unit owners whose e-mail addresses are included in
620 the association's official records. Unless a unit owner waives
621 in writing the right to receive notice of the annual meeting,
622 such notice must be hand delivered, mailed, or electronically
623 transmitted to each unit owner. Notice for meetings and notice
624 for all other purposes must be mailed to each unit owner at the
625 address last furnished to the association by the unit owner, or

626 hand delivered to each unit owner. However, if a unit is owned
627 by more than one person, the association must provide notice to
628 the address that the developer identifies for that purpose and
629 thereafter as one or more of the owners of the unit advise the
630 association in writing, or if no address is given or the owners
631 of the unit do not agree, to the address provided on the deed of
632 record. An officer of the association, or the manager or other
633 person providing notice of the association meeting, must provide
634 an affidavit or United States Postal Service certificate of
635 mailing, to be included in the official records of the
636 association affirming that the notice was mailed or hand
637 delivered in accordance with this provision.

638 4. The members of the board of a residential condominium
639 shall be elected by written ballot or voting machine. Proxies
640 may not be used in electing the board in general elections or
641 elections to fill vacancies caused by recall, resignation, or
642 otherwise, unless otherwise provided in this chapter. This
643 subparagraph does not apply to an association governing a
644 timeshare condominium.

645 a. At least 60 days before a scheduled election, the
646 association shall mail, deliver, or electronically transmit, by
647 separate association mailing or included in another association
648 mailing, delivery, or transmission, including regularly
649 published newsletters, to each unit owner entitled to a vote, a
650 first notice of the date of the election. A unit owner or other

651 eligible person desiring to be a candidate for the board must
652 give written notice of his or her intent to be a candidate to
653 the association at least 40 days before a scheduled election.
654 Together with the written notice and agenda as set forth in
655 subparagraph 3., the association shall mail, deliver, or
656 electronically transmit a second notice of the election to all
657 unit owners entitled to vote, together with a ballot that lists
658 all candidates not less than 14 days or more than 34 days before
659 the date of the election. Upon request of a candidate, an
660 information sheet, no larger than 8 1/2 inches by 11 inches,
661 which must be furnished by the candidate at least 35 days before
662 the election, must be included with the mailing, delivery, or
663 transmission of the ballot, with the costs of mailing, delivery,
664 or electronic transmission and copying to be borne by the
665 association. The association is not liable for the contents of
666 the information sheets prepared by the candidates. In order to
667 reduce costs, the association may print or duplicate the
668 information sheets on both sides of the paper. The division
669 shall by rule establish voting procedures consistent with this
670 sub-subparagraph, including rules establishing procedures for
671 giving notice by electronic transmission and rules providing for
672 the secrecy of ballots. Elections shall be decided by a
673 plurality of ballots cast. There is no quorum requirement;
674 however, at least 20 percent of the eligible voters must cast a
675 ballot in order to have a valid election. A unit owner may not

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

685 b. Within 90 days after being elected or appointed to the
686 board of an association of a residential condominium, each newly
687 elected or appointed director shall certify in writing to the
688 secretary of the association that he or she has read the
689 association's declaration of condominium, articles of
690 incorporation, bylaws, and current written policies; that he or
691 she will work to uphold such documents and policies to the best
692 of his or her ability; and that he or she will faithfully
693 discharge his or her fiduciary responsibility to the
694 association's members. In lieu of this written certification,
695 within 90 days after being elected or appointed to the board,
696 the newly elected or appointed director may submit a certificate
697 of having satisfactorily completed the educational curriculum
698 administered by a division-approved condominium education
699 provider within 1 year before or 90 days after the date of
700 election or appointment. The written certification or

701 educational certificate is valid and does not have to be
702 resubmitted as long as the director serves on the board without
703 interruption. A director of an association of a residential
704 condominium who fails to timely file the written certification
705 or educational certificate is suspended from service on the
706 board until he or she complies with this sub-subparagraph. The
707 board may temporarily fill the vacancy during the period of
708 suspension. The secretary shall cause the association to retain
709 a director's written certification or educational certificate
710 for inspection by the members for 5 years after a director's
711 election or the duration of the director's uninterrupted tenure,
712 whichever is longer. Failure to have such written certification
713 or educational certificate on file does not affect the validity
714 of any board action.

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

717 5. Any approval by unit owners called for by this chapter
718 or the applicable declaration or bylaws, including, but not
719 limited to, the approval requirement in s. 718.111(8), must be
720 made at a duly noticed meeting of unit owners and is subject to
721 all requirements of this chapter or the applicable condominium
722 documents relating to unit owner decisionmaking, except that
723 unit owners may take action by written agreement, without
724 meetings, on matters for which action by written agreement
725 without meetings is expressly allowed by the applicable bylaws

726 or declaration or any law that provides for such action.

727 6. Unit owners may waive notice of specific meetings if
728 allowed by the applicable bylaws or declaration or any law.
729 Notice of meetings of the board of administration, unit owner
730 meetings, except unit owner meetings called to recall board
731 members under paragraph (k) ~~(j)~~, and committee meetings may be
732 given by electronic transmission to unit owners who consent to
733 receive notice by electronic transmission. A unit owner who
734 consents to receiving notices by electronic transmission is
735 solely responsible for removing or bypassing filters that block
736 receipt of mass e-mails sent to members on behalf of the
737 association in the course of giving electronic notices.

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

742 8. A unit owner may tape record or videotape a meeting of
743 the unit owners subject to reasonable rules adopted by the
744 division.

745 9. Unless otherwise provided in the bylaws, any vacancy
746 occurring on the board before the expiration of a term may be
747 filled by the affirmative vote of the majority of the remaining
748 directors, even if the remaining directors constitute less than
749 a quorum, or by the sole remaining director. In the alternative,
750 a board may hold an election to fill the vacancy, in which case

751 the election procedures must conform to sub-subparagraph 4.a.
 752 unless the association governs 10 units or fewer and has opted
 753 out of the statutory election process, in which case the bylaws
 754 of the association control. Unless otherwise provided in the
 755 bylaws, a board member appointed or elected under this section
 756 shall fill the vacancy for the unexpired term of the seat being
 757 filled. Filling vacancies created by recall is governed by
 758 paragraph (k) ~~(j)~~ and rules adopted by the division.

759 10. This chapter does not limit the use of general or
 760 limited proxies, require the use of general or limited proxies,
 761 or require the use of a written ballot or voting machine for any
 762 agenda item or election at any meeting of a timeshare
 763 condominium association or nonresidential condominium
 764 association.

765
 766 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
 767 association of 10 or fewer units may, by affirmative vote of a
 768 majority of the total voting interests, provide for different
 769 voting and election procedures in its bylaws, which may be by a
 770 proxy specifically delineating the different voting and election
 771 procedures. The different voting and election procedures may
 772 provide for elections to be conducted by limited or general
 773 proxy.

774 (f) Annual budget.—

775 1. The proposed annual budget of estimated revenues and

776 expenses must be detailed and must show the amounts budgeted by
777 accounts and expense classifications, including, at a minimum,
778 any applicable expenses listed in s. 718.504(21). The board
779 shall adopt the annual budget at least 14 days before ~~prior to~~
780 the start of the association's fiscal year. In the event that
781 the board fails to timely adopt the annual budget a second time,
782 it is ~~shall be~~ deemed a minor violation and the prior year's
783 budget shall continue in effect until a new budget is adopted. A
784 multicondominium association must ~~shall~~ adopt a separate budget
785 of common expenses for each condominium the association operates
786 and must ~~shall~~ adopt a separate budget of common expenses for
787 the association. In addition, if the association maintains
788 limited common elements with the cost to be shared only by those
789 entitled to use the limited common elements as provided for in
790 s. 718.113(1), the budget or a schedule attached to it must show
791 the amount budgeted for this maintenance. If, after turnover of
792 control of the association to the unit owners, any of the
793 expenses listed in s. 718.504(21) are not applicable, they do
794 ~~need~~ not need to be listed.

795 2.a. In addition to annual operating expenses, the budget
796 must include reserve accounts for capital expenditures and
797 deferred maintenance. These accounts must include, but are not
798 limited to, roof replacement, building painting, and pavement
799 resurfacing, regardless of the amount of deferred maintenance
800 expense or replacement cost, and any other item that has a

801 deferred maintenance expense or replacement cost that exceeds
802 \$10,000. The amount to be reserved for an item is determined by
803 the association's most recent structural integrity reserve
804 study. If the amount to be reserved for an item is not in the
805 association's most recent structural integrity reserve study or
806 the association has not completed a structural integrity reserve
807 study, the amount must be computed using a formula based upon
808 estimated remaining useful life and estimated replacement cost
809 or deferred maintenance expense of the ~~each~~ reserve item. The
810 association may adjust replacement reserve assessments annually
811 to take into account any changes in estimates or extension of
812 the useful life of a reserve item caused by deferred
813 maintenance. ~~This subsection does not apply to an adopted budget~~
814 ~~in which~~ The members of a unit-owner controlled ~~an~~ association
815 may determine ~~have determined~~, by a majority vote at a duly
816 called meeting of the association, to provide no reserves or
817 less reserves than required by this subsection. Effective July
818 1, 2024, the members of a unit-owner controlled association may
819 not determine to provide no reserves or less reserves than
820 required by this subsection for items listed in paragraph (g).

821 b. Before turnover of control of an association by a
822 developer to unit owners other than a developer under ~~pursuant~~
823 ~~to~~ s. 718.301, the developer-controlled association ~~developer~~
824 may not vote ~~the voting interests allocated to its units~~ to
825 waive the reserves or reduce ~~the~~ funding of the reserves ~~through~~

826 ~~the period expiring at the end of the second fiscal year after~~
827 ~~the fiscal year in which the certificate of a surveyor and~~
828 ~~mapper is recorded pursuant to s. 718.104(4)(c) or an instrument~~
829 ~~that transfers title to a unit in the condominium which is not~~
830 ~~accompanied by a recorded assignment of developer rights in~~
831 ~~favor of the grantee of such unit is recorded, whichever occurs~~
832 ~~first, after which time reserves may be waived or reduced only~~
833 ~~upon the vote of a majority of all nondeveloper voting interests~~
834 ~~voting in person or by limited proxy at a duly called meeting of~~
835 ~~the association. If a meeting of the unit owners has been called~~
836 ~~to determine whether to waive or reduce the funding of reserves~~
837 ~~and no such result is achieved or a quorum is not attained, the~~
838 ~~reserves included in the budget shall go into effect. After the~~
839 ~~turnover, the developer may vote its voting interest to waive or~~
840 ~~reduce the funding of reserves.~~

841 3. Reserve funds and any interest accruing thereon shall
842 remain in the reserve account or accounts, and may be used only
843 for authorized reserve expenditures unless their use for other
844 purposes is approved in advance by a majority vote at a duly
845 called meeting of the association. Before turnover of control of
846 an association by a developer to unit owners other than the
847 developer pursuant to s. 718.301, the developer-controlled
848 association may not vote to use reserves for purposes other than
849 those for which they were intended. Effective July 1, 2024,
850 members of a unit-owner controlled association may not vote to

851 use reserve funds, or any interest accruing thereon, that are
 852 reserved for items listed in paragraph (g) for any other purpose
 853 other than their intended purpose ~~without the approval of a~~
 854 ~~majority of all nondeveloper voting interests, voting in person~~
 855 ~~or by limited proxy at a duly called meeting of the association.~~

856 4. The only voting interests that are eligible to vote on
 857 questions that involve waiving or reducing the funding of
 858 reserves, or using existing reserve funds for purposes other
 859 than purposes for which the reserves were intended, are the
 860 voting interests of the units subject to assessment to fund the
 861 reserves in question. Proxy questions relating to waiving or
 862 reducing the funding of reserves or using existing reserve funds
 863 for purposes other than purposes for which the reserves were
 864 intended must contain the following statement in capitalized,
 865 bold letters in a font size larger than any other used on the
 866 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
 867 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
 868 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
 869 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

870 (g) Structural integrity reserve study.-

871 1. An association must have a structural integrity reserve
 872 study completed at least every 10 years after the condominium's
 873 creation for each building on the condominium property that is
 874 three stories or higher in height which includes, at a minimum,
 875 a study of the following items as related to the structural

- 876 integrity and safety of the building:
- 877 a. Roof.
- 878 b. Load-bearing walls or other primary structural members.
- 879 c. Floor.
- 880 d. Foundation.
- 881 e. Fireproofing and fire protection systems.
- 882 f. Plumbing.
- 883 g. Electrical systems.
- 884 h. Waterproofing and exterior painting.
- 885 i. Windows.
- 886 j. Any other item that has a deferred maintenance expense
887 or replacement cost that exceeds \$10,000 and the failure to
888 replace or maintain such item negatively affects the items
889 listed in subparagraphs a.-i., as determined by the licensed
890 engineer or architect performing the visual inspection portion
891 of the structural integrity reserve study.
- 892 2. Before a developer turns over control of an association
893 to unit owners other than the developer, the developer must have
894 a structural integrity reserve study completed for each building
895 on the condominium property that is three stories or higher in
896 height.
- 897 3. Associations existing on or before July 1, 2022, which
898 are controlled by unit owners other than the developer, must
899 have a structural integrity reserve study completed by July 1,
900 2024, for each building on the condominium property that is

901 three stories or higher in height.

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

906 Section 7. Paragraph (f) of subsection (8) of section
907 718.116, Florida Statutes, is amended to read:

908 718.116 Assessments; liability; lien and priority;
909 interest; collection.—

910 (8) Within 10 business days after receiving a written or
911 electronic request therefor from a unit owner or the unit
912 owner's designee, or a unit mortgagee or the unit mortgagee's
913 designee, the association shall issue the estoppel certificate.
914 Each association shall designate on its website a person or
915 entity with a street or e-mail address for receipt of a request
916 for an estoppel certificate issued pursuant to this section. The
917 estoppel certificate must be provided by hand delivery, regular
918 mail, or e-mail to the requestor on the date of issuance of the
919 estoppel certificate.

920 (f) Notwithstanding any limitation on transfer fees
921 contained in s. 718.112(2)(j) ~~s. 718.112(2)(i)~~, an association
922 or its authorized agent may charge a reasonable fee for the
923 preparation and delivery of an estoppel certificate, which may
924 not exceed \$250, if, on the date the certificate is issued, no
925 delinquent amounts are owed to the association for the

926 applicable unit. If an estoppel certificate is requested on an
927 expedited basis and delivered within 3 business days after the
928 request, the association may charge an additional fee of \$100.
929 If a delinquent amount is owed to the association for the
930 applicable unit, an additional fee for the estoppel certificate
931 may not exceed \$150.

932 Section 8. Paragraph (c) of subsection (2) of section
933 718.117, Florida Statutes, is redesignated as paragraph (d),
934 paragraph (b) of subsection (8) is amended, and a new paragraph
935 (c) is added to subsection (2) of that section, to read:

936 718.117 Termination of condominium.—

937 (2) TERMINATION BECAUSE OF ECONOMIC WASTE OR
938 IMPOSSIBILITY.—

939 (c)1. Notwithstanding paragraph (a), a condominium that
940 has a building that has received a phase 2 inspection under s.
941 718.132 with recommended repairs for substantial structural
942 deterioration, as defined in s. 718.132(1), that exceed 65
943 percent of the combined fair market value of the units in the
944 condominium after completion of the construction or repairs may
945 be terminated pursuant to a plan of termination approved by a
946 majority of the total voting interests of the condominium. Such
947 termination must be approved at a properly called meeting of the
948 association with the voting interests voting in person or by
949 limited proxy. A bulk owner has the same number of voting
950 interests as a single unit owner under this paragraph. For

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

953 2. Written notice of the meeting must include an agenda
 954 that conspicuously states that a plan of termination of the
 955 condominium will be considered. The written notice must be
 956 mailed, hand delivered, or electronically transmitted to each
 957 unit owner at least 14 days before the meeting and must be
 958 posted in a conspicuous place on the condominium property or the
 959 association property at least 14 continuous days before the
 960 meeting.

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

965 (8) REPORTS AND REPLACEMENT OF RECEIVER.—

966 (b) The unit owners of an association in termination may
 967 recall or remove members of the board of administration with or
 968 without cause at any time as provided in s. 718.112(2)(k) ~~s.~~
 969 ~~718.112(2)(j)~~.

970 Section 9. Section 718.132, Florida Statutes, is created
 971 to read:

972 718.132 Building recertification.—

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

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

976 (b) "Phase 2 inspection" means an inspection that includes
 977 destructive and nondestructive testing at the discretion of the
 978 person performing the inspection and a written report of such
 979 inspection. A phase 2 inspection must be performed by an
 980 engineer licensed under chapter 471 or an architect licensed
 981 under chapter 481.

982 (c) "Recertification" or "recertify" means a visual
 983 inspection of a building's general structural condition and the
 984 general condition of its electrical system, including a written
 985 report of such inspection, performed by an engineer licensed
 986 under chapter 471 or an architect licensed under chapter 481.

987 (d) "Substantial structural deterioration" means
 988 substantial structural distress that negatively affects a
 989 building's general structural condition and integrity. Surface
 990 imperfections such as cracks, distortion, sagging, deflections,
 991 misalignment, signs of leakage, or peeling of finishes are not
 992 considered substantial structural deterioration unless the
 993 licensed engineer or architect performing the recertification or
 994 phase 2 inspection determines that such surface imperfections
 995 are a sign of substantial structural distress.

996 (e) "Visual inspection" means a visual examination of the
 997 items listed in s. 718.112(2)(g).

998 (2)(a) An association must have any building on
 999 condominium property that is three stories or higher in height
 1000 and that has been occupied for at least 30 years, or 25 years if

1001 the building is within 3 miles of the coastline of the state,
 1002 recertified as determined by the local building official.

1003 (b) An association must have any building on condominium
 1004 property that is required to be recertified under paragraph (a)
 1005 recertified at least every 10 years after its first
 1006 recertification.

1007 (3) Upon determining that a building on condominium
 1008 property must be recertified, the local building official must
 1009 provide written notice of such required recertification to the
 1010 association by certified mail, return receipt requested.

1011 (4) (a) Within 90 days after receiving the written notice
 1012 under subsection (3), or within 180 days if the association
 1013 receives the written notice before July 1, 2023, the association
 1014 or the association's manager must provide the written
 1015 recertification report by e-mail, United States Postal Service,
 1016 or commercial delivery service to the local building official
 1017 and state the date on which the association received such report
 1018 from the licensed engineer or architect who performed the
 1019 recertification.

1020 (b) Within 14 days after receiving the written
 1021 recertification report from the licensed engineer or architect
 1022 who performed the recertification, the association must provide
 1023 the written recertification report by e-mail, United States
 1024 Postal Service, or commercial delivery service to each unit
 1025 owner.

1026 (5) Upon completing a recertification, the licensed
1027 engineer or architect who performed the recertification must
1028 provide a written recertification report by e-mail, United
1029 States Postal Service, or commercial delivery service to the
1030 association. The written recertification report must, at a
1031 minimum:

1032 (a) Bear the seal and signature, or the electronic
1033 signature, of the licensed engineer or architect who performed
1034 the inspection.

1035 (b) Indicate the manner and type of inspection forming the
1036 basis for the written recertification report and a description
1037 of any items identified as requiring further inspection or
1038 remedial action.

1039 (c) Indicate whether there is damage to the items listed
1040 in s. 718.112(2)(g), within a reasonable professional
1041 probability based on the scope of the inspection, and list any
1042 recommended repairs for such damage.

1043 (d) Indicate whether there is substantial structural
1044 deterioration within a reasonable professional probability based
1045 on the scope of the inspection.

1046 (e) State whether unsafe or dangerous conditions, as those
1047 terms are defined in the Florida Building Code, were observed.

1048 (6) (a) If a written recertification report indicates that
1049 there is substantial structural deterioration within a
1050 reasonable professional probability based on the scope of the

1051 inspection, the local building official must provide written
1052 notice to the association by certified mail, return receipt
1053 requested, that the association must have a phase 2 inspection
1054 performed.

1055 (b) Within 60 days after receiving the written notice
1056 under paragraph (a), the association must provide written notice
1057 to the local building official by e-mail, United States Postal
1058 Service, or commercial delivery service that includes the start
1059 date of the phase 2 inspection and the name and contact
1060 information of the licensed engineer or architect who will
1061 perform the phase 2 inspection.

1062 (c) The written phase 2 inspection report must, at a
1063 minimum:

1064 1. Bear the seal and signature, or the electronic
1065 signature, of the licensed engineer or architect who performed
1066 the inspection.

1067 2. Indicate the manner and type of inspection forming the
1068 basis for the written report.

1069 3. State whether there is substantial structural
1070 deterioration, within a reasonable professional probability
1071 based on the scope of the inspection, and the extent of such
1072 deterioration and list any recommended repairs for such
1073 deterioration.

1074 4. State whether unsafe or dangerous conditions, as those
1075 terms are defined in the Florida Building Code, were observed.

1076 (d) The licensed engineer or architect performing the
 1077 phase 2 inspection must provide the written phase 2 inspection
 1078 report by e-mail, United States Postal Service, or commercial
 1079 delivery service to the local building official and the
 1080 association upon completion.

1081 (e) Within 14 days after receiving the written phase 2
 1082 inspection report from the licensed engineer or architect who
 1083 performed the phase 2 inspection, the association must provide
 1084 the written phase 2 inspection report by e-mail, United States
 1085 Postal Service, or commercial delivery service to each unit
 1086 owner.

1087 (7)(a) A local building official may prescribe penalties,
 1088 which must be posted on the building department's website, for
 1089 failure to comply with this section.

1090 (b) If an association fails to schedule or begin repairs
 1091 that are identified in the written phase 2 inspection report
 1092 within a time period to be determined by the county
 1093 commissioners of the county where the building is located, which
 1094 time period may not exceed 365 days after the local building
 1095 official receives the written phase 2 inspection report, the
 1096 local building official must determine that the building is
 1097 unsafe for human occupancy until such repairs are scheduled or
 1098 begin.

1099 (8) If an association fails to complete a recertification
 1100 or phase 2 inspection pursuant to this section, such failure is

1101 a breach of an officer's and director's fiduciary relationship
1102 to the unit owners under s. 718.111(1).

1103 Section 10. Paragraphs (r), (s), and (t) are added to
1104 subsection (4) of section 718.301, Florida Statutes, to read:

1105 718.301 Transfer of association control; claims of defect
1106 by association.—

1107 (4) At the time that unit owners other than the developer
1108 elect a majority of the members of the board of administration
1109 of an association, the developer shall relinquish control of the
1110 association, and the unit owners shall accept control.

1111 Simultaneously, or for the purposes of paragraph (c) not more
1112 than 90 days thereafter, the developer shall deliver to the
1113 association, at the developer's expense, all property of the
1114 unit owners and of the association which is held or controlled
1115 by the developer, including, but not limited to, the following
1116 items, if applicable, as to each condominium operated by the
1117 association:

1118 (r) A copy of the association's most recent structural
1119 integrity reserve study.

1120 (s) If a building on the condominium property must be
1121 recertified under s. 718.132, a copy of the association's most
1122 recent written recertification report.

1123 (t) If a building on the condominium property must have a
1124 phase 2 inspection performed under s. 718.132, a copy of the
1125 association's most recent written phase 2 inspection report.

CS/HB 7069

2022

1126 Section 11. Subsection (1) of section 718.501, Florida
1127 Statutes, is amended, and subsection (3) is added to that
1128 section, to read:

1129 718.501 Authority, responsibility, and duties of Division
1130 of Florida Condominiums, Timeshares, and Mobile Homes.—

1131 (1) The division may enforce and ensure compliance with
1132 this chapter and rules relating to the development,
1133 construction, sale, lease, ownership, operation, and management
1134 of residential condominium units. In performing its duties, the
1135 division has complete jurisdiction to investigate complaints and
1136 enforce compliance with respect to associations that are still
1137 under developer control or the control of a bulk assignee or
1138 bulk buyer pursuant to part VII of this chapter and complaints
1139 against developers, bulk assignees, or bulk buyers involving
1140 improper turnover or failure to turnover, pursuant to s.

1141 718.301. However, after turnover has occurred, the division has
1142 jurisdiction to investigate complaints related only to financial
1143 issues, elections, ~~and~~ the maintenance of and unit owner access
1144 to association records under s. 718.111(12), and the procedural
1145 completion of structural integrity reserve studies under s.
1146 718.112(2)(g) and recertifications and phase 2 inspections under
1147 s. 718.132.

1148 (a)1. The division may make necessary public or private
1149 investigations within or outside this state to determine whether
1150 any person has violated this chapter or any rule or order

1151 hereunder, to aid in the enforcement of this chapter, or to aid
 1152 in the adoption of rules or forms.

1153 2. The division may submit any official written report,
 1154 worksheet, or other related paper, or a duly certified copy
 1155 thereof, compiled, prepared, drafted, or otherwise made by and
 1156 duly authenticated by a financial examiner or analyst to be
 1157 admitted as competent evidence in any hearing in which the
 1158 financial examiner or analyst is available for cross-examination
 1159 and attests under oath that such documents were prepared as a
 1160 result of an examination or inspection conducted pursuant to
 1161 this chapter.

1162 (b) The division may require or permit any person to file
 1163 a statement in writing, under oath or otherwise, as the division
 1164 determines, as to the facts and circumstances concerning a
 1165 matter to be investigated.

1166 (c) For the purpose of any investigation under this
 1167 chapter, the division director or any officer or employee
 1168 designated by the division director may administer oaths or
 1169 affirmations, subpoena witnesses and compel their attendance,
 1170 take evidence, and require the production of any matter which is
 1171 relevant to the investigation, including the existence,
 1172 description, nature, custody, condition, and location of any
 1173 books, documents, or other tangible things and the identity and
 1174 location of persons having knowledge of relevant facts or any
 1175 other matter reasonably calculated to lead to the discovery of

1176 material evidence. Upon the failure by a person to obey a
 1177 subpoena or to answer questions propounded by the investigating
 1178 officer and upon reasonable notice to all affected persons, the
 1179 division may apply to the circuit court for an order compelling
 1180 compliance.

1181 (d) Notwithstanding any remedies available to unit owners
 1182 and associations, if the division has reasonable cause to
 1183 believe that a violation of any provision of this chapter or
 1184 related rule has occurred, the division may institute
 1185 enforcement proceedings in its own name against any developer,
 1186 bulk assignee, bulk buyer, association, officer, or member of
 1187 the board of administration, or its assignees or agents, as
 1188 follows:

1189 1. The division may permit a person whose conduct or
 1190 actions may be under investigation to waive formal proceedings
 1191 and enter into a consent proceeding whereby orders, rules, or
 1192 letters of censure or warning, whether formal or informal, may
 1193 be entered against the person.

1194 2. The division may issue an order requiring the
 1195 developer, bulk assignee, bulk buyer, association, developer-
 1196 designated officer, or developer-designated member of the board
 1197 of administration, developer-designated assignees or agents,
 1198 bulk assignee-designated assignees or agents, bulk buyer-
 1199 designated assignees or agents, community association manager,
 1200 or community association management firm to cease and desist

1201 from the unlawful practice and take such affirmative action as
1202 in the judgment of the division carry out the purposes of this
1203 chapter. If the division finds that a developer, bulk assignee,
1204 bulk buyer, association, officer, or member of the board of
1205 administration, or its assignees or agents, is violating or is
1206 about to violate ~~any provision of~~ this chapter, any rule adopted
1207 or order issued by the division, or any written agreement
1208 entered into with the division, and presents an immediate danger
1209 to the public requiring an immediate final order, it may issue
1210 an emergency cease and desist order reciting with particularity
1211 the facts underlying such findings. The emergency cease and
1212 desist order is effective for 90 days. If the division begins
1213 nonemergency cease and desist proceedings, the emergency cease
1214 and desist order remains effective until the conclusion of the
1215 proceedings under ss. 120.569 and 120.57.

1216 3. If a developer, bulk assignee, or bulk buyer fails to
1217 pay any restitution determined by the division to be owed, plus
1218 any accrued interest at the highest rate permitted by law,
1219 within 30 days after expiration of any appellate time period of
1220 a final order requiring payment of restitution or the conclusion
1221 of any appeal thereof, whichever is later, the division must
1222 bring an action in circuit or county court on behalf of any
1223 association, class of unit owners, lessees, or purchasers for
1224 restitution, declaratory relief, injunctive relief, or any other
1225 available remedy. The division may also temporarily revoke its

1226 acceptance of the filing for the developer to which the
1227 restitution relates until payment of restitution is made.

1228 4. The division may petition the court for appointment of
1229 a receiver or conservator. If appointed, the receiver or
1230 conservator may take action to implement the court order to
1231 ensure the performance of the order and to remedy any breach
1232 thereof. In addition to all other means provided by law for the
1233 enforcement of an injunction or temporary restraining order, the
1234 circuit court may impound or sequester the property of a party
1235 defendant, including books, papers, documents, and related
1236 records, and allow the examination and use of the property by
1237 the division and a court-appointed receiver or conservator.

1238 5. The division may apply to the circuit court for an
1239 order of restitution whereby the defendant in an action brought
1240 under subparagraph 4. is ordered to make restitution of those
1241 sums shown by the division to have been obtained by the
1242 defendant in violation of this chapter. At the option of the
1243 court, such restitution is payable to the conservator or
1244 receiver appointed under subparagraph 4. or directly to the
1245 persons whose funds or assets were obtained in violation of this
1246 chapter.

1247 6. The division may impose a civil penalty against a
1248 developer, bulk assignee, or bulk buyer, or association, or its
1249 assignee or agent, for any violation of this chapter or related
1250 rule. The division may impose a civil penalty individually

1251 against an officer or board member who willfully and knowingly
1252 violates this chapter, an adopted rule, or a final order of the
1253 division; may order the removal of such individual as an officer
1254 or from the board of administration or as an officer of the
1255 association; and may prohibit such individual from serving as an
1256 officer or on the board of a community association for a period
1257 of time. The term "willfully and knowingly" means that the
1258 division informed the officer or board member that his or her
1259 action or intended action violates this chapter, a rule adopted
1260 under this chapter, or a final order of the division and that
1261 the officer or board member refused to comply with the
1262 requirements of this chapter, a rule adopted under this chapter,
1263 or a final order of the division. The division, before
1264 initiating formal agency action under chapter 120, must afford
1265 the officer or board member an opportunity to voluntarily
1266 comply, and an officer or board member who complies within 10
1267 days is not subject to a civil penalty. A penalty may be imposed
1268 on the basis of each day of continuing violation, but the
1269 penalty for any offense may not exceed \$5,000. The division
1270 shall adopt, by rule, penalty guidelines applicable to possible
1271 violations or to categories of violations of this chapter or
1272 rules adopted by the division. The guidelines must specify a
1273 meaningful range of civil penalties for each such violation of
1274 the statute and rules and must be based upon the harm caused by
1275 the violation, the repetition of the violation, and upon such

1276 other factors deemed relevant by the division. For example, the
1277 division may consider whether the violations were committed by a
1278 developer, bulk assignee, or bulk buyer, or owner-controlled
1279 association, the size of the association, and other factors. The
1280 guidelines must designate the possible mitigating or aggravating
1281 circumstances that justify a departure from the range of
1282 penalties provided by the rules. It is the legislative intent
1283 that minor violations be distinguished from those which endanger
1284 the health, safety, or welfare of the condominium residents or
1285 other persons and that such guidelines provide reasonable and
1286 meaningful notice to the public of likely penalties that may be
1287 imposed for proscribed conduct. This subsection does not limit
1288 the ability of the division to informally dispose of
1289 administrative actions or complaints by stipulation, agreed
1290 settlement, or consent order. All amounts collected shall be
1291 deposited with the Chief Financial Officer to the credit of the
1292 Division of Florida Condominiums, Timeshares, and Mobile Homes
1293 Trust Fund. If a developer, bulk assignee, or bulk buyer fails
1294 to pay the civil penalty and the amount deemed to be owed to the
1295 association, the division shall issue an order directing that
1296 such developer, bulk assignee, or bulk buyer cease and desist
1297 from further operation until such time as the civil penalty is
1298 paid or may pursue enforcement of the penalty in a court of
1299 competent jurisdiction. If an association fails to pay the civil
1300 penalty, the division shall pursue enforcement in a court of

1301 competent jurisdiction, and the order imposing the civil penalty
1302 or the cease and desist order is not effective until 20 days
1303 after the date of such order. Any action commenced by the
1304 division shall be brought in the county in which the division
1305 has its executive offices or in the county where the violation
1306 occurred.

1307 7. If a unit owner presents the division with proof that
1308 the unit owner has requested access to official records in
1309 writing by certified mail, and that after 10 days the unit owner
1310 again made the same request for access to official records in
1311 writing by certified mail, and that more than 10 days has
1312 elapsed since the second request and the association has still
1313 failed or refused to provide access to official records as
1314 required by this chapter, the division shall issue a subpoena
1315 requiring production of the requested records where the records
1316 are kept pursuant to s. 718.112.

1317 8. In addition to subparagraph 6., the division may seek
1318 the imposition of a civil penalty through the circuit court for
1319 any violation for which the division may issue a notice to show
1320 cause under paragraph (r). The civil penalty shall be at least
1321 \$500 but no more than \$5,000 for each violation. The court may
1322 also award to the prevailing party court costs and reasonable
1323 attorney fees and, if the division prevails, may also award
1324 reasonable costs of investigation.

1325 (e) The division may prepare and disseminate a prospectus

1326 and other information to assist prospective owners, purchasers,
 1327 lessees, and developers of residential condominiums in assessing
 1328 the rights, privileges, and duties pertaining thereto.

1329 (f) The division may adopt rules to administer and enforce
 1330 this chapter.

1331 (g) The division shall establish procedures for providing
 1332 notice to an association and the developer, bulk assignee, or
 1333 bulk buyer during the period in which the developer, bulk
 1334 assignee, or bulk buyer controls the association if the division
 1335 is considering the issuance of a declaratory statement with
 1336 respect to the declaration of condominium or any related
 1337 document governing such condominium community.

1338 (h) The division shall furnish each association that pays
 1339 the fees required by paragraph (2)(a) a copy of this chapter, as
 1340 amended, and the rules adopted thereto on an annual basis.

1341 (i) The division shall annually provide each association
 1342 with a summary of declaratory statements and formal legal
 1343 opinions relating to the operations of condominiums which were
 1344 rendered by the division during the previous year.

1345 (j) The division shall provide training and educational
 1346 programs for condominium association board members and unit
 1347 owners. The training may, in the division's discretion, include
 1348 web-based electronic media, and live training and seminars in
 1349 various locations throughout the state. The division may review
 1350 and approve education and training programs for board members

1351 and unit owners offered by providers and shall maintain a
1352 current list of approved programs and providers and make such
1353 list available to board members and unit owners in a reasonable
1354 and cost-effective manner.

1355 (k) The division shall maintain a toll-free telephone
1356 number accessible to condominium unit owners.

1357 (l) The division shall develop a program to certify both
1358 volunteer and paid mediators to provide mediation of condominium
1359 disputes. The division shall provide, upon request, a list of
1360 such mediators to any association, unit owner, or other
1361 participant in alternative dispute resolution proceedings under
1362 s. 718.1255 requesting a copy of the list. The division shall
1363 include on the list of volunteer mediators only the names of
1364 persons who have received at least 20 hours of training in
1365 mediation techniques or who have mediated at least 20 disputes.
1366 In order to become initially certified by the division, paid
1367 mediators must be certified by the Supreme Court to mediate
1368 court cases in county or circuit courts. However, the division
1369 may adopt, by rule, additional factors for the certification of
1370 paid mediators, which must be related to experience, education,
1371 or background. Any person initially certified as a paid mediator
1372 by the division must, in order to continue to be certified,
1373 comply with the factors or requirements adopted by rule.

1374 (m) If a complaint is made, the division must conduct its
1375 inquiry with due regard for the interests of the affected

1376 parties. Within 30 days after receipt of a complaint, the
1377 division shall acknowledge the complaint in writing and notify
1378 the complainant whether the complaint is within the jurisdiction
1379 of the division and whether additional information is needed by
1380 the division from the complainant. The division shall conduct
1381 its investigation and, within 90 days after receipt of the
1382 original complaint or of timely requested additional
1383 information, take action upon the complaint. However, the
1384 failure to complete the investigation within 90 days does not
1385 prevent the division from continuing the investigation,
1386 accepting or considering evidence obtained or received after 90
1387 days, or taking administrative action if reasonable cause exists
1388 to believe that a violation of this chapter or a rule has
1389 occurred. If an investigation is not completed within the time
1390 limits established in this paragraph, the division shall, on a
1391 monthly basis, notify the complainant in writing of the status
1392 of the investigation. When reporting its action to the
1393 complainant, the division shall inform the complainant of any
1394 right to a hearing under ss. 120.569 and 120.57. The division
1395 may adopt rules regarding the submission of a complaint against
1396 an association.

1397 (n) Condominium association directors, officers, and
1398 employees; condominium developers; bulk assignees, bulk buyers,
1399 and community association managers; and community association
1400 management firms have an ongoing duty to reasonably cooperate

1401 with the division in any investigation under this section. The
 1402 division shall refer to local law enforcement authorities any
 1403 person whom the division believes has altered, destroyed,
 1404 concealed, or removed any record, document, or thing required to
 1405 be kept or maintained by this chapter with the purpose to impair
 1406 its verity or availability in the department's investigation.

1407 (o) The division may:

- 1408 1. Contract with agencies in this state or other
- 1409 jurisdictions to perform investigative functions; or
- 1410 2. Accept grants-in-aid from any source.

1411 (p) The division shall cooperate with similar agencies in
 1412 other jurisdictions to establish uniform filing procedures and
 1413 forms, public offering statements, advertising standards, and
 1414 rules and common administrative practices.

1415 (q) The division shall consider notice to a developer,
 1416 bulk assignee, or bulk buyer to be complete when it is delivered
 1417 to the address of the developer, bulk assignee, or bulk buyer
 1418 currently on file with the division.

1419 (r) In addition to its enforcement authority, the division
 1420 may issue a notice to show cause, which must provide for a
 1421 hearing, upon written request, in accordance with chapter 120.

1422 (s) The division shall submit to the Governor, the
 1423 President of the Senate, the Speaker of the House of
 1424 Representatives, and the chairs of the legislative
 1425 appropriations committees an annual report that includes, but

1426 need not be limited to, the number of training programs provided
1427 for condominium association board members and unit owners, the
1428 number of complaints received by type, the number and percent of
1429 complaints acknowledged in writing within 30 days and the number
1430 and percent of investigations acted upon within 90 days in
1431 accordance with paragraph (m), and the number of investigations
1432 exceeding the 90-day requirement. The annual report must also
1433 include an evaluation of the division's core business processes
1434 and make recommendations for improvements, including statutory
1435 changes. The report shall be submitted by September 30 following
1436 the end of the fiscal year.

1437 (3)(a) On or before January 1, 2023, condominium
1438 associations existing on or before July 1, 2022, must provide
1439 the following information to the division in writing, by e-mail,
1440 United States Postal Service, commercial delivery service, or
1441 hand delivery, at a physical address or e-mail address provided
1442 by the division and on a form posted on the division's website:

- 1443 1. The number of buildings on the condominium property
1444 that are three stories or higher in height.
1445 2. The total number of units in all such buildings.
1446 3. The addresses of all such buildings.
1447 4. The counties in which all such buildings are located.

1448 (b) The division must compile a list of the number of
1449 buildings on condominium property that are three stories or
1450 higher in height, which is searchable by county, and must post

1451 the list on the division's website. This list must include all
 1452 of the following information:

1453 1. The name of each association with buildings on the
 1454 condominium property that are three stories or higher in height.

1455 2. The number of such buildings on each association's
 1456 property.

1457 3. The addresses of all such buildings.

1458 4. The counties in which all such buildings are located.

1459 (c) An association must provide an update in writing to
 1460 the division if there are any changes to the information in the
 1461 list under paragraph (b) within 6 months after the change.

1462 Section 12. Paragraphs (b) and (c) of subsection (2) of
 1463 section 718.503, Florida Statutes, are redesignated as
 1464 paragraphs (c) and (d), respectively, and paragraph (b) of
 1465 subsection (1) and paragraph (a) of subsection (2) are amended
 1466 to read:

1467 718.503 Developer disclosure before ~~prior to~~ sale;
 1468 nondeveloper unit owner disclosure before ~~prior to~~ sale;
 1469 voidability.—

1470 (1) DEVELOPER DISCLOSURE.—

1471 (b) Copies of documents to be furnished to prospective
 1472 buyer or lessee.—Until such time as the developer has furnished
 1473 the documents listed below to a person who has entered into a
 1474 contract to purchase a residential unit or lease it for more
 1475 than 5 years, the contract may be voided by that person,

1476 | entitling the person to a refund of any deposit together with
 1477 | interest thereon as provided in s. 718.202. The contract may be
 1478 | terminated by written notice from the proposed buyer or lessee
 1479 | delivered to the developer within 15 days after the buyer or
 1480 | lessee receives all of the documents required by this section.
 1481 | The developer may not close for 15 days after ~~following~~ the
 1482 | execution of the agreement and delivery of the documents to the
 1483 | buyer as evidenced by a signed receipt for documents unless the
 1484 | buyer is informed in the 15-day voidability period and agrees to
 1485 | close before ~~prior to~~ the expiration of the 15 days. The
 1486 | developer shall retain in his or her records a separate
 1487 | agreement signed by the buyer as proof of the buyer's agreement
 1488 | to close before ~~prior to~~ the expiration of the ~~said~~ voidability
 1489 | period. Such ~~Said~~ proof must ~~shall~~ be retained for ~~a period of~~ 5
 1490 | years after the date of the closing of the transaction. The
 1491 | documents to be delivered to the prospective buyer are the
 1492 | prospectus or disclosure statement with all exhibits, if the
 1493 | development is subject to ~~the provisions of~~ s. 718.504, or, if
 1494 | not, then copies of the following which are applicable:
 1495 | 1. The question and answer sheet described in s. 718.504,
 1496 | and declaration of condominium, or the proposed declaration if
 1497 | the declaration has not been recorded, which shall include the
 1498 | certificate of a surveyor approximately representing the
 1499 | locations required by s. 718.104.
 1500 | 2. The documents creating the association.

- 1501 3. The bylaws.
- 1502 4. The ground lease or other underlying lease of the
1503 condominium.
- 1504 5. The management contract, maintenance contract, and
1505 other contracts for management of the association and operation
1506 of the condominium and facilities used by the unit owners having
1507 a service term in excess of 1 year, and any management contracts
1508 that are renewable.
- 1509 6. The estimated operating budget for the condominium and
1510 a schedule of expenses for each type of unit, including fees
1511 assessed under ~~pursuant to~~ s. 718.113(1) for the maintenance of
1512 limited common elements where such costs are shared only by
1513 those entitled to use the limited common elements.
- 1514 7. The lease of recreational and other facilities that
1515 will be used only by unit owners of the subject condominium.
- 1516 8. The lease of recreational and other common facilities
1517 that will be used by unit owners in common with unit owners of
1518 other condominiums.
- 1519 9. The form of unit lease if the offer is of a leasehold.
- 1520 10. Any declaration of servitude of properties serving the
1521 condominium but not owned by unit owners or leased to them or
1522 the association.
- 1523 11. If the development is to be built in phases or if the
1524 association is to manage more than one condominium, a
1525 description of the plan of phase development or the arrangements

1526 | for the association to manage two or more condominiums.
 1527 | 12. If the condominium is a conversion of existing
 1528 | improvements, the statements and disclosure required by s.
 1529 | 718.616.
 1530 | 13. The form of agreement for sale or lease of units.
 1531 | 14. A copy of the floor plan of the unit and the plot plan
 1532 | showing the location of the residential buildings and the
 1533 | recreation and other common areas.
 1534 | 15. A copy of all covenants and restrictions that ~~which~~
 1535 | ~~will~~ affect the use of the property and ~~which~~ are not contained
 1536 | in the foregoing.
 1537 | 16. If the developer is required by state or local
 1538 | authorities to obtain acceptance or approval of any dock or
 1539 | marina facilities intended to serve the condominium, a copy of
 1540 | any such acceptance or approval acquired by the time of filing
 1541 | with the division under s. 718.502(1), or a statement that such
 1542 | acceptance or approval has not been acquired or received.
 1543 | 17. Evidence demonstrating that the developer has an
 1544 | ownership, leasehold, or contractual interest in the land upon
 1545 | which the condominium is to be developed.
 1546 | 18. A copy of the association's most recent structural
 1547 | integrity reserve study or a statement that the association has
 1548 | not completed a structural integrity reserve study.
 1549 | 19. If the unit is located in a building on the
 1550 | condominium property that must be recertified under s. 718.132,

1551 a copy of the association's most recent written recertification
 1552 report or a statement that the association has not completed the
 1553 required recertification.

1554 20. If the unit is located in a building on the
 1555 condominium property that must have a phase 2 inspection
 1556 performed under s. 718.132, a copy of the association's most
 1557 recent written phase 2 inspection report or a statement that the
 1558 association has not completed the required phase 2 inspection.

1559 (2) NONDEVELOPER DISCLOSURE.—

1560 (a) Each unit owner who is not a developer as defined by
 1561 this chapter must ~~shall~~ comply with ~~the provisions of this~~
 1562 subsection before ~~prior to~~ the sale of his or her unit. Each
 1563 prospective purchaser who has entered into a contract for the
 1564 purchase of a condominium unit is entitled, at the seller's
 1565 expense, to a current copy of all of the following:

- 1566 1. The declaration of condominium.τ
- 1567 2. Articles of incorporation of the association.τ
- 1568 3. Bylaws and rules of the association.τ
- 1569 4. Financial information required by s. 718.111.τ
- 1570 5. The association's most recent structural integrity
 1571 reserve study or a statement that the association has not
 1572 completed a structural integrity reserve study.

1573 6. If the unit is located in a building on the condominium
 1574 property that must be recertified under s. 718.132, the
 1575 association's most recent written recertification report or a

1576 statement that the association has not completed the required
 1577 recertification.

1578 7. If the unit is located in a building on the condominium
 1579 property that must have a phase 2 inspection performed under s.
 1580 718.132, the association's most recent written phase 2
 1581 inspection report or a statement that the association has not
 1582 completed the required phase 2 inspection. and

1583 8. The document entitled "Frequently Asked Questions and
 1584 Answers" required by s. 718.504.

1585 (b) On and after January 1, 2009, The prospective
 1586 purchaser is shall also ~~be~~ entitled to receive from the seller a
 1587 copy of a governance form. Such form shall be provided by the
 1588 division summarizing governance of condominium associations. In
 1589 addition to such other information as the division considers
 1590 helpful to a prospective purchaser in understanding association
 1591 governance, the governance form shall address the following
 1592 subjects:

1593 1. The role of the board in conducting the day-to-day
 1594 affairs of the association on behalf of, and in the best
 1595 interests of, the owners.

1596 2. The board's responsibility to provide advance notice of
 1597 board and membership meetings.

1598 3. The rights of owners to attend and speak at board and
 1599 membership meetings.

1600 4. The responsibility of the board and of owners with

1601 respect to maintenance of the condominium property.

1602 5. The responsibility of the board and owners to abide by

1603 the condominium documents, this chapter, rules adopted by the

1604 division, and reasonable rules adopted by the board.

1605 6. Owners' rights to inspect and copy association records

1606 and the limitations on such rights.

1607 7. Remedies available to owners with respect to actions by

1608 the board which may be abusive or beyond the board's power and

1609 authority.

1610 8. The right of the board to hire a property management

1611 firm, subject to its own primary responsibility for such

1612 management.

1613 9. The responsibility of owners with regard to payment of

1614 regular or special assessments necessary for the operation of

1615 the property and the potential consequences of failure to pay

1616 such assessments.

1617 10. The voting rights of owners.

1618 11. Rights and obligations of the board in enforcement of

1619 rules in the condominium documents and rules adopted by the

1620 board.

1621

1622 The governance form must ~~shall~~ also include the following

1623 statement in conspicuous type: "This publication is intended as

1624 an informal educational overview of condominium governance. In

1625 the event of a conflict, the provisions of chapter 718, Florida

1626 Statutes, rules adopted by the Division of Florida Condominiums,
1627 Timeshares, and Mobile Homes of the Department of Business and
1628 Professional Regulation, the provisions of the condominium
1629 documents, and reasonable rules adopted by the condominium
1630 association's board of administration prevail over the contents
1631 of this publication."

1632 Section 13. Paragraph (f) of subsection (24) of section
1633 718.504, Florida Statutes, is amended, and paragraphs (q) and
1634 (r) are added to that subsection, to read:

1635 718.504 Prospectus or offering circular.—Every developer
1636 of a residential condominium which contains more than 20
1637 residential units, or which is part of a group of residential
1638 condominiums which will be served by property to be used in
1639 common by unit owners of more than 20 residential units, shall
1640 prepare a prospectus or offering circular and file it with the
1641 Division of Florida Condominiums, Timeshares, and Mobile Homes
1642 prior to entering into an enforceable contract of purchase and
1643 sale of any unit or lease of a unit for more than 5 years and
1644 shall furnish a copy of the prospectus or offering circular to
1645 each buyer. In addition to the prospectus or offering circular,
1646 each buyer shall be furnished a separate page entitled
1647 "Frequently Asked Questions and Answers," which shall be in
1648 accordance with a format approved by the division and a copy of
1649 the financial information required by s. 718.111. This page
1650 shall, in readable language, inform prospective purchasers

1651 regarding their voting rights and unit use restrictions,
 1652 including restrictions on the leasing of a unit; shall 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; shall contain a statement identifying
 1656 that amount of assessment which, pursuant to the budget, would
 1657 be levied upon each unit type, exclusive of any special
 1658 assessments, and which shall further identify the basis upon
 1659 which assessments are levied, whether monthly, quarterly, or
 1660 otherwise; shall 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 which
 1663 shall further state whether membership in a recreational
 1664 facilities association is mandatory, and if so, shall identify
 1665 the fees currently charged per unit type. The division shall by
 1666 rule require such other disclosure as in its judgment will
 1667 assist prospective purchasers. The prospectus or offering
 1668 circular may include more than one condominium, although not all
 1669 such units are being offered for sale as of the date of the
 1670 prospectus or offering circular. The prospectus or offering
 1671 circular must contain the following information:

1672 (24) Copies of the following, to the extent they are
 1673 applicable, shall be included as exhibits:

1674 (f) The estimated operating budget for the condominium,
 1675 ~~and~~ and the required schedule of unit owners' expenses, and the

1676 association's most recent structural integrity reserve study or
1677 a statement that the association has not completed a structural
1678 integrity reserve study.

1679 (q) If the unit is located in a building on the
1680 condominium property that must be recertified under s. 718.132,
1681 the association's most recent written recertification report or
1682 a statement that the association has not completed the required
1683 recertification.

1684 (r) If the unit is located in a building on the
1685 condominium property that must have a phase 2 inspection
1686 performed under s. 718.132, the association's most recent
1687 written phase 2 inspection report or a statement that the
1688 association has not completed the required phase 2 inspection.

1689 Section 14. Subsection (21) and subsections (24) through
1690 (28) of section 719.103, Florida Statutes, are renumbered as
1691 subsection (22) and subsections (25) through (30), respectively,
1692 and new subsections (21) and (24) are added to that section to
1693 read:

1694 719.103 Definitions.—As used in this chapter:

1695 (21) "Primary structural member" has the same meaning as
1696 in s. 627.706(2).

1697 (24) "Structural integrity reserve study" means a study of
1698 the reserve funds required for future major repairs and
1699 replacement of the common areas based on a visual inspection of
1700 the common areas. A structural integrity reserve study may be

1701 performed by any person qualified to perform such study.
1702 However, the visual inspection portion of the structural
1703 integrity reserve study must be performed by an engineer
1704 licensed under chapter 471 or an architect licensed under
1705 chapter 481. At a minimum, a structural integrity reserve study
1706 must identify the common areas being visually inspected, state
1707 the estimated remaining useful life and the estimated
1708 replacement cost or deferred maintenance expense of the common
1709 areas being visually inspected, and provide a recommended annual
1710 reserve amount that achieves the estimated replacement cost or
1711 deferred maintenance expense of each common area being visually
1712 inspected by the end of the estimated remaining useful life of
1713 each common area.

1714 Section 15. Subsection (1) of section 719.1035, Florida
1715 Statutes, is amended to read:

1716 719.1035 Creation of cooperatives.—

1717 (1) The date when cooperative existence shall commence is
1718 upon commencement of corporate existence of the cooperative
1719 association as provided in s. 607.0203. The cooperative
1720 documents must be recorded in the county in which the
1721 cooperative is located before property may be conveyed or
1722 transferred to the cooperative. All persons who have any record
1723 interest in any mortgage encumbering the interest in the land
1724 being submitted to cooperative ownership must either join in the
1725 execution of the cooperative documents or execute, with the

CS/HB 7069

2022

1726 requirements for deed, and record, a consent to the cooperative
1727 documents or an agreement subordinating their mortgage interest
1728 to the cooperative documents. Upon creation of a cooperative,
1729 the developer or association shall file the recording
1730 information with the division within 30 working days on a form
1731 prescribed by the division. If the cooperative is subject to s.
1732 719.132 and has at least one building on the cooperative
1733 property that is three stories or higher in height, the
1734 developer or association must also provide information to the
1735 division indicating the number of buildings described in the
1736 recording information located on the cooperative property that
1737 are three stories or higher in height, the total number of units
1738 in all such buildings, and the addresses of all such buildings
1739 within 30 working days after creation of the cooperative on a
1740 form prescribed by the division.

1741 Section 16. Paragraph (a) of subsection (2) of section
1742 719.104, Florida Statutes, is amended to read:

1743 719.104 Cooperatives; access to units; records; financial
1744 reports; assessments; purchase of leases.—

1745 (2) OFFICIAL RECORDS.—

1746 (a) From the inception of the association, the association
1747 shall maintain a copy of each of the following, if where
1748 applicable, which shall constitute the official records of the
1749 association:

1750 1. The plans, permits, warranties, and other items

1751 provided by the developer pursuant to s. 719.301(4).

1752 2. A photocopy of the cooperative documents.

1753 3. A copy of the current rules of the association.

1754 4. A book or books containing the minutes of all meetings
1755 of the association, of the board of directors, and of the unit
1756 owners.

1757 5. A current roster of all unit owners and their mailing
1758 addresses, unit identifications, voting certifications, and, if
1759 known, telephone numbers. The association shall also maintain
1760 the e-mail addresses and the numbers designated by unit owners
1761 for receiving notice sent by electronic transmission of those
1762 unit owners consenting to receive notice by electronic
1763 transmission. The e-mail addresses and numbers provided by unit
1764 owners to receive notice by electronic transmission shall be
1765 removed from association records when consent to receive notice
1766 by electronic transmission is revoked. However, the association
1767 is not liable for an erroneous disclosure of the e-mail address
1768 or the number for receiving electronic transmission of notices.

1769 6. All current insurance policies of the association.

1770 7. A current copy of any management agreement, lease, or
1771 other contract to which the association is a party or under
1772 which the association or the unit owners have an obligation or
1773 responsibility.

1774 8. Bills of sale or transfer for all property owned by the
1775 association.

1776 9. Accounting records for the association and separate
 1777 accounting records for each unit it operates, according to good
 1778 accounting practices. The accounting records shall include, but
 1779 not be limited to:

1780 a. Accurate, itemized, and detailed records of all
 1781 receipts and expenditures.

1782 b. A current account and a monthly, bimonthly, or
 1783 quarterly statement of the account for each unit designating the
 1784 name of the unit owner, the due date and amount of each
 1785 assessment, the amount paid upon the account, and the balance
 1786 due.

1787 c. All audits, reviews, accounting statements, structural
 1788 integrity reserve studies, and financial reports of the
 1789 association. Structural integrity reserve studies must be
 1790 maintained for at least 15 years after the study is completed.

1791 d. All contracts for work to be performed. Bids for work
 1792 to be performed shall also be considered official records and
 1793 shall be maintained for ~~a period of~~ 1 year.

1794 10. Ballots, sign-in sheets, voting proxies, and all other
 1795 papers and electronic records relating to voting by unit owners,
 1796 which shall be maintained for ~~a period of~~ 1 year after the date
 1797 of the election, vote, or meeting to which the document relates.

1798 11. All rental records where the association is acting as
 1799 agent for the rental of units.

1800 12. A copy of the current question and answer sheet as

1801 described in s. 719.504.

1802 13. All affirmative acknowledgments made pursuant to s.
1803 719.108 (3) (b) 3.

1804 14. All written recertification reports and written phase
1805 2 inspection reports as described in s. 719.132, if applicable,
1806 which must be permanently maintained.

1807 15.14. All other written records of the association not
1808 specifically included in the foregoing which are related to the
1809 operation of the association.

1810 Section 17. Paragraphs (k) through (m) of subsection (1)
1811 of section 719.106, Florida Statutes, are redesignated as
1812 paragraphs (l) through (n), respectively, paragraph (j) of
1813 subsection (1) is amended, and a new paragraph (k) is added to
1814 subsection (1) of that section, to read:

1815 719.106 Bylaws; cooperative ownership.—

1816 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1817 documents shall provide for the following, and if they do not,
1818 they shall be deemed to include the following:

1819 (j) Annual budget.—

1820 1. The proposed annual budget of common expenses must
1821 ~~shall~~ be detailed and must ~~shall~~ show the amounts budgeted by
1822 accounts and expense classifications, including, if applicable,
1823 but not limited to, those expenses listed in s. 719.504(20). The
1824 board of administration shall adopt the annual budget at least
1825 14 days before ~~prior to~~ the start of the association's fiscal

1826 year. In the event that the board fails to timely adopt the
1827 annual budget a second time, it is ~~shall be~~ deemed a minor
1828 violation and the prior year's budget shall continue in effect
1829 until a new budget is adopted.

1830 2. In addition to annual operating expenses, the budget
1831 must ~~shall~~ include reserve accounts for capital expenditures and
1832 deferred maintenance. These accounts must ~~shall~~ include, but not
1833 be limited to, roof replacement, building painting, and pavement
1834 resurfacing, regardless of the amount of deferred maintenance
1835 expense or replacement cost, and for any other items for which
1836 the deferred maintenance expense or replacement cost exceeds
1837 \$10,000. The amount to be reserved for an item is determined by
1838 the association's most recent structural integrity reserve
1839 study. If the amount to be reserved for an item is not in the
1840 association's most recent structural integrity reserve study or
1841 the association has not completed a structural integrity reserve
1842 study, the amount must ~~shall~~ be computed by means of a formula
1843 which is based upon estimated remaining useful life and
1844 estimated replacement cost or deferred maintenance expense of
1845 the each reserve item. The association may adjust replacement
1846 reserve assessments annually to take into account any changes in
1847 estimates or extension of the useful life of a reserve item
1848 caused by deferred maintenance. ~~This paragraph shall not apply~~
1849 ~~to any budget in which~~ The members of a unit-owner controlled an
1850 association may determine ~~have~~, at a duly called meeting of the

1851 association, ~~determined~~ for a fiscal year to provide no reserves
1852 or reserves less adequate than required by this subsection.
1853 Before turnover of control of an association by a developer to
1854 unit owners other than a developer under s. 719.301, the
1855 developer-controlled association may not vote to waive the
1856 reserves or reduce funding of the reserves. Effective July 1,
1857 2024, a unit-owner controlled association may not determine to
1858 provide no reserves or reserves less adequate than required by
1859 this paragraph for items listed in paragraph (k) However, prior
1860 to turnover of control of an association by a developer to unit
1861 owners other than a developer pursuant to s. 719.301, the
1862 developer may vote to waive the reserves or reduce the funding
1863 of reserves for the first 2 years of the operation of the
1864 association after which time reserves may only be waived or
1865 reduced upon the vote of a majority of all nondeveloper voting
1866 interests voting in person or by limited proxy at a duly called
1867 meeting of the association. If a meeting of the unit owners has
1868 been called to determine to provide no reserves, or reserves
1869 less adequate than required, and such result is not attained or
1870 a quorum is not attained, the reserves as included in the budget
1871 shall go into effect.

1872 3. Reserve funds and any interest accruing thereon shall
1873 remain in the reserve account or accounts, and shall be used
1874 only for authorized reserve expenditures unless their use for
1875 other purposes is approved in advance by a vote of the majority

1876 of the voting interests, voting in person or by limited proxy at
 1877 a duly called meeting of the association. ~~Before~~ ~~Prior to~~
 1878 turnover of control of an association by a developer to unit
 1879 owners other than the developer under s. 719.301, the developer
 1880 may not vote to use reserves for purposes other than that for
 1881 which they were intended ~~without the approval of a majority of~~
 1882 ~~all nondeveloper voting interests, voting in person or by~~
 1883 ~~limited proxy at a duly called meeting of the association.~~
 1884 Effective July 1, 2024, members of a unit-owner controlled
 1885 association may not vote to use reserve funds, or any interest
 1886 accruing thereon, that are reserved for items listed in
 1887 paragraph (k) for purposes other than their intended purpose.

1888 (k) Structural integrity reserve study.—

1889 1. An association must have a structural integrity reserve
 1890 study completed at least every 10 years for each building on the
 1891 cooperative property that is three stories or higher in height
 1892 that includes, at a minimum, a study of the following items as
 1893 related to the structural integrity and safety of the building:

- 1894 a. Roof.
- 1895 b. Load-bearing walls or other primary structural members.
- 1896 c. Floor.
- 1897 d. Foundation.
- 1898 e. Fireproofing and fire protection systems.
- 1899 f. Plumbing.
- 1900 g. Electrical systems.

1901 h. Waterproofing and exterior painting.
 1902 i. Windows.
 1903 j. Any other item that has a deferred maintenance expense
 1904 or replacement cost that exceeds \$10,000 and the failure to
 1905 replace or maintain such item negatively affects the items
 1906 listed in subparagraphs a.-i., as determined by the licensed
 1907 engineer or architect performing the visual inspection portion
 1908 of the structural integrity reserve study.

1909 2. Before a developer turns over control of an association
 1910 to unit owners other than the developer, the developer must have
 1911 a structural integrity reserve study completed for each building
 1912 on the cooperative property that is three stories or higher in
 1913 height.

1914 3. Associations existing on or before July 1, 2022, which
 1915 are controlled by unit owners other than the developer, must
 1916 have a structural integrity reserve study completed by July 1,
 1917 2024, for each building on the cooperative property that is
 1918 three stories or higher in height.

1919 4. If an association fails to complete a structural
 1920 integrity reserve study pursuant to this paragraph, such failure
 1921 is a breach of an officer's and director's fiduciary
 1922 relationship to the unit owners under s. 719.104(8).

1923 Section 18. Section 719.132, Florida Statutes, is created
 1924 to read:

1925 719.132 Building recertification.—

1926 (1) As used in this section, the term:
 1927 (a) "Coastline" has the same meaning as in the Submerged
 1928 Lands Act, 43 U.S.C. s. 1301(c).
 1929 (b) "Phase 2 inspection" means an inspection that includes
 1930 destructive and nondestructive testing at the discretion of the
 1931 person performing the inspection and a written report of such
 1932 inspection. A phase 2 inspection must be performed by an
 1933 engineer licensed under chapter 471 or an architect licensed
 1934 under chapter 481.
 1935 (c) "Recertification" or "recertify" means a visual
 1936 inspection of a building's general structural condition and
 1937 general condition of its electrical system, including a written
 1938 report of such inspection, performed by an engineer licensed
 1939 under chapter 471 or an architect licensed under chapter 481.
 1940 (d) "Substantial structural deterioration" means
 1941 substantial structural distress that negatively affects a
 1942 building's general structural condition and integrity. Surface
 1943 imperfections such as cracks, distortion, sagging, deflections,
 1944 misalignment, signs of leakage, or peeling of finishes are not
 1945 considered substantial structural deterioration unless the
 1946 licensed engineer or architect performing the recertification or
 1947 phase 2 inspection determines that such surface imperfections
 1948 are a sign of substantial structural distress.
 1949 (e) "Visual inspection" means a visual examination of the
 1950 items listed s. 719.106(1)(k).

1951 (2) (a) An association must have any building on the
1952 cooperative property that is three stories or higher in height
1953 and that has been occupied for at least 30 years, or 25 years if
1954 the building is within 3 miles of the coastline of the state,
1955 recertified as determined by the local building official.

1956 (b) An association must have any building on the
1957 cooperative property that is required to be recertified under
1958 paragraph (a) recertified at least every 10 years after its
1959 first recertification.

1960 (3) Upon determining that a building on the cooperative
1961 property must be recertified, the local building official must
1962 provide written notice of such required recertification to the
1963 association by certified mail, return receipt requested.

1964 (4) (a) Within 90 days after receiving the written notice
1965 under subsection (3), or within 180 days if the association
1966 receives the written notice before July 1, 2023, the association
1967 or the association's manager must provide the written
1968 recertification report by e-mail, United States Postal Service,
1969 or commercial delivery service to the local building official
1970 and state the date on which the association received such report
1971 from the licensed engineer or architect who performed the
1972 recertification.

1973 (b) Within 14 days after receiving the written
1974 recertification report from the licensed engineer or architect
1975 who performed the recertification, the association must provide

1976 the written recertification report by e-mail, United States
 1977 Postal Service, or commercial delivery service to each unit
 1978 owner.

1979 (5) Upon completing a recertification, the licensed
 1980 engineer or architect who performed the recertification must
 1981 provide a written recertification report by e-mail, United
 1982 States Postal Service, or commercial delivery service to the
 1983 association. The written recertification report must, at a
 1984 minimum:

1985 (a) Bear the seal and signature, or the electronic
 1986 signature, of the licensed engineer or architect who performed
 1987 the inspection.

1988 (b) Indicate the manner and type of inspection forming the
 1989 basis for the written recertification report and a description
 1990 of any items identified as requiring further inspection or
 1991 remedial action.

1992 (c) Indicate whether there is damage to the items listed
 1993 in s. 719.106(1)(k), within a reasonable professional
 1994 probability based on the scope of the inspection, and list any
 1995 recommended repairs for such damage.

1996 (d) Indicate whether there is substantial structural
 1997 deterioration within a reasonable professional probability based
 1998 on the scope of the inspection.

1999 (e) State whether unsafe or dangerous conditions, as those
 2000 terms are defined in the Florida Building Code, were observed.

2001 (6) (a) If a written recertification report indicates that
 2002 there is substantial structural deterioration, within a
 2003 reasonable professional probability based on the scope of the
 2004 inspection, the local building official must provide written
 2005 notice to the association by certified mail, return receipt
 2006 requested, that the association must have a phase 2 inspection
 2007 performed.

2008 (b) Within 60 days after receiving the written notice
 2009 under paragraph (a), the association must provide written notice
 2010 to the local building official by e-mail, United States Postal
 2011 Service, or commercial delivery service that includes the start
 2012 date of the phase 2 inspection and the name and contact
 2013 information of the licensed engineer or architect who will
 2014 perform the phase 2 inspection.

2015 (c) The written phase 2 inspection report must, at a
 2016 minimum:

2017 1. Bear the seal and signature, or the electronic
 2018 signature, of the licensed engineer or architect who performed
 2019 the inspection.

2020 2. Indicate the manner and type of inspection forming the
 2021 basis for the written report.

2022 3. State whether there is substantial structural
 2023 deterioration, within a reasonable professional probability
 2024 based on the scope of the inspection, and the extent of such
 2025 deterioration and list any recommended repairs for such

2026 deterioration.

2027 4. State whether unsafe or dangerous conditions, as those
 2028 terms are defined in the Florida Building Code, were observed.

2029 (d) The licensed engineer or architect performing the
 2030 phase 2 inspection must provide the written phase 2 inspection
 2031 report by e-mail, United States Postal Service, or commercial
 2032 delivery service to the local building official and the
 2033 association upon completion.

2034 (e) Within 14 days after receiving the written phase 2
 2035 inspection report from the licensed engineer or architect who
 2036 performed the phase 2 inspection, the association must provide
 2037 the written phase 2 inspection report by e-mail, United States
 2038 Postal Service, or commercial delivery service to each unit
 2039 owner.

2040 (7) (a) A local building official may prescribe penalties,
 2041 which must be posted on the building department's website, for
 2042 failure to comply with this section.

2043 (b) If an association fails to schedule or begin repairs
 2044 that are identified in the written phase 2 inspection report
 2045 within a time period to be determined by the county
 2046 commissioners of the county where the building is located, which
 2047 time period may not exceed 365 days after the local building
 2048 official receives the written phase 2 inspection report, the
 2049 local building official must determine that the building is
 2050 unsafe for human occupancy until such repairs are scheduled or

2051 begin.

2052 (8) If an association fails to complete a recertification
 2053 or phase 2 inspection pursuant to this section, such failure is
 2054 a breach of an officer's and director's fiduciary relationship
 2055 to the unit owners under s. 719.104(8).

2056 Section 19. Paragraphs (p), (q), and (r) are added to
 2057 subsection (4) of section 719.301, Florida Statutes, to read:

2058 719.301 Transfer of association control.—

2059 (4) When unit owners other than the developer elect a
 2060 majority of the members of the board of administration of an
 2061 association, the developer shall relinquish control of the
 2062 association, and the unit owners shall accept control.
 2063 Simultaneously, or for the purpose of paragraph (c) not more
 2064 than 90 days thereafter, the developer shall deliver to the
 2065 association, at the developer's expense, all property of the
 2066 unit owners and of the association held or controlled by the
 2067 developer, including, but not limited to, the following items,
 2068 if applicable, as to each cooperative operated by the
 2069 association:

2070 (p) A copy of the association's most recent structural
 2071 integrity reserve study.

2072 (q) If a building on the cooperative property must be
 2073 recertified under s. 719.132, a copy of the association's most
 2074 recent written recertification report or a statement that the
 2075 association has not completed the required recertification.

2076 (r) If a building on the cooperative property must have a
 2077 phase 2 inspection performed under s. 719.132, a copy of the
 2078 association's most recent written phase 2 inspection report or a
 2079 statement that the association has not completed the required
 2080 phase 2 inspection.

2081 Section 20. Subsection (1) of section 719.501, Florida
 2082 Statutes, is amended, and subsection (3) is added to that
 2083 section, to read:

2084 719.501 Powers and duties of Division of Florida
 2085 Condominiums, Timeshares, and Mobile Homes.—

2086 (1) The Division of Florida Condominiums, Timeshares, and
 2087 Mobile Homes of the Department of Business and Professional
 2088 Regulation, referred to as the "division" in this part, in
 2089 addition to other powers and duties prescribed by chapter 718,
 2090 has the power to enforce and ensure compliance with this chapter
 2091 and adopted rules relating to the development, construction,
 2092 sale, lease, ownership, operation, and management of residential
 2093 cooperative units, and complaints related to the procedural
 2094 completion of the structural integrity reserve studies under s.
 2095 719.106(1)(k) and recertifications and phase 2 inspections under
 2096 s. 719.132. In performing its duties, the division shall have
 2097 the following powers and duties:

2098 (a) The division may make necessary public or private
 2099 investigations within or outside this state to determine whether
 2100 any person has violated this chapter or any rule or order

2101 hereunder, to aid in the enforcement of this chapter, or to aid
 2102 in the adoption of rules or forms hereunder.

2103 (b) The division may require or permit any person to file
 2104 a statement in writing, under oath or otherwise, as the division
 2105 determines, as to the facts and circumstances concerning a
 2106 matter to be investigated.

2107 (c) For the purpose of any investigation under this
 2108 chapter, the division director or any officer or employee
 2109 designated by the division director may administer oaths or
 2110 affirmations, subpoena witnesses and compel their attendance,
 2111 take evidence, and require the production of any matter which is
 2112 relevant to the investigation, including the existence,
 2113 description, nature, custody, condition, and location of any
 2114 books, documents, or other tangible things and the identity and
 2115 location of persons having knowledge of relevant facts or any
 2116 other matter reasonably calculated to lead to the discovery of
 2117 material evidence. Upon failure by a person to obey a subpoena
 2118 or to answer questions propounded by the investigating officer
 2119 and upon reasonable notice to all persons affected thereby, the
 2120 division may apply to the circuit court for an order compelling
 2121 compliance.

2122 (d) Notwithstanding any remedies available to unit owners
 2123 and associations, if the division has reasonable cause to
 2124 believe that a violation of any provision of this chapter or
 2125 related rule has occurred, the division may institute

2126 enforcement proceedings in its own name against a developer,
2127 association, officer, or member of the board, or its assignees
2128 or agents, as follows:

2129 1. The division may permit a person whose conduct or
2130 actions may be under investigation to waive formal proceedings
2131 and enter into a consent proceeding whereby orders, rules, or
2132 letters of censure or warning, whether formal or informal, may
2133 be entered against the person.

2134 2. The division may issue an order requiring the
2135 developer, association, officer, or member of the board, or its
2136 assignees or agents, to cease and desist from the unlawful
2137 practice and take such affirmative action as in the judgment of
2138 the division will carry out the purposes of this chapter. Such
2139 affirmative action may include, but is not limited to, an order
2140 requiring a developer to pay moneys determined to be owed to a
2141 condominium association.

2142 3. The division may bring an action in circuit court on
2143 behalf of a class of unit owners, lessees, or purchasers for
2144 declaratory relief, injunctive relief, or restitution.

2145 4. The division may impose a civil penalty against a
2146 developer or association, or its assignees or agents, for any
2147 violation of this chapter or related rule. The division may
2148 impose a civil penalty individually against any officer or board
2149 member who willfully and knowingly violates a provision of this
2150 chapter, a rule adopted pursuant to this chapter, or a final

2151 order of the division. The term "willfully and knowingly" means
2152 that the division informed the officer or board member that his
2153 or her action or intended action violates this chapter, a rule
2154 adopted under this chapter, or a final order of the division,
2155 and that the officer or board member refused to comply with the
2156 requirements of this chapter, a rule adopted under this chapter,
2157 or a final order of the division. The division, before ~~prior to~~
2158 initiating formal agency action under chapter 120, shall afford
2159 the officer or board member an opportunity to voluntarily comply
2160 with this chapter, a rule adopted under this chapter, or a final
2161 order of the division. An officer or board member who complies
2162 within 10 days is not subject to a civil penalty. A penalty may
2163 be imposed on the basis of each day of continuing violation, but
2164 in no event shall the penalty for any offense exceed \$5,000. By
2165 January 1, 1998, the division shall adopt, by rule, penalty
2166 guidelines applicable to possible violations or to categories of
2167 violations of this chapter or rules adopted by the division. The
2168 guidelines must specify a meaningful range of civil penalties
2169 for each such violation of the statute and rules and must be
2170 based upon the harm caused by the violation, the repetition of
2171 the violation, and upon such other factors deemed relevant by
2172 the division. For example, the division may consider whether the
2173 violations were committed by a developer or owner-controlled
2174 association, the size of the association, and other factors. The
2175 guidelines must designate the possible mitigating or aggravating

2176 | circumstances that justify a departure from the range of
2177 | penalties provided by the rules. It is the legislative intent
2178 | that minor violations be distinguished from those which endanger
2179 | the health, safety, or welfare of the cooperative residents or
2180 | other persons and that such guidelines provide reasonable and
2181 | meaningful notice to the public of likely penalties that may be
2182 | imposed for proscribed conduct. This subsection does not limit
2183 | the ability of the division to informally dispose of
2184 | administrative actions or complaints by stipulation, agreed
2185 | settlement, or consent order. All amounts collected shall be
2186 | deposited with the Chief Financial Officer to the credit of the
2187 | Division of Florida Condominiums, Timeshares, and Mobile Homes
2188 | Trust Fund. If a developer fails to pay the civil penalty, the
2189 | division shall thereupon issue an order directing that such
2190 | developer cease and desist from further operation until such
2191 | time as the civil penalty is paid or may pursue enforcement of
2192 | the penalty in a court of competent jurisdiction. If an
2193 | association fails to pay the civil penalty, the division shall
2194 | thereupon pursue enforcement in a court of competent
2195 | jurisdiction, and the order imposing the civil penalty or the
2196 | cease and desist order shall not become effective until 20 days
2197 | after the date of such order. Any action commenced by the
2198 | division shall be brought in the county in which the division
2199 | has its executive offices or in the county where the violation
2200 | occurred.

2201 (e) The division may prepare and disseminate a prospectus
 2202 and other information to assist prospective owners, purchasers,
 2203 lessees, and developers of residential cooperatives in assessing
 2204 the rights, privileges, and duties pertaining thereto.

2205 (f) The division has authority to adopt rules pursuant to
 2206 ss. 120.536(1) and 120.54 to implement and enforce the
 2207 provisions of this chapter.

2208 (g) The division shall establish procedures for providing
 2209 notice to an association when the division is considering the
 2210 issuance of a declaratory statement with respect to the
 2211 cooperative documents governing such cooperative community.

2212 (h) The division shall furnish each association which pays
 2213 the fees required by paragraph (2)(a) a copy of this act,
 2214 subsequent changes to this act on an annual basis, an amended
 2215 version of this act as it becomes available from the Secretary
 2216 of State's office on a biennial basis, and the rules adopted
 2217 thereto on an annual basis.

2218 (i) The division shall annually provide each association
 2219 with a summary of declaratory statements and formal legal
 2220 opinions relating to the operations of cooperatives which were
 2221 rendered by the division during the previous year.

2222 (j) The division shall adopt uniform accounting
 2223 principles, policies, and standards to be used by all
 2224 associations in the preparation and presentation of all
 2225 financial statements required by this chapter. The principles,

2226 policies, and standards shall take into consideration the size
2227 of the association and the total revenue collected by the
2228 association.

2229 (k) The division shall provide training and educational
2230 programs for cooperative association board members and unit
2231 owners. The training may, in the division's discretion, include
2232 web-based electronic media, and live training and seminars in
2233 various locations throughout the state. The division may review
2234 and approve education and training programs for board members
2235 and unit owners offered by providers and shall maintain a
2236 current list of approved programs and providers and make such
2237 list available to board members and unit owners in a reasonable
2238 and cost-effective manner.

2239 (l) The division shall maintain a toll-free telephone
2240 number accessible to cooperative unit owners.

2241 (m) When a complaint is made to the division, the division
2242 shall conduct its inquiry with reasonable dispatch and with due
2243 regard to the interests of the affected parties. Within 30 days
2244 after receipt of a complaint, the division shall acknowledge the
2245 complaint in writing and notify the complainant whether the
2246 complaint is within the jurisdiction of the division and whether
2247 additional information is needed by the division from the
2248 complainant. The division shall conduct its investigation and
2249 shall, within 90 days after receipt of the original complaint or
2250 timely requested additional information, take action upon the

2251 complaint. However, the failure to complete the investigation
2252 within 90 days does not prevent the division from continuing the
2253 investigation, accepting or considering evidence obtained or
2254 received after 90 days, or taking administrative action if
2255 reasonable cause exists to believe that a violation of this
2256 chapter or a rule of the division has occurred. If an
2257 investigation is not completed within the time limits
2258 established in this paragraph, the division shall, on a monthly
2259 basis, notify the complainant in writing of the status of the
2260 investigation. When reporting its action to the complainant, the
2261 division shall inform the complainant of any right to a hearing
2262 pursuant to ss. 120.569 and 120.57.

2263 (n) The division shall develop a program to certify both
2264 volunteer and paid mediators to provide mediation of cooperative
2265 disputes. The division shall provide, upon request, a list of
2266 such mediators to any association, unit owner, or other
2267 participant in arbitration proceedings under s. 718.1255
2268 requesting a copy of the list. The division shall include on the
2269 list of voluntary mediators only persons who have received at
2270 least 20 hours of training in mediation techniques or have
2271 mediated at least 20 disputes. In order to become initially
2272 certified by the division, paid mediators must be certified by
2273 the Supreme Court to mediate court cases in county or circuit
2274 courts. However, the division may adopt, by rule, additional
2275 factors for the certification of paid mediators, which factors

2276 must be related to experience, education, or background. Any
 2277 person initially certified as a paid mediator by the division
 2278 must, in order to continue to be certified, comply with the
 2279 factors or requirements imposed by rules adopted by the
 2280 division.

2281 (3) (a) On or before January 1, 2023, cooperative
 2282 associations existing on or before July 1, 2022, must provide
 2283 the following information to the division in writing, by e-mail,
 2284 United States Postal Service, commercial delivery service, or
 2285 hand delivery, at a physical address or e-mail address provided
 2286 by the division and on a form posted on the division's website:

- 2287 1. The number of buildings on the cooperative property
- 2288 that are three stories or higher in height.
- 2289 2. The total number of units in all such buildings.
- 2290 3. The addresses of all such buildings.
- 2291 4. The counties in which all such buildings are located.

2292 (b) The division must compile a list of the number of
 2293 buildings on cooperative property that are three stories or
 2294 higher in height, which is searchable by county, and must post
 2295 the list on the division's website. This list must include all
 2296 of the following information:

- 2297 1. The name of each association with buildings on the
- 2298 cooperative property that are three stories or higher in height.
- 2299 2. The number of such buildings on each association's
- 2300 property.

2301 3. The addresses of all such buildings.

2302 4. The counties in which all such buildings are located.

2303 (c) An association must provide an update in writing to
 2304 the division if there are any changes to the information in the
 2305 list under paragraph (b) within 6 months after the change.

2306 Section 21. Paragraph (b) of subsection (1) and paragraph
 2307 (a) of subsection (2) of section 719.503, Florida Statutes, are
 2308 amended to read:

2309 719.503 Disclosure before ~~prior to~~ sale.—

2310 (1) DEVELOPER DISCLOSURE.—

2311 (b) Copies of documents to be furnished to prospective
 2312 buyer or lessee.—Until such time as the developer has furnished
 2313 the documents listed below to a person who has entered into a
 2314 contract to purchase a unit or lease it for more than 5 years,
 2315 the contract may be voided by that person, entitling the person
 2316 to a refund of any deposit together with interest thereon as
 2317 provided in s. 719.202. The contract may be terminated by
 2318 written notice from the proposed buyer or lessee delivered to
 2319 the developer within 15 days after the buyer or lessee receives
 2320 all of the documents required by this section. The developer may
 2321 ~~shall~~ not close for 15 days after ~~following~~ the execution of the
 2322 agreement and delivery of the documents to the buyer as
 2323 evidenced by a receipt for documents signed by the buyer unless
 2324 the buyer is informed in the 15-day voidability period and
 2325 agrees to close before ~~prior to~~ the expiration of the 15 days.

2326 The developer must ~~shall~~ retain in his or her records a separate
 2327 signed agreement as proof of the buyer's agreement to close
 2328 before ~~prior to~~ the expiration of the ~~said~~ voidability period.
 2329 Such ~~Said~~ proof must ~~shall~~ be retained for ~~a period of~~ 5 years
 2330 after the date of the closing transaction. The documents to be
 2331 delivered to the prospective buyer are the prospectus or
 2332 disclosure statement with all exhibits, if the development is
 2333 subject to ~~the provisions of~~ s. 719.504, or, if not, then copies
 2334 of the following which are applicable:

- 2335 1. The question and answer sheet described in s. 719.504,
 2336 and cooperative documents, or the proposed cooperative documents
 2337 if the documents have not been recorded, which must ~~shall~~
 2338 include the certificate of a surveyor approximately representing
 2339 the locations required by s. 719.104.
- 2340 2. The documents creating the association.
- 2341 3. The bylaws.
- 2342 4. The ground lease or other underlying lease of the
 2343 cooperative.
- 2344 5. The management contract, maintenance contract, and
 2345 other contracts for management of the association and operation
 2346 of the cooperative and facilities used by the unit owners having
 2347 a service term in excess of 1 year, and any management contracts
 2348 that are renewable.
- 2349 6. The estimated operating budget for the cooperative and
 2350 a schedule of expenses for each type of unit, including fees

2351 assessed to a shareholder who has exclusive use of limited
 2352 common areas, where such costs are shared only by those entitled
 2353 to use such limited common areas.

2354 7. The lease of recreational and other facilities that
 2355 will be used only by unit owners of the subject cooperative.

2356 8. The lease of recreational and other common areas that
 2357 will be used by unit owners in common with unit owners of other
 2358 cooperatives.

2359 9. The form of unit lease if the offer is of a leasehold.

2360 10. Any declaration of servitude of properties serving the
 2361 cooperative but not owned by unit owners or leased to them or
 2362 the association.

2363 11. If the development is to be built in phases or if the
 2364 association is to manage more than one cooperative, a
 2365 description of the plan of phase development or the arrangements
 2366 for the association to manage two or more cooperatives.

2367 12. If the cooperative is a conversion of existing
 2368 improvements, the statements and disclosure required by s.
 2369 719.616.

2370 13. The form of agreement for sale or lease of units.

2371 14. A copy of the floor plan of the unit and the plot plan
 2372 showing the location of the residential buildings and the
 2373 recreation and other common areas.

2374 15. A copy of all covenants and restrictions that ~~which~~
 2375 will affect the use of the property and ~~which~~ are not contained

2376 in the foregoing.

2377 16. If the developer is required by state or local
 2378 authorities to obtain acceptance or approval of any dock or
 2379 marina facilities intended to serve the cooperative, a copy of
 2380 any such acceptance or approval acquired by the time of filing
 2381 with the division under ~~pursuant to~~ s. 719.502(1) or a statement
 2382 that such acceptance or approval has not been acquired or
 2383 received.

2384 17. Evidence demonstrating that the developer has an
 2385 ownership, leasehold, or contractual interest in the land upon
 2386 which the cooperative is to be developed.

2387 18. A copy of the association's most recent structural
 2388 integrity reserve study or a statement that the association has
 2389 not completed a structural integrity reserve study.

2390 19. If the unit is located in a building on the
 2391 cooperative property that must be recertified under s. 719.132,
 2392 a copy of the association's most recent written recertification
 2393 report or a statement that the association has not completed the
 2394 required recertification.

2395 20. If the unit is located in a building on the
 2396 cooperative property that must have a phase 2 inspection
 2397 performed under s. 719.132, a copy of the association's most
 2398 recent written phase 2 inspection report or a statement that the
 2399 association has not completed the required phase 2 inspection.

2400 (2) NONDEVELOPER DISCLOSURE.—

2401 (a) Each unit owner who is not a developer as defined by
 2402 this chapter must comply with ~~the provisions of~~ this subsection
 2403 before ~~prior to~~ the sale of his or her interest in the
 2404 association. Each prospective purchaser who has entered into a
 2405 contract for the purchase of an interest in a cooperative is
 2406 entitled, at the seller's expense, to a current copy of the
 2407 articles of incorporation of the association, the bylaws, and
 2408 rules of the association, ~~as well as~~ a copy of the question and
 2409 answer sheet as provided in s. 719.504, a copy of the
 2410 association's most recent structural integrity reserve study or
 2411 a statement that the association has not completed a structural
 2412 integrity reserve study, and, if applicable, a copy of the
 2413 association's most recent written recertification report or most
 2414 recent written phase 2 inspection report or a statement that the
 2415 association has not completed the required recertification or
 2416 required phase 2 inspection.

2417 Section 22. Paragraphs (q), (r), and (s) are added to
 2418 subsection (23) of section 719.504, Florida Statutes, to read:

2419 719.504 Prospectus or offering circular.—Every developer
 2420 of a residential cooperative which contains more than 20
 2421 residential units, or which is part of a group of residential
 2422 cooperatives which will be served by property to be used in
 2423 common by unit owners of more than 20 residential units, shall
 2424 prepare a prospectus or offering circular and file it with the
 2425 Division of Florida Condominiums, Timeshares, and Mobile Homes

2426 prior to entering into an enforceable contract of purchase and
2427 sale of any unit or lease of a unit for more than 5 years and
2428 shall furnish a copy of the prospectus or offering circular to
2429 each buyer. In addition to the prospectus or offering circular,
2430 each buyer shall be furnished a separate page entitled
2431 "Frequently Asked Questions and Answers," which must be in
2432 accordance with a format approved by the division. This page
2433 must, in readable language: inform prospective purchasers
2434 regarding their voting rights and unit use restrictions,
2435 including restrictions on the leasing of a unit; indicate
2436 whether and in what amount the unit owners or the association is
2437 obligated to pay rent or land use fees for recreational or other
2438 commonly used facilities; contain a statement identifying that
2439 amount of assessment which, pursuant to the budget, would be
2440 levied upon each unit type, exclusive of any special
2441 assessments, and which identifies the basis upon which
2442 assessments are levied, whether monthly, quarterly, or
2443 otherwise; state and identify any court cases in which the
2444 association is currently a party of record in which the
2445 association may face liability in excess of \$100,000; and state
2446 whether membership in a recreational facilities association is
2447 mandatory and, if so, identify the fees currently charged per
2448 unit type. The division shall by rule require such other
2449 disclosure as in its judgment will assist prospective
2450 purchasers. The prospectus or offering circular may include more

2451 than one cooperative, although not all such units are being
2452 offered for sale as of the date of the prospectus or offering
2453 circular. The prospectus or offering circular must contain the
2454 following information:

2455 (23) Copies of the following, to the extent they are
2456 applicable, shall be included as exhibits:

2457 (q) The association's most recent structural integrity
2458 reserve study or a statement that the association has not
2459 completed a structural integrity reserve study.

2460 (r) If the unit is located in a building on the
2461 cooperative property that must be recertified under s. 719.132,
2462 the association's most recent written recertification report or
2463 a statement that the association has not completed the required
2464 recertification.

2465 (s) If the unit is located in a building on the
2466 cooperative property that must have a phase 2 inspection
2467 performed under s. 719.132, the association's most recent
2468 written phase 2 inspection report or a statement that the
2469 association has not completed the required phase 2 inspection.

2470 Section 23. Paragraphs (d) and (k) of subsection (10) of
2471 section 720.303, Florida Statutes, are amended to read:

2472 720.303 Association powers and duties; meetings of board;
2473 official records; budgets; financial reporting; association
2474 funds; recalls.—

2475 (10) RECALL OF DIRECTORS.—

2476 (d) If the board determines not to certify the written
2477 agreement or written ballots to recall a director or directors
2478 of the board or does not certify the recall by a vote at a
2479 meeting, the board shall, within 5 full business days after the
2480 meeting, file an action with a court of competent jurisdiction
2481 or file with the department a petition for binding arbitration
2482 under the applicable procedures in ss. 718.112(2)(k) ~~ss.~~
2483 ~~718.112(2)(j)~~ and 718.1255 and the rules adopted thereunder. For
2484 the purposes of this section, the members who voted at the
2485 meeting or who executed the agreement in writing shall
2486 constitute one party under the petition for arbitration or in a
2487 court action. If the arbitrator or court certifies the recall as
2488 to any director or directors of the board, the recall will be
2489 effective upon the final order of the court or the mailing of
2490 the final order of arbitration to the association. The director
2491 or directors so recalled shall deliver to the board any and all
2492 records of the association in their possession within 5 full
2493 business days after the effective date of the recall.

2494 (k) A board member who has been recalled may file an
2495 action with a court of competent jurisdiction or a petition
2496 under ss. 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and 718.1255 and the
2497 rules adopted challenging the validity of the recall. The
2498 petition or action must be filed within 60 days after the recall
2499 is deemed certified. The association and the parcel owner
2500 representative shall be named as respondents.

2501 Section 24. Subsection (1) of section 720.311, Florida
2502 Statutes, is amended to read:

2503 720.311 Dispute resolution.—

2504 (1) The Legislature finds that alternative dispute
2505 resolution has made progress in reducing court dockets and
2506 trials and in offering a more efficient, cost-effective option
2507 to litigation. The filing of any petition for arbitration or the
2508 serving of a demand for presuit mediation as provided for in
2509 this section shall toll the applicable statute of limitations.
2510 Any recall dispute filed with the department under s.
2511 720.303(10) shall be conducted by the department in accordance
2512 with the provisions of ss. 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and
2513 718.1255 and the rules adopted by the division. In addition, the
2514 department shall conduct binding arbitration of election
2515 disputes between a member and an association in accordance with
2516 s. 718.1255 and rules adopted by the division. Election disputes
2517 and recall disputes are not eligible for presuit mediation;
2518 these disputes must be arbitrated by the department or filed in
2519 a court of competent jurisdiction. At the conclusion of an
2520 arbitration proceeding, the department shall charge the parties
2521 a fee in an amount adequate to cover all costs and expenses
2522 incurred by the department in conducting the proceeding.
2523 Initially, the petitioner shall remit a filing fee of at least
2524 \$200 to the department. The fees paid to the department shall
2525 become a recoverable cost in the arbitration proceeding, and the

2526 prevailing party in an arbitration proceeding shall recover its
 2527 reasonable costs and attorney fees in an amount found reasonable
 2528 by the arbitrator. The department shall adopt rules to
 2529 effectuate the purposes of this section.

2530 Section 25. Subsection (6) of section 721.15, Florida
 2531 Statutes, is amended to read:

2532 721.15 Assessments for common expenses.—

2533 (6) Notwithstanding any contrary requirements of s.
 2534 718.112(2)(h) ~~s. 718.112(2)(g)~~ or s. 719.106(1)(g), for
 2535 timeshare plans subject to this chapter, assessments against
 2536 purchasers need not be made more frequently than annually.

2537 Section 26. For the 2022-2023 fiscal year, the sums of
 2538 \$333,380 in recurring funds and \$167,564 in nonrecurring funds
 2539 are appropriated from the Division of Florida Condominiums,
 2540 Timeshares, and Mobile Homes Trust Fund to the Department of
 2541 Business and Professional Regulation, and four full-time
 2542 equivalent positions with associated salary rate of 197,500 are
 2543 authorized, for the purpose of implementing the provisions
 2544 related to this act.

2545 Section 27. This act shall take effect July 1, 2022.