

20224De1

1 A bill to be entitled
2 An act relating to building safety; amending s.
3 553.844, F.S.; providing that the entire roofing
4 system or roof section of certain existing buildings
5 or structures does not have to be repaired, replaced,
6 or recovered in accordance with the Florida Building
7 Code under certain circumstances; requiring the
8 Florida Building Commission to adopt rules and
9 incorporate the rules into the building code;
10 prohibiting local governments from adopting certain
11 administrative or technical amendments to the building
12 code; amending s. 468.4334, F.S.; requiring community
13 association managers and community association
14 management firms to comply with a specified provision
15 under certain circumstances; creating s. 553.899,
16 F.S.; providing legislative findings; defining the
17 terms "milestone inspection" and "substantial
18 structural deterioration"; specifying that the purpose
19 of a milestone inspection is not to determine
20 compliance with the Florida Building Code or the
21 firesafety code; requiring condominium associations
22 and cooperative associations to have milestone
23 inspections performed on certain buildings at
24 specified times; specifying that such associations are
25 responsible for costs relating to milestone
26 inspections; providing applicability; requiring that
27 initial milestone inspections for certain buildings be
28 performed before a specified date; requiring local
29 enforcement agencies to provide certain written notice

20224De1

30 to condominium associations and cooperative
31 associations; requiring condominium associations and
32 cooperative associations to complete phase one of a
33 milestone inspection within a specified timeframe;
34 specifying that milestone inspections consist of two
35 phases; providing requirements for each phase of a
36 milestone inspection; requiring architects and
37 engineers performing a milestone inspection to submit
38 a sealed copy of the inspection report and a summary
39 that includes specified findings and recommendations
40 to certain entities; providing requirements for such
41 inspection reports; requiring condominium associations
42 and cooperative associations to distribute and post a
43 copy of each inspection report and summary in a
44 specified manner; authorizing local enforcement
45 agencies to prescribe timelines and penalties relating
46 to milestone inspections; authorizing boards of county
47 commissioners to adopt certain ordinances relating to
48 repairs for substantial structural deterioration;
49 requiring local enforcement agencies to review and
50 determine if a building is unsafe for human occupancy
51 under certain circumstances; requiring the Florida
52 Building Commission to review milestone inspection
53 requirements and make any recommendations to the
54 Governor and the Legislature by a specified date;
55 requiring the commission to consult with the State
56 Fire Marshal to provide certain recommendations to the
57 Governor and the Legislature by a specified date;
58 amending s. 718.103, F.S.; providing a definition;

20224De1

59 amending s. 718.111, F.S.; revising the types of
60 records that constitute the official records of a
61 condominium association; requiring associations to
62 maintain specified records for a certain timeframe;
63 specifying that renters of a unit have the right to
64 inspect and copy certain reports; requiring
65 associations to post a copy of certain reports and
66 reserve studies on the association's website; amending
67 s. 718.112, F.S.; specifying the method for
68 determining reserve amounts; prohibiting certain
69 members and associations from waiving or reducing
70 reserves for certain items after a specified date;
71 requiring certain associations to receive approval
72 before waiving or reducing reserves for certain items;
73 prohibiting certain associations from using reserve
74 funds, or any interest accruing thereon, for certain
75 purposes after a specified date; requiring certain
76 associations to have a structural integrity reserve
77 study completed at specified intervals and for certain
78 buildings by a specified date; providing requirements
79 for such study; conforming provisions to changes made
80 by the act; restating requirements for associations
81 relating to milestone inspections; specifying that if
82 the officers or directors of a condominium association
83 fail to have a milestone inspection performed, such
84 failure is a breach of their fiduciary relationship to
85 the unit owners; amending ss. 718.116 and 718.117,
86 F.S.; conforming cross-references; amending s.
87 718.301, F.S.; revising reporting requirements

20224De1

88 relating to the transfer of association control;
89 amending s. 718.501, F.S.; revising the Division of
90 Florida Condominiums, Timeshares, and Mobile Homes'
91 authority relating to enforcement and compliance;
92 requiring certain associations to provide certain
93 information and updates to the division by a specified
94 date and within a specified timeframe; requiring the
95 division to compile a list with certain information
96 and post such list on its website; amending s.
97 718.503, F.S.; revising the documents that must be
98 delivered to a prospective buyer or lessee of a
99 residential unit; revising requirements for
100 nondeveloper disclosures; amending s. 718.504, F.S.;
101 revising requirements for prospectuses and offering
102 circulars; amending s. 719.103, F.S.; providing a
103 definition; amending s. 719.104, F.S.; revising the
104 types of records that constitute the official records
105 of a cooperative association; requiring associations
106 to maintain specified records for a certain timeframe;
107 specifying that renters of a unit have the right to
108 inspect and copy certain reports; amending s. 719.106,
109 F.S.; specifying the method for determining reserve
110 amounts; prohibiting certain members and associations
111 from waiving or reducing reserves for certain items
112 after a specified date; requiring certain associations
113 to receive approval before waiving or reducing
114 reserves for certain items; prohibiting certain
115 associations from using reserve funds, or any interest
116 accruing thereon, for certain purposes after a

20224De1

117 specified date; requiring certain associations to have
118 a structural integrity reserve study completed at
119 specified intervals and for certain buildings by a
120 specified date; providing requirements for such study;
121 conforming provisions to changes made by the act;
122 restating requirements for associations relating to
123 milestone inspections; specifying that if the officers
124 or directors of a cooperative association fail to have
125 a milestone inspection performed, such failure is a
126 breach of their fiduciary relationship to the unit
127 owners; amending s. 719.301, F.S.; requiring
128 developers to deliver a turnover inspection report
129 relating to cooperative property under certain
130 circumstances; amending s. 719.501, F.S.; revising the
131 division's authority relating to enforcement and
132 compliance; requiring certain associations to provide
133 certain information and updates to the division by a
134 specified date and within a specified time; requiring
135 the division to compile a list with certain
136 information and post such list on its website;
137 amending s. 719.503, F.S.; revising the documents that
138 must be delivered to a prospective buyer or lessee of
139 a residential unit; revising nondeveloper disclosure
140 requirements; amending s. 719.504, F.S.; revising
141 requirements for prospectuses and offering circulars;
142 amending ss. 720.303, 720.311, and 721.15, F.S.;

143 conforming cross-references; providing an effective
144 date.
145

20224De1

146 Be It Enacted by the Legislature of the State of Florida:

147

148 Section 1. Subsection (5) is added to section 553.844,
149 Florida Statutes, to read:

150 553.844 Windstorm loss mitigation; requirements for roofs
151 and opening protection.—

152 (5) Notwithstanding any provision in the Florida Building
153 Code to the contrary, if an existing roofing system or roof
154 section was built, repaired, or replaced in compliance with the
155 requirements of the 2007 Florida Building Code, or any
156 subsequent editions of the Florida Building Code, and 25 percent
157 or more of such roofing system or roof section is being
158 repaired, replaced, or recovered, only the repaired, replaced,
159 or recovered portion is required to be constructed in accordance
160 with the Florida Building Code in effect, as applicable. The
161 Florida Building Commission shall adopt this exception by rule
162 and incorporate it in the Florida Building Code. Notwithstanding
163 s. 553.73(4), a local government may not adopt by ordinance an
164 administrative or technical amendment to this exception.

165 Section 2. Subsection (1) of section 468.4334, Florida
166 Statutes, is amended to read:

167 468.4334 Professional practice standards; liability.—

168 (1) (a) A community association manager or a community
169 association management firm is deemed to act as agent on behalf
170 of a community association as principal within the scope of
171 authority authorized by a written contract or under this
172 chapter. A community association manager and a community
173 association management firm shall discharge duties performed on
174 behalf of the association as authorized by this chapter loyally,

20224De1

175 skillfully, and diligently; dealing honestly and fairly; in good
176 faith; with care and full disclosure to the community
177 association; accounting for all funds; and not charging
178 unreasonable or excessive fees.

179 (b) If a community association manager or a community
180 association management firm has a contract with a community
181 association that has a building on the association's property
182 that is subject to s. 553.899, the community association manager
183 or the community association management firm must comply with
184 that section as directed by the board.

185 Section 3. Section 553.899, Florida Statutes, is created to
186 read:

187 553.899 Mandatory structural inspections for condominium
188 and cooperative buildings.-

189 (1) The Legislature finds that maintaining the structural
190 integrity of a building throughout its service life is of
191 paramount importance in order to ensure that buildings are
192 structurally sound so as to not pose a threat to the public
193 health, safety, or welfare. As such, the Legislature finds that
194 the imposition of a statewide structural inspection program for
195 aging condominium and cooperative buildings in this state is
196 necessary to ensure that such buildings are safe for continued
197 use.

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

199 (a) "Milestone inspection" means a structural inspection of
200 a building, including an inspection of load-bearing walls and
201 the primary structural members and primary structural systems as
202 those terms are defined in s. 627.706, by a licensed architect
203 or engineer authorized to practice in this state for the

20224De1

204 purposes of attesting to the life safety and adequacy of the
205 structural components of the building and, to the extent
206 reasonably possible, determining the general structural
207 condition of the building as it affects the safety of such
208 building, including a determination of any necessary
209 maintenance, repair, or replacement of any structural component
210 of the building. The purpose of such inspection is not to
211 determine if the condition of an existing building is in
212 compliance with the Florida Building Code or the firesafety
213 code.

214 (b) "Substantial structural deterioration" means
215 substantial structural distress that negatively affects a
216 building's general structural condition and integrity. The term
217 does not include surface imperfections such as cracks,
218 distortion, sagging, deflections, misalignment, signs of
219 leakage, or peeling of finishes unless the licensed engineer or
220 architect performing the phase one or phase two inspection
221 determines that such surface imperfections are a sign of
222 substantial structural deterioration.

223 (3) A condominium association under chapter 718 and a
224 cooperative association under chapter 719 must have a milestone
225 inspection performed for each building that is three stories or
226 more in height by December 31 of the year in which the building
227 reaches 30 years of age, based on the date the certificate of
228 occupancy for the building was issued, and every 10 years
229 thereafter. If the building is located within 3 miles of a
230 coastline as defined in s. 376.031, the condominium association
231 or cooperative association must have a milestone inspection
232 performed by December 31 of the year in which the building

20224De1

233 reaches 25 years of age, based on the date the certificate of
234 occupancy for the building was issued, and every 10 years
235 thereafter. The condominium association or cooperative
236 association must arrange for the milestone inspection to be
237 performed and is responsible for ensuring compliance with the
238 requirements of this section. The condominium association or
239 cooperative association is responsible for all costs associated
240 with the inspection. This subsection does not apply to a single-
241 family, two-family, or three-family dwelling with three or fewer
242 habitable stories above ground.

243 (4) If a milestone inspection is required under this
244 section and the building's certificate of occupancy was issued
245 on or before July 1, 1992, the building's initial milestone
246 inspection must be performed before December 31, 2024. If the
247 date of issuance for the certificate of occupancy is not
248 available, the date of issuance of the building's certificate of
249 occupancy shall be the date of occupancy evidenced in any record
250 of the local building official.

251 (5) Upon determining that a building must have a milestone
252 inspection, the local enforcement agency must provide written
253 notice of such required inspection to the condominium
254 association or cooperative association by certified mail, return
255 receipt requested.

256 (6) Within 180 days after receiving the written notice
257 under subsection (5), the condominium association or cooperative
258 association must complete phase one of the milestone inspection.
259 For purposes of this section, completion of phase one of the
260 milestone inspection means the licensed engineer or architect
261 who performed the phase one inspection submitted the inspection

20224De1

262 report by e-mail, United States Postal Service, or commercial
263 delivery service to the local enforcement agency.

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

265 (a) For phase one of the milestone inspection, a licensed
266 architect or engineer authorized to practice in this state shall
267 perform a visual examination of habitable and nonhabitable areas
268 of a building, including the major structural components of a
269 building, and provide a qualitative assessment of the structural
270 conditions of the building. If the architect or engineer finds
271 no signs of substantial structural deterioration to any building
272 components under visual examination, phase two of the
273 inspection, as provided in paragraph (b), is not required. An
274 architect or engineer who completes a phase one milestone
275 inspection shall prepare and submit an inspection report
276 pursuant to subsection (8).

277 (b) A phase two of the milestone inspection must be
278 performed if any substantial structural deterioration is
279 identified during phase one. A phase two inspection may involve
280 destructive or nondestructive testing at the inspector's
281 direction. The inspection may be as extensive or as limited as
282 necessary to fully assess areas of structural distress in order
283 to confirm that the building is structurally sound and safe for
284 its intended use and to recommend a program for fully assessing
285 and repairing distressed and damaged portions of the building.
286 When determining testing locations, the inspector must give
287 preference to locations that are the least disruptive and most
288 easily repairable while still being representative of the
289 structure. An inspector who completes a phase two milestone
290 inspection shall prepare and submit an inspection report

20224De1

291 pursuant to subsection (8).

292 (8) Upon completion of a phase one or phase two milestone
293 inspection, the architect or engineer who performed the
294 inspection must submit a sealed copy of the inspection report
295 with a separate summary of, at minimum, the material findings
296 and recommendations in the inspection report to the condominium
297 association or cooperative association, and to the building
298 official of the local government which has jurisdiction. The
299 inspection report must, at a minimum, meet all of the following
300 criteria:

301 (a) Bear the seal and signature, or the electronic
302 signature, of the licensed engineer or architect who performed
303 the inspection.

304 (b) Indicate the manner and type of inspection forming the
305 basis for the inspection report.

306 (c) Identify any substantial structural deterioration,
307 within a reasonable professional probability based on the scope
308 of the inspection, describe the extent of such deterioration,
309 and identify any recommended repairs for such deterioration.

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

312 (e) Recommend any remedial or preventive repair for any
313 items that are damaged but are not substantial structural
314 deterioration.

315 (f) Identify and describe any items requiring further
316 inspection.

317 (9) The association must distribute a copy of the
318 inspector-prepared summary of the inspection report to each
319 condominium unit owner or cooperative unit owner, regardless of

20224De1

320 the findings or recommendations in the report, by United States
321 mail or personal delivery and by electronic transmission to unit
322 owners who previously consented to received notice by electronic
323 transmission; must post a copy of the inspector-prepared summary
324 in a conspicuous place on the condominium or cooperative
325 property; and must publish the full report and inspector-
326 prepared summary on the association's website, if the
327 association is required to have a website.

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

330 (11) A board of county commissioners may adopt an ordinance
331 requiring that a condominium or cooperative association schedule
332 or commence repairs for substantial structural deterioration
333 within a specified timeframe after the local enforcement agency
334 receives a phase two inspection report; however, such repairs
335 must be commenced within 365 days after receiving such report.
336 If an association fails to submit proof to the local enforcement
337 agency that repairs have been scheduled or have commenced for
338 substantial structural deterioration identified in a phase two
339 inspection report within the required timeframe, the local
340 enforcement agency must review and determine if the building is
341 unsafe for human occupancy.

342 (12) The Florida Building Commission shall review the
343 milestone inspection requirements under this section and make
344 recommendations, if any, to the Legislature to ensure
345 inspections are sufficient to determine the structural integrity
346 of a building. The commission must provide a written report of
347 any recommendations to the Governor, the President of the
348 Senate, and the Speaker of the House of Representatives by

20224De1

349 December 31, 2022.

350 (13) The Florida Building Commission shall consult with the
351 State Fire Marshal to provide recommendations to the Legislature
352 for the adoption of comprehensive structural and life safety
353 standards for maintaining and inspecting all types of buildings
354 and structures in this state that are three stories or more in
355 height. The commission shall provide a written report of its
356 recommendations to the Governor, the President of the Senate,
357 and the Speaker of the House of Representatives by December 31,
358 2023.

359 Section 4. Subsections (25) through (30) of section
360 718.103, Florida Statutes, are renumbered as subsections (26)
361 through (31), respectively, and a new subsection (25) is added
362 to that section, to read:

363 718.103 Definitions.—As used in this chapter, the term:

364 (25) "Structural integrity reserve study" means a study of
365 the reserve funds required for future major repairs and
366 replacement of the common areas based on a visual inspection of
367 the common areas. A structural integrity reserve study may be
368 performed by any person qualified to perform such study.
369 However, the visual inspection portion of the structural
370 integrity reserve study must be performed by an engineer
371 licensed under chapter 471 or an architect licensed under
372 chapter 481. At a minimum, a structural integrity reserve study
373 must identify the common areas being visually inspected, state
374 the estimated remaining useful life and the estimated
375 replacement cost or deferred maintenance expense of the common
376 areas being visually inspected, and provide a recommended annual
377 reserve amount that achieves the estimated replacement cost or

20224De1

378 deferred maintenance expense of each common area being visually
379 inspected by the end of the estimated remaining useful life of
380 each common area.

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

384 718.111 The association.—

385 (7) TITLE TO PROPERTY.—

386 (b) Subject to s. 718.112(2)(o) ~~the provisions of s.~~
387 ~~718.112(2)(m)~~, the association, through its board, has the
388 limited power to convey a portion of the common elements to a
389 condemning authority for the purposes of providing utility
390 easements, right-of-way expansion, or other public purposes,
391 whether negotiated or as a result of eminent domain proceedings.

392 (12) OFFICIAL RECORDS.—

393 (a) From the inception of the association, the association
394 shall maintain each of the following items, if applicable, which
395 constitutes the official records of the association:

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

398 2. A photocopy of the recorded declaration of condominium
399 of each condominium operated by the association and each
400 amendment to each declaration.

401 3. A photocopy of the recorded bylaws of the association
402 and each amendment to the bylaws.

403 4. A certified copy of the articles of incorporation of the
404 association, or other documents creating the association, and
405 each amendment thereto.

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

20224De1

407 6. A book or books that contain the minutes of all meetings
408 of the association, the board of administration, and the unit
409 owners.

410 7. A current roster of all unit owners and their mailing
411 addresses, unit identifications, voting certifications, and, if
412 known, telephone numbers. The association shall also maintain
413 the e-mail addresses and facsimile numbers of unit owners
414 consenting to receive notice by electronic transmission. The e-
415 mail addresses and facsimile numbers are not accessible to unit
416 owners if consent to receive notice by electronic transmission
417 is not provided in accordance with sub-subparagraph (c)3.e.
418 However, the association is not liable for an inadvertent
419 disclosure of the e-mail address or facsimile number for
420 receiving electronic transmission of notices.

421 8. All current insurance policies of the association and
422 condominiums operated by the association.

423 9. A current copy of any management agreement, lease, or
424 other contract to which the association is a party or under
425 which the association or the unit owners have an obligation or
426 responsibility.

427 10. Bills of sale or transfer for all property owned by the
428 association.

429 11. Accounting records for the association and separate
430 accounting records for each condominium that the association
431 operates. Any person who knowingly or intentionally defaces or
432 destroys such records, or who knowingly or intentionally fails
433 to create or maintain such records, with the intent of causing
434 harm to the association or one or more of its members, is
435 personally subject to a civil penalty pursuant to s.

20224De1

436 718.501(1)(d). The accounting records must include, but are not
437 limited to:

438 a. Accurate, itemized, and detailed records of all receipts
439 and expenditures.

440 b. A current account and a monthly, bimonthly, or quarterly
441 statement of the account for each unit designating the name of
442 the unit owner, the due date and amount of each assessment, the
443 amount paid on the account, and the balance due.

444 c. All audits, reviews, accounting statements, structural
445 integrity reserve studies, and financial reports of the
446 association or condominium. Structural integrity reserve studies
447 must be maintained for at least 15 years after the study is
448 completed.

449 d. All contracts for work to be performed. Bids for work to
450 be performed are also considered official records and must be
451 maintained by the association for at least 1 year after receipt
452 of the bid.

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

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

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

462 15. A copy of the inspection reports ~~report~~ as described in
463 ss. 553.899 and 718.301(4)(p) and any other inspection report
464 relating to a structural or life safety inspection of

20224De1

465 condominium property. Such record must be maintained by the
466 association for 15 years after receipt of the report s-
467 718.301(4) (p).

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

469 17. All affirmative acknowledgments made pursuant to s.
470 718.121(4) (c).

471 18. All other written records of the association not
472 specifically included in the foregoing which are related to the
473 operation of the association.

474 (c)1. The official records of the association are open to
475 inspection by any association member or the authorized
476 representative of such member at all reasonable times. The right
477 to inspect the records includes the right to make or obtain
478 copies, at the reasonable expense, if any, of the member or
479 authorized representative of such member. A renter of a unit has
480 a right to inspect and copy only the declaration of condominium,
481 ~~and~~ the association's bylaws and rules, and the inspection
482 reports described in ss. 553.899 and 718.301(4) (p). The
483 association may adopt reasonable rules regarding the frequency,
484 time, location, notice, and manner of record inspections and
485 copying but may not require a member to demonstrate any purpose
486 or state any reason for the inspection. The failure of an
487 association to provide the records within 10 working days after
488 receipt of a written request creates a rebuttable presumption
489 that the association willfully failed to comply with this
490 paragraph. A unit owner who is denied access to official records
491 is entitled to the actual damages or minimum damages for the
492 association's willful failure to comply. Minimum damages are \$50
493 per calendar day for up to 10 days, beginning on the 11th

20224De1

494 working day after receipt of the written request. The failure to
495 permit inspection entitles any person prevailing in an
496 enforcement action to recover reasonable attorney fees from the
497 person in control of the records who, directly or indirectly,
498 knowingly denied access to the records.

499 2. Any person who knowingly or intentionally defaces or
500 destroys accounting records that are required by this chapter to
501 be maintained during the period for which such records are
502 required to be maintained, or who knowingly or intentionally
503 fails to create or maintain accounting records that are required
504 to be created or maintained, with the intent of causing harm to
505 the association or one or more of its members, is personally
506 subject to a civil penalty pursuant to s. 718.501(1)(d).

507 3. The association shall maintain an adequate number of
508 copies of the declaration, articles of incorporation, bylaws,
509 and rules, and all amendments to each of the foregoing, as well
510 as the question and answer sheet as described in s. 718.504 and
511 year-end financial information required under this section, on
512 the condominium property to ensure their availability to unit
513 owners and prospective purchasers, and may charge its actual
514 costs for preparing and furnishing these documents to those
515 requesting the documents. An association shall allow a member or
516 his or her authorized representative to use a portable device,
517 including a smartphone, tablet, portable scanner, or any other
518 technology capable of scanning or taking photographs, to make an
519 electronic copy of the official records in lieu of the
520 association's providing the member or his or her authorized
521 representative with a copy of such records. The association may
522 not charge a member or his or her authorized representative for

20224De1

523 the use of a portable device. Notwithstanding this paragraph,
524 the following records are not accessible to unit owners:

525 a. Any record protected by the lawyer-client privilege as
526 described in s. 90.502 and any record protected by the work-
527 product privilege, including a record prepared by an association
528 attorney or prepared at the attorney's express direction, which
529 reflects a mental impression, conclusion, litigation strategy,
530 or legal theory of the attorney or the association, and which
531 was prepared exclusively for civil or criminal litigation or for
532 adversarial administrative proceedings, or which was prepared in
533 anticipation of such litigation or proceedings until the
534 conclusion of the litigation or proceedings.

535 b. Information obtained by an association in connection
536 with the approval of the lease, sale, or other transfer of a
537 unit.

538 c. Personnel records of association or management company
539 employees, including, but not limited to, disciplinary, payroll,
540 health, and insurance records. For purposes of this sub-
541 subparagraph, the term "personnel records" does not include
542 written employment agreements with an association employee or
543 management company, or budgetary or financial records that
544 indicate the compensation paid to an association employee.

545 d. Medical records of unit owners.

546 e. Social security numbers, driver license numbers, credit
547 card numbers, e-mail addresses, telephone numbers, facsimile
548 numbers, emergency contact information, addresses of a unit
549 owner other than as provided to fulfill the association's notice
550 requirements, and other personal identifying information of any
551 person, excluding the person's name, unit designation, mailing

20224De1

552 address, property address, and any address, e-mail address, or
553 facsimile number provided to the association to fulfill the
554 association's notice requirements. Notwithstanding the
555 restrictions in this sub-subparagraph, an association may print
556 and distribute to unit owners a directory containing the name,
557 unit address, and all telephone numbers of each unit owner.
558 However, an owner may exclude his or her telephone numbers from
559 the directory by so requesting in writing to the association. An
560 owner may consent in writing to the disclosure of other contact
561 information described in this sub-subparagraph. The association
562 is not liable for the inadvertent disclosure of information that
563 is protected under this sub-subparagraph if the information is
564 included in an official record of the association and is
565 voluntarily provided by an owner and not requested by the
566 association.

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

569 g. The software and operating system used by the
570 association which allow the manipulation of data, even if the
571 owner owns a copy of the same software used by the association.
572 The data is part of the official records of the association.

573 h. All affirmative acknowledgments made pursuant to s.
574 718.121(4)(c).

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

20224De1

- 581 a. The association's website or application must be:
- 582 (I) An independent website, application, or web portal
- 583 wholly owned and operated by the association; or
- 584 (II) A website, application, or web portal operated by a
- 585 third-party provider with whom the association owns, leases,
- 586 rents, or otherwise obtains the right to operate a web page,
- 587 subpage, web portal, collection of subpages or web portals, or
- 588 an application which is dedicated to the association's
- 589 activities and on which required notices, records, and documents
- 590 may be posted or made available by the association.
- 591 b. The association's website or application must be
- 592 accessible through the Internet and must contain a subpage, web
- 593 portal, or other protected electronic location that is
- 594 inaccessible to the general public and accessible only to unit
- 595 owners and employees of the association.
- 596 c. Upon a unit owner's written request, the association
- 597 must provide the unit owner with a username and password and
- 598 access to the protected sections of the association's website or
- 599 application which contain any notices, records, or documents
- 600 that must be electronically provided.
- 601 2. A current copy of the following documents must be posted
- 602 in digital format on the association's website or application:
- 603 a. The recorded declaration of condominium of each
- 604 condominium operated by the association and each amendment to
- 605 each declaration.
- 606 b. The recorded bylaws of the association and each
- 607 amendment to the bylaws.
- 608 c. The articles of incorporation of the association, or
- 609 other documents creating the association, and each amendment to

20224De1

610 the articles of incorporation or other documents. The copy
611 posted pursuant to this sub-subparagraph must be a copy of the
612 articles of incorporation filed with the Department of State.

613 d. The rules of the association.

614 e. A list of all executory contracts or documents to which
615 the association is a party or under which the association or the
616 unit owners have an obligation or responsibility and, after
617 bidding for the related materials, equipment, or services has
618 closed, a list of bids received by the association within the
619 past year. Summaries of bids for materials, equipment, or
620 services which exceed \$500 must be maintained on the website or
621 application for 1 year. In lieu of summaries, complete copies of
622 the bids may be posted.

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

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

628 h. The certification of each director required by s.
629 718.112(2)(d)4.b.

630 i. All contracts or transactions between the association
631 and any director, officer, corporation, firm, or association
632 that is not an affiliated condominium association or any other
633 entity in which an association director is also a director or
634 officer and financially interested.

635 j. Any contract or document regarding a conflict of
636 interest or possible conflict of interest as provided in ss.
637 468.436(2)(b)6. and 718.3027(3).

638 k. The notice of any unit owner meeting and the agenda for

20224De1

639 the meeting, as required by s. 718.112(2)(d)3., no later than 14
640 days before the meeting. The notice must be posted in plain view
641 on the front page of the website or application, or on a
642 separate subpage of the website or application labeled "Notices"
643 which is conspicuously visible and linked from the front page.
644 The association must also post on its website or application any
645 document to be considered and voted on by the owners during the
646 meeting or any document listed on the agenda at least 7 days
647 before the meeting at which the document or the information
648 within the document will be considered.

649 1. Notice of any board meeting, the agenda, and any other
650 document required for the meeting as required by s.
651 718.112(2)(c), which must be posted no later than the date
652 required for notice under s. 718.112(2)(c).

653 m. The inspection reports described in ss. 553.899 and
654 718.301(4)(p) and any other inspection report relating to a
655 structural or life safety inspection of condominium property.

656 n. The association's most recent structural integrity
657 reserve study, if applicable.

658 3. The association shall ensure that the information and
659 records described in paragraph (c), which are not allowed to be
660 accessible to unit owners, are not posted on the association's
661 website or application. If protected information or information
662 restricted from being accessible to unit owners is included in
663 documents that are required to be posted on the association's
664 website or application, the association shall ensure the
665 information is redacted before posting the documents.

666 Notwithstanding the foregoing, the association or its agent is
667 not liable for disclosing information that is protected or

20224De1

668 restricted under this paragraph unless such disclosure was made
669 with a knowing or intentional disregard of the protected or
670 restricted nature of such information.

671 4. The failure of the association to post information
672 required under subparagraph 2. is not in and of itself
673 sufficient to invalidate any action or decision of the
674 association's board or its committees.

675 Section 6. Paragraphs (g) through (o) of subsection (2) of
676 section 718.112, Florida Statutes, are redesignated as
677 paragraphs (i) through (q), respectively, paragraphs (d) and (f)
678 of that subsection are amended, and new paragraphs (g) and (h)
679 are added to that subsection, to read:

680 718.112 Bylaws.—

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

684 (d) *Unit owner meetings.*—

685 1. An annual meeting of the unit owners must be held at the
686 location provided in the association bylaws and, if the bylaws
687 are silent as to the location, the meeting must be held within
688 45 miles of the condominium property. However, such distance
689 requirement does not apply to an association governing a
690 timeshare condominium.

691 2. Unless the bylaws provide otherwise, a vacancy on the
692 board caused by the expiration of a director's term must be
693 filled by electing a new board member, and the election must be
694 by secret ballot. An election is not required if the number of
695 vacancies equals or exceeds the number of candidates. For
696 purposes of this paragraph, the term "candidate" means an

20224De1

697 eligible person who has timely submitted the written notice, as
698 described in sub-subparagraph 4.a., of his or her intention to
699 become a candidate. Except in a timeshare or nonresidential
700 condominium, or if the staggered term of a board member does not
701 expire until a later annual meeting, or if all members' terms
702 would otherwise expire but there are no candidates, the terms of
703 all board members expire at the annual meeting, and such members
704 may stand for reelection unless prohibited by the bylaws. Board
705 members may serve terms longer than 1 year if permitted by the
706 bylaws or articles of incorporation. A board member may not
707 serve more than 8 consecutive years unless approved by an
708 affirmative vote of unit owners representing two-thirds of all
709 votes cast in the election or unless there are not enough
710 eligible candidates to fill the vacancies on the board at the
711 time of the vacancy. Only board service that occurs on or after
712 July 1, 2018, may be used when calculating a board member's term
713 limit. If the number of board members whose terms expire at the
714 annual meeting equals or exceeds the number of candidates, the
715 candidates become members of the board effective upon the
716 adjournment of the annual meeting. Unless the bylaws provide
717 otherwise, any remaining vacancies shall be filled by the
718 affirmative vote of the majority of the directors making up the
719 newly constituted board even if the directors constitute less
720 than a quorum or there is only one director. In a residential
721 condominium association of more than 10 units or in a
722 residential condominium association that does not include
723 timeshare units or timeshare interests, co-owners of a unit may
724 not serve as members of the board of directors at the same time
725 unless they own more than one unit or unless there are not

20224De1

726 enough eligible candidates to fill the vacancies on the board at
727 the time of the vacancy. A unit owner in a residential
728 condominium desiring to be a candidate for board membership must
729 comply with sub-subparagraph 4.a. and must be eligible to be a
730 candidate to serve on the board of directors at the time of the
731 deadline for submitting a notice of intent to run in order to
732 have his or her name listed as a proper candidate on the ballot
733 or to serve on the board. A person who has been suspended or
734 removed by the division under this chapter, or who is delinquent
735 in the payment of any assessment due to the association, is not
736 eligible to be a candidate for board membership and may not be
737 listed on the ballot. For purposes of this paragraph, a person
738 is delinquent if a payment is not made by the due date as
739 specifically identified in the declaration of condominium,
740 bylaws, or articles of incorporation. If a due date is not
741 specifically identified in the declaration of condominium,
742 bylaws, or articles of incorporation, the due date is the first
743 day of the assessment period. A person who has been convicted of
744 any felony in this state or in a United States District or
745 Territorial Court, or who has been convicted of any offense in
746 another jurisdiction which would be considered a felony if
747 committed in this state, is not eligible for board membership
748 unless such felon's civil rights have been restored for at least
749 5 years as of the date such person seeks election to the board.
750 The validity of an action by the board is not affected if it is
751 later determined that a board member is ineligible for board
752 membership due to having been convicted of a felony. This
753 subparagraph does not limit the term of a member of the board of
754 a nonresidential or timeshare condominium.

20224De1

755 3. The bylaws must provide the method of calling meetings
756 of unit owners, including annual meetings. Written notice of an
757 annual meeting must include an agenda; be mailed, hand
758 delivered, or electronically transmitted to each unit owner at
759 least 14 days before the annual meeting; and be posted in a
760 conspicuous place on the condominium property or association
761 property at least 14 continuous days before the annual meeting.
762 Written notice of a meeting other than an annual meeting must
763 include an agenda; be mailed, hand delivered, or electronically
764 transmitted to each unit owner; and be posted in a conspicuous
765 place on the condominium property or association property within
766 the timeframe specified in the bylaws. If the bylaws do not
767 specify a timeframe for written notice of a meeting other than
768 an annual meeting, notice must be provided at least 14
769 continuous days before the meeting. Upon notice to the unit
770 owners, the board shall, by duly adopted rule, designate a
771 specific location on the condominium property or association
772 property where all notices of unit owner meetings must be
773 posted. This requirement does not apply if there is no
774 condominium property for posting notices. In lieu of, or in
775 addition to, the physical posting of meeting notices, the
776 association may, by reasonable rule, adopt a procedure for
777 conspicuously posting and repeatedly broadcasting the notice and
778 the agenda on a closed-circuit cable television system serving
779 the condominium association. However, if broadcast notice is
780 used in lieu of a notice posted physically on the condominium
781 property, the notice and agenda must be broadcast at least four
782 times every broadcast hour of each day that a posted notice is
783 otherwise required under this section. If broadcast notice is

20224De1

784 provided, the notice and agenda must be broadcast in a manner
785 and for a sufficient continuous length of time so as to allow an
786 average reader to observe the notice and read and comprehend the
787 entire content of the notice and the agenda. In addition to any
788 of the authorized means of providing notice of a meeting of the
789 board, the association may, by rule, adopt a procedure for
790 conspicuously posting the meeting notice and the agenda on a
791 website serving the condominium association for at least the
792 minimum period of time for which a notice of a meeting is also
793 required to be physically posted on the condominium property.
794 Any rule adopted shall, in addition to other matters, include a
795 requirement that the association send an electronic notice in
796 the same manner as a notice for a meeting of the members, which
797 must include a hyperlink to the website where the notice is
798 posted, to unit owners whose e-mail addresses are included in
799 the association's official records. Unless a unit owner waives
800 in writing the right to receive notice of the annual meeting,
801 such notice must be hand delivered, mailed, or electronically
802 transmitted to each unit owner. Notice for meetings and notice
803 for all other purposes must be mailed to each unit owner at the
804 address last furnished to the association by the unit owner, or
805 hand delivered to each unit owner. However, if a unit is owned
806 by more than one person, the association must provide notice to
807 the address that the developer identifies for that purpose and
808 thereafter as one or more of the owners of the unit advise the
809 association in writing, or if no address is given or the owners
810 of the unit do not agree, to the address provided on the deed of
811 record. An officer of the association, or the manager or other
812 person providing notice of the association meeting, must provide

20224De1

813 an affidavit or United States Postal Service certificate of
814 mailing, to be included in the official records of the
815 association affirming that the notice was mailed or hand
816 delivered in accordance with this provision.

817 4. The members of the board of a residential condominium
818 shall be elected by written ballot or voting machine. Proxies
819 may not be used in electing the board in general elections or
820 elections to fill vacancies caused by recall, resignation, or
821 otherwise, unless otherwise provided in this chapter. This
822 subparagraph does not apply to an association governing a
823 timeshare condominium.

824 a. At least 60 days before a scheduled election, the
825 association shall mail, deliver, or electronically transmit, by
826 separate association mailing or included in another association
827 mailing, delivery, or transmission, including regularly
828 published newsletters, to each unit owner entitled to a vote, a
829 first notice of the date of the election. A unit owner or other
830 eligible person desiring to be a candidate for the board must
831 give written notice of his or her intent to be a candidate to
832 the association at least 40 days before a scheduled election.
833 Together with the written notice and agenda as set forth in
834 subparagraph 3., the association shall mail, deliver, or
835 electronically transmit a second notice of the election to all
836 unit owners entitled to vote, together with a ballot that lists
837 all candidates not less than 14 days or more than 34 days before
838 the date of the election. Upon request of a candidate, an
839 information sheet, no larger than 8 1/2 inches by 11 inches,
840 which must be furnished by the candidate at least 35 days before
841 the election, must be included with the mailing, delivery, or

20224De1

842 transmission of the ballot, with the costs of mailing, delivery,
843 or electronic transmission and copying to be borne by the
844 association. The association is not liable for the contents of
845 the information sheets prepared by the candidates. In order to
846 reduce costs, the association may print or duplicate the
847 information sheets on both sides of the paper. The division
848 shall by rule establish voting procedures consistent with this
849 sub-subparagraph, including rules establishing procedures for
850 giving notice by electronic transmission and rules providing for
851 the secrecy of ballots. Elections shall be decided by a
852 plurality of ballots cast. There is no quorum requirement;
853 however, at least 20 percent of the eligible voters must cast a
854 ballot in order to have a valid election. A unit owner may not
855 authorize any other person to vote his or her ballot, and any
856 ballots improperly cast are invalid. A unit owner who violates
857 this provision may be fined by the association in accordance
858 with s. 718.303. A unit owner who needs assistance in casting
859 the ballot for the reasons stated in s. 101.051 may obtain such
860 assistance. The regular election must occur on the date of the
861 annual meeting. Notwithstanding this sub-subparagraph, an
862 election is not required unless more candidates file notices of
863 intent to run or are nominated than board vacancies exist.

864 b. Within 90 days after being elected or appointed to the
865 board of an association of a residential condominium, each newly
866 elected or appointed director shall certify in writing to the
867 secretary of the association that he or she has read the
868 association's declaration of condominium, articles of
869 incorporation, bylaws, and current written policies; that he or
870 she will work to uphold such documents and policies to the best

20224De1

871 of his or her ability; and that he or she will faithfully
872 discharge his or her fiduciary responsibility to the
873 association's members. In lieu of this written certification,
874 within 90 days after being elected or appointed to the board,
875 the newly elected or appointed director may submit a certificate
876 of having satisfactorily completed the educational curriculum
877 administered by a division-approved condominium education
878 provider within 1 year before or 90 days after the date of
879 election or appointment. The written certification or
880 educational certificate is valid and does not have to be
881 resubmitted as long as the director serves on the board without
882 interruption. A director of an association of a residential
883 condominium who fails to timely file the written certification
884 or educational certificate is suspended from service on the
885 board until he or she complies with this sub-subparagraph. The
886 board may temporarily fill the vacancy during the period of
887 suspension. The secretary shall cause the association to retain
888 a director's written certification or educational certificate
889 for inspection by the members for 5 years after a director's
890 election or the duration of the director's uninterrupted tenure,
891 whichever is longer. Failure to have such written certification
892 or educational certificate on file does not affect the validity
893 of any board action.

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

896 5. Any approval by unit owners called for by this chapter
897 or the applicable declaration or bylaws, including, but not
898 limited to, the approval requirement in s. 718.111(8), must be
899 made at a duly noticed meeting of unit owners and is subject to

20224De1

900 all requirements of this chapter or the applicable condominium
901 documents relating to unit owner decisionmaking, except that
902 unit owners may take action by written agreement, without
903 meetings, on matters for which action by written agreement
904 without meetings is expressly allowed by the applicable bylaws
905 or declaration or any law that provides for such action.

906 6. Unit owners may waive notice of specific meetings if
907 allowed by the applicable bylaws or declaration or any law.
908 Notice of meetings of the board of administration, unit owner
909 meetings, except unit owner meetings called to recall board
910 members under paragraph (1) ~~(j)~~, and committee meetings may be
911 given by electronic transmission to unit owners who consent to
912 receive notice by electronic transmission. A unit owner who
913 consents to receiving notices by electronic transmission is
914 solely responsible for removing or bypassing filters that block
915 receipt of mass e-mails sent to members on behalf of the
916 association in the course of giving electronic notices.

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

921 8. A unit owner may tape record or videotape a meeting of
922 the unit owners subject to reasonable rules adopted by the
923 division.

924 9. Unless otherwise provided in the bylaws, any vacancy
925 occurring on the board before the expiration of a term may be
926 filled by the affirmative vote of the majority of the remaining
927 directors, even if the remaining directors constitute less than
928 a quorum, or by the sole remaining director. In the alternative,

20224De1

929 a board may hold an election to fill the vacancy, in which case
930 the election procedures must conform to sub-subparagraph 4.a.
931 unless the association governs 10 units or fewer and has opted
932 out of the statutory election process, in which case the bylaws
933 of the association control. Unless otherwise provided in the
934 bylaws, a board member appointed or elected under this section
935 shall fill the vacancy for the unexpired term of the seat being
936 filled. Filling vacancies created by recall is governed by
937 paragraph (1) ~~(j)~~ and rules adopted by the division.

938 10. This chapter does not limit the use of general or
939 limited proxies, require the use of general or limited proxies,
940 or require the use of a written ballot or voting machine for any
941 agenda item or election at any meeting of a timeshare
942 condominium association or nonresidential condominium
943 association.

944
945 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
946 association of 10 or fewer units may, by affirmative vote of a
947 majority of the total voting interests, provide for different
948 voting and election procedures in its bylaws, which may be by a
949 proxy specifically delineating the different voting and election
950 procedures. The different voting and election procedures may
951 provide for elections to be conducted by limited or general
952 proxy.

953 (f) *Annual budget.*—

954 1. The proposed annual budget of estimated revenues and
955 expenses must be detailed and must show the amounts budgeted by
956 accounts and expense classifications, including, at a minimum,
957 any applicable expenses listed in s. 718.504(21). The board

20224De1

958 shall adopt the annual budget at least 14 days before ~~prior to~~
959 the start of the association's fiscal year. In the event that
960 the board fails to timely adopt the annual budget a second time,
961 it is ~~shall be~~ deemed a minor violation and the prior year's
962 budget shall continue in effect until a new budget is adopted. A
963 multicondominium association must ~~shall~~ adopt a separate budget
964 of common expenses for each condominium the association operates
965 and must ~~shall~~ adopt a separate budget of common expenses for
966 the association. In addition, if the association maintains
967 limited common elements with the cost to be shared only by those
968 entitled to use the limited common elements as provided for in
969 s. 718.113(1), the budget or a schedule attached to it must show
970 the amount budgeted for this maintenance. If, after turnover of
971 control of the association to the unit owners, any of the
972 expenses listed in s. 718.504(21) are not applicable, they do
973 ~~need~~ not need to be listed.

974 2.a. In addition to annual operating expenses, the budget
975 must include reserve accounts for capital expenditures and
976 deferred maintenance. These accounts must include, but are not
977 limited to, roof replacement, building painting, and pavement
978 resurfacing, regardless of the amount of deferred maintenance
979 expense or replacement cost, and any other item that has a
980 deferred maintenance expense or replacement cost that exceeds
981 \$10,000. The amount to be reserved for an item is determined by
982 the association's most recent structural integrity reserve study
983 that must be completed by December 31, 2024. If the amount to be
984 reserved for an item is not in the association's initial or most
985 recent structural integrity reserve study or the association has
986 not completed a structural integrity reserve study, the amount

20224De1

987 must be computed using a formula based upon estimated remaining
988 useful life and estimated replacement cost or deferred
989 maintenance expense of the ~~each~~ reserve item. The association
990 may adjust replacement reserve assessments annually to take into
991 account any changes in estimates or extension of the useful life
992 of a reserve item caused by deferred maintenance. ~~This~~
993 ~~subsection does not apply to an adopted budget in which~~ The
994 members of a unit-owner controlled ~~an~~ association may determine
995 ~~have determined~~, by a majority vote at a duly called meeting of
996 the association, to provide no reserves or less reserves than
997 required by this subsection. Effective December 31, 2024, the
998 members of a unit-owner controlled association may not determine
999 to provide no reserves or less reserves than required by this
1000 subsection for items listed in paragraph (g).

1001 b. Before turnover of control of an association by a
1002 developer to unit owners other than a developer under ~~pursuant~~
1003 ~~to~~ s. 718.301, the developer-controlled association ~~developer~~
1004 may not vote ~~the voting interests allocated to its units to~~
1005 waive the reserves or reduce ~~the~~ funding of the reserves ~~through~~
1006 ~~the period expiring at the end of the second fiscal year after~~
1007 ~~the fiscal year in which the certificate of a surveyor and~~
1008 ~~mapper is recorded pursuant to s. 718.104(4)(c) or an instrument~~
1009 ~~that transfers title to a unit in the condominium which is not~~
1010 ~~accompanied by a recorded assignment of developer rights in~~
1011 ~~favor of the grantee of such unit is recorded, whichever occurs~~
1012 ~~first, after which time reserves may be waived or reduced only~~
1013 ~~upon the vote of a majority of all nondeveloper voting interests~~
1014 ~~voting in person or by limited proxy at a duly called meeting of~~
1015 ~~the association.~~ If a meeting of the unit owners has been called

20224De1

1016 to determine whether to waive or reduce the funding of reserves
1017 and no such result is achieved or a quorum is not attained, the
1018 reserves included in the budget shall go into effect. After the
1019 turnover, the developer may vote its voting interest to waive or
1020 reduce the funding of reserves.

1021 3. Reserve funds and any interest accruing thereon shall
1022 remain in the reserve account or accounts, and may be used only
1023 for authorized reserve expenditures unless their use for other
1024 purposes is approved in advance by a majority vote at a duly
1025 called meeting of the association. Before turnover of control of
1026 an association by a developer to unit owners other than the
1027 developer pursuant to s. 718.301, the developer-controlled
1028 association may not vote to use reserves for purposes other than
1029 those for which they were intended. Effective December 31, 2024,
1030 members of a unit-owner controlled association may not vote to
1031 use reserve funds, or any interest accruing thereon, that are
1032 reserved for items listed in paragraph (g) for any other purpose
1033 other than their intended purpose ~~without the approval of a~~
1034 ~~majority of all nondeveloper voting interests, voting in person~~
1035 ~~or by limited proxy at a duly called meeting of the association.~~

1036 4. The only voting interests that are eligible to vote on
1037 questions that involve waiving or reducing the funding of
1038 reserves, or using existing reserve funds for purposes other
1039 than purposes for which the reserves were intended, are the
1040 voting interests of the units subject to assessment to fund the
1041 reserves in question. Proxy questions relating to waiving or
1042 reducing the funding of reserves or using existing reserve funds
1043 for purposes other than purposes for which the reserves were
1044 intended must contain the following statement in capitalized,

20224De1

1045 bold letters in a font size larger than any other used on the
1046 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1047 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1048 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1049 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1050 (g) Structural integrity reserve study.-

1051 1. An association must have a structural integrity reserve
1052 study completed at least every 10 years after the condominium's
1053 creation for each building on the condominium property that is
1054 three stories or higher in height which includes, at a minimum,
1055 a study of the following items as related to the structural
1056 integrity and safety of the building:

1057 a. Roof.

1058 b. Load-bearing walls or other primary structural members.

1059 c. Floor.

1060 d. Foundation.

1061 e. Fireproofing and fire protection systems.

1062 f. Plumbing.

1063 g. Electrical systems.

1064 h. Waterproofing and exterior painting.

1065 i. Windows.

1066 j. Any other item that has a deferred maintenance expense
1067 or replacement cost that exceeds \$10,000 and the failure to
1068 replace or maintain such item negatively affects the items
1069 listed in subparagraphs a.-i., as determined by the licensed
1070 engineer or architect performing the visual inspection portion
1071 of the structural integrity reserve study.

1072 2. Before a developer turns over control of an association
1073 to unit owners other than the developer, the developer must have

20224De1

1074 a structural integrity reserve study completed for each building
1075 on the condominium property that is three stories or higher in
1076 height.

1077 3. Associations existing on or before July 1, 2022, which
1078 are controlled by unit owners other than the developer, must
1079 have a structural integrity reserve study completed by December
1080 31, 2024, for each building on the condominium property that is
1081 three stories or higher in height.

1082 4. If an association fails to complete a structural
1083 integrity reserve study pursuant to this paragraph, such failure
1084 is a breach of an officer's and director's fiduciary
1085 relationship to the unit owners under s. 718.111(1).

1086 (h) Mandatory milestone inspections.—If an association is
1087 required to have a milestone inspection performed pursuant to s.
1088 553.899, the association must arrange for the milestone
1089 inspection to be performed and is responsible for ensuring
1090 compliance with the requirements of s. 553.899. The association
1091 is responsible for all costs associated with the inspection. If
1092 the officers or directors of an association willfully and
1093 knowingly fail to have a milestone inspection performed pursuant
1094 to s. 553.899, such failure is a breach of the officers' and
1095 directors' fiduciary relationship to the unit owners under s.
1096 718.111(1) (a). Upon completion of a phase one or phase two
1097 milestone inspection and receipt of the inspector-prepared
1098 summary of the inspection report from the architect or engineer
1099 who performed the inspection, the association must distribute a
1100 copy of the inspector-prepared summary of the inspection report
1101 to each unit owner, regardless of the findings or
1102 recommendations in the report, by United States mail or personal

20224De1

1103 delivery and by electronic transmission to unit owners who
1104 previously consented to receive notice by electronic
1105 transmission; must post a copy of the inspector-prepared summary
1106 in a conspicuous place on the condominium property; and must
1107 publish the full report and inspector-prepared summary on the
1108 association's website, if the association is required to have a
1109 website.

1110 Section 7. Paragraph (f) of subsection (8) of section
1111 718.116, Florida Statutes, is amended to read:

1112 718.116 Assessments; liability; lien and priority;
1113 interest; collection.-

1114 (8) Within 10 business days after receiving a written or
1115 electronic request therefor from a unit owner or the unit
1116 owner's designee, or a unit mortgagee or the unit mortgagee's
1117 designee, the association shall issue the estoppel certificate.
1118 Each association shall designate on its website a person or
1119 entity with a street or e-mail address for receipt of a request
1120 for an estoppel certificate issued pursuant to this section. The
1121 estoppel certificate must be provided by hand delivery, regular
1122 mail, or e-mail to the requestor on the date of issuance of the
1123 estoppel certificate.

1124 (f) Notwithstanding any limitation on transfer fees
1125 contained in s. 718.112(2)(k) ~~s. 718.112(2)(i)~~, an association
1126 or its authorized agent may charge a reasonable fee for the
1127 preparation and delivery of an estoppel certificate, which may
1128 not exceed \$250, if, on the date the certificate is issued, no
1129 delinquent amounts are owed to the association for the
1130 applicable unit. If an estoppel certificate is requested on an
1131 expedited basis and delivered within 3 business days after the

20224De1

1132 request, the association may charge an additional fee of \$100.
1133 If a delinquent amount is owed to the association for the
1134 applicable unit, an additional fee for the estoppel certificate
1135 may not exceed \$150.

1136 Section 8. Paragraph (b) of subsection (8) of section
1137 718.117, Florida Statutes, is amended to read:

1138 718.117 Termination of condominium.—

1139 (8) REPORTS AND REPLACEMENT OF RECEIVER.—

1140 (b) The unit owners of an association in termination may
1141 recall or remove members of the board of administration with or
1142 without cause at any time as provided in s. 718.112(2)(1) ~~s.~~
1143 ~~718.112(2)(j)~~.

1144 Section 9. Paragraph (p) of subsection (4) of section
1145 718.301, Florida Statutes, is amended, and paragraph (r) is
1146 added to that subsection, to read:

1147 718.301 Transfer of association control; claims of defect
1148 by association.—

1149 (4) At the time that unit owners other than the developer
1150 elect a majority of the members of the board of administration
1151 of an association, the developer shall relinquish control of the
1152 association, and the unit owners shall accept control.

1153 Simultaneously, or for the purposes of paragraph (c) not more
1154 than 90 days thereafter, the developer shall deliver to the
1155 association, at the developer's expense, all property of the
1156 unit owners and of the association which is held or controlled
1157 by the developer, including, but not limited to, the following
1158 items, if applicable, as to each condominium operated by the
1159 association:

1160 (p) Notwithstanding when the certificate of occupancy was

20224De1

1161 issued or the height of the building, a milestone inspection
1162 report in compliance with s. 553.899 included in the official
1163 records, under seal of an architect or engineer authorized to
1164 practice in this state, and attesting to required maintenance,
1165 condition, useful life, and replacement costs of the following
1166 applicable condominium property ~~common elements~~ comprising a
1167 turnover inspection report:

- 1168 1. Roof.
- 1169 2. Structure, including load-bearing walls and primary
1170 structural members and primary structural systems as those terms
1171 are defined in s. 627.706.
- 1172 3. Fireproofing and fire protection systems.
- 1173 4. Elevators.
- 1174 5. Heating and cooling systems.
- 1175 6. Plumbing.
- 1176 7. Electrical systems.
- 1177 8. Swimming pool or spa and equipment.
- 1178 9. Seawalls.
- 1179 10. Pavement and parking areas.
- 1180 11. Drainage systems.
- 1181 12. Painting.
- 1182 13. Irrigation systems.
- 1183 14. Waterproofing.

1184 (r) A copy of the association's most recent structural
1185 integrity reserve study.

1186 Section 10. Subsection (1) of section 718.501, Florida
1187 Statutes, is amended, and subsection (3) is added to that
1188 section, to read:

1189 718.501 Authority, responsibility, and duties of Division

20224De1

1190 of Florida Condominiums, Timeshares, and Mobile Homes.—

1191 (1) The division may enforce and ensure compliance with
1192 this chapter and rules relating to the development,
1193 construction, sale, lease, ownership, operation, and management
1194 of residential condominium units and complaints related to the
1195 procedural completion of milestone inspections under s. 553.899.
1196 In performing its duties, the division has complete jurisdiction
1197 to investigate complaints and enforce compliance with respect to
1198 associations that are still under developer control or the
1199 control of a bulk assignee or bulk buyer pursuant to part VII of
1200 this chapter and complaints against developers, bulk assignees,
1201 or bulk buyers involving improper turnover or failure to
1202 turnover, pursuant to s. 718.301. However, after turnover has
1203 occurred, the division has jurisdiction to investigate
1204 complaints related only to financial issues, elections, and the
1205 maintenance of and unit owner access to association records
1206 under s. 718.111(12), and the procedural completion of
1207 structural integrity reserve studies under s. 718.112(2)(g).

1208 (a)1. The division may make necessary public or private
1209 investigations within or outside this state to determine whether
1210 any person has violated this chapter or any rule or order
1211 hereunder, to aid in the enforcement of this chapter, or to aid
1212 in the adoption of rules or forms.

1213 2. The division may submit any official written report,
1214 worksheet, or other related paper, or a duly certified copy
1215 thereof, compiled, prepared, drafted, or otherwise made by and
1216 duly authenticated by a financial examiner or analyst to be
1217 admitted as competent evidence in any hearing in which the
1218 financial examiner or analyst is available for cross-examination

20224De1

1219 and attests under oath that such documents were prepared as a
1220 result of an examination or inspection conducted pursuant to
1221 this chapter.

1222 (b) The division may require or permit any person to file a
1223 statement in writing, under oath or otherwise, as the division
1224 determines, as to the facts and circumstances concerning a
1225 matter to be investigated.

1226 (c) For the purpose of any investigation under this
1227 chapter, the division director or any officer or employee
1228 designated by the division director may administer oaths or
1229 affirmations, subpoena witnesses and compel their attendance,
1230 take evidence, and require the production of any matter which is
1231 relevant to the investigation, including the existence,
1232 description, nature, custody, condition, and location of any
1233 books, documents, or other tangible things and the identity and
1234 location of persons having knowledge of relevant facts or any
1235 other matter reasonably calculated to lead to the discovery of
1236 material evidence. Upon the failure by a person to obey a
1237 subpoena or to answer questions propounded by the investigating
1238 officer and upon reasonable notice to all affected persons, the
1239 division may apply to the circuit court for an order compelling
1240 compliance.

1241 (d) Notwithstanding any remedies available to unit owners
1242 and associations, if the division has reasonable cause to
1243 believe that a violation of any provision of this chapter or
1244 related rule has occurred, the division may institute
1245 enforcement proceedings in its own name against any developer,
1246 bulk assignee, bulk buyer, association, officer, or member of
1247 the board of administration, or its assignees or agents, as

20224De1

1248 follows:

1249 1. The division may permit a person whose conduct or
1250 actions may be under investigation to waive formal proceedings
1251 and enter into a consent proceeding whereby orders, rules, or
1252 letters of censure or warning, whether formal or informal, may
1253 be entered against the person.

1254 2. The division may issue an order requiring the developer,
1255 bulk assignee, bulk buyer, association, developer-designated
1256 officer, or developer-designated member of the board of
1257 administration, developer-designated assignees or agents, bulk
1258 assignee-designated assignees or agents, bulk buyer-designated
1259 assignees or agents, community association manager, or community
1260 association management firm to cease and desist from the
1261 unlawful practice and take such affirmative action as in the
1262 judgment of the division carry out the purposes of this chapter.
1263 If the division finds that a developer, bulk assignee, bulk
1264 buyer, association, officer, or member of the board of
1265 administration, or its assignees or agents, is violating or is
1266 about to violate any provision of this chapter, any rule adopted
1267 or order issued by the division, or any written agreement
1268 entered into with the division, and presents an immediate danger
1269 to the public requiring an immediate final order, it may issue
1270 an emergency cease and desist order reciting with particularity
1271 the facts underlying such findings. The emergency cease and
1272 desist order is effective for 90 days. If the division begins
1273 nonemergency cease and desist proceedings, the emergency cease
1274 and desist order remains effective until the conclusion of the
1275 proceedings under ss. 120.569 and 120.57.

1276 3. If a developer, bulk assignee, or bulk buyer fails to

20224De1

1277 pay any restitution determined by the division to be owed, plus
1278 any accrued interest at the highest rate permitted by law,
1279 within 30 days after expiration of any appellate time period of
1280 a final order requiring payment of restitution or the conclusion
1281 of any appeal thereof, whichever is later, the division must
1282 bring an action in circuit or county court on behalf of any
1283 association, class of unit owners, lessees, or purchasers for
1284 restitution, declaratory relief, injunctive relief, or any other
1285 available remedy. The division may also temporarily revoke its
1286 acceptance of the filing for the developer to which the
1287 restitution relates until payment of restitution is made.

1288 4. The division may petition the court for appointment of a
1289 receiver or conservator. If appointed, the receiver or
1290 conservator may take action to implement the court order to
1291 ensure the performance of the order and to remedy any breach
1292 thereof. In addition to all other means provided by law for the
1293 enforcement of an injunction or temporary restraining order, the
1294 circuit court may impound or sequester the property of a party
1295 defendant, including books, papers, documents, and related
1296 records, and allow the examination and use of the property by
1297 the division and a court-appointed receiver or conservator.

1298 5. The division may apply to the circuit court for an order
1299 of restitution whereby the defendant in an action brought under
1300 subparagraph 4. is ordered to make restitution of those sums
1301 shown by the division to have been obtained by the defendant in
1302 violation of this chapter. At the option of the court, such
1303 restitution is payable to the conservator or receiver appointed
1304 under subparagraph 4. or directly to the persons whose funds or
1305 assets were obtained in violation of this chapter.

20224De1

1306 6. The division may impose a civil penalty against a
1307 developer, bulk assignee, or bulk buyer, or association, or its
1308 assignee or agent, for any violation of this chapter or related
1309 rule. The division may impose a civil penalty individually
1310 against an officer or board member who willfully and knowingly
1311 violates this chapter, an adopted rule, or a final order of the
1312 division; may order the removal of such individual as an officer
1313 or from the board of administration or as an officer of the
1314 association; and may prohibit such individual from serving as an
1315 officer or on the board of a community association for a period
1316 of time. The term "willfully and knowingly" means that the
1317 division informed the officer or board member that his or her
1318 action or intended action violates this chapter, a rule adopted
1319 under this chapter, or a final order of the division and that
1320 the officer or board member refused to comply with the
1321 requirements of this chapter, a rule adopted under this chapter,
1322 or a final order of the division. The division, before
1323 initiating formal agency action under chapter 120, must afford
1324 the officer or board member an opportunity to voluntarily
1325 comply, and an officer or board member who complies within 10
1326 days is not subject to a civil penalty. A penalty may be imposed
1327 on the basis of each day of continuing violation, but the
1328 penalty for any offense may not exceed \$5,000. The division
1329 shall adopt, by rule, penalty guidelines applicable to possible
1330 violations or to categories of violations of this chapter or
1331 rules adopted by the division. The guidelines must specify a
1332 meaningful range of civil penalties for each such violation of
1333 the statute and rules and must be based upon the harm caused by
1334 the violation, the repetition of the violation, and upon such

20224De1

1335 other factors deemed relevant by the division. For example, the
1336 division may consider whether the violations were committed by a
1337 developer, bulk assignee, or bulk buyer, or owner-controlled
1338 association, the size of the association, and other factors. The
1339 guidelines must designate the possible mitigating or aggravating
1340 circumstances that justify a departure from the range of
1341 penalties provided by the rules. It is the legislative intent
1342 that minor violations be distinguished from those which endanger
1343 the health, safety, or welfare of the condominium residents or
1344 other persons and that such guidelines provide reasonable and
1345 meaningful notice to the public of likely penalties that may be
1346 imposed for proscribed conduct. This subsection does not limit
1347 the ability of the division to informally dispose of
1348 administrative actions or complaints by stipulation, agreed
1349 settlement, or consent order. All amounts collected shall be
1350 deposited with the Chief Financial Officer to the credit of the
1351 Division of Florida Condominiums, Timeshares, and Mobile Homes
1352 Trust Fund. If a developer, bulk assignee, or bulk buyer fails
1353 to pay the civil penalty and the amount deemed to be owed to the
1354 association, the division shall issue an order directing that
1355 such developer, bulk assignee, or bulk buyer cease and desist
1356 from further operation until such time as the civil penalty is
1357 paid or may pursue enforcement of the penalty in a court of
1358 competent jurisdiction. If an association fails to pay the civil
1359 penalty, the division shall pursue enforcement in a court of
1360 competent jurisdiction, and the order imposing the civil penalty
1361 or the cease and desist order is not effective until 20 days
1362 after the date of such order. Any action commenced by the
1363 division shall be brought in the county in which the division

20224De1

1364 has its executive offices or in the county where the violation
1365 occurred.

1366 7. If a unit owner presents the division with proof that
1367 the unit owner has requested access to official records in
1368 writing by certified mail, and that after 10 days the unit owner
1369 again made the same request for access to official records in
1370 writing by certified mail, and that more than 10 days has
1371 elapsed since the second request and the association has still
1372 failed or refused to provide access to official records as
1373 required by this chapter, the division shall issue a subpoena
1374 requiring production of the requested records where the records
1375 are kept pursuant to s. 718.112.

1376 8. In addition to subparagraph 6., the division may seek
1377 the imposition of a civil penalty through the circuit court for
1378 any violation for which the division may issue a notice to show
1379 cause under paragraph (r). The civil penalty shall be at least
1380 \$500 but no more than \$5,000 for each violation. The court may
1381 also award to the prevailing party court costs and reasonable
1382 attorney fees and, if the division prevails, may also award
1383 reasonable costs of investigation.

1384 (e) The division may prepare and disseminate a prospectus
1385 and other information to assist prospective owners, purchasers,
1386 lessees, and developers of residential condominiums in assessing
1387 the rights, privileges, and duties pertaining thereto.

1388 (f) The division may adopt rules to administer and enforce
1389 this chapter.

1390 (g) The division shall establish procedures for providing
1391 notice to an association and the developer, bulk assignee, or
1392 bulk buyer during the period in which the developer, bulk

20224De1

1393 assignee, or bulk buyer controls the association if the division
1394 is considering the issuance of a declaratory statement with
1395 respect to the declaration of condominium or any related
1396 document governing such condominium community.

1397 (h) The division shall furnish each association that pays
1398 the fees required by paragraph (2) (a) a copy of this chapter, as
1399 amended, and the rules adopted thereto on an annual basis.

1400 (i) The division shall annually provide each association
1401 with a summary of declaratory statements and formal legal
1402 opinions relating to the operations of condominiums which were
1403 rendered by the division during the previous year.

1404 (j) The division shall provide training and educational
1405 programs for condominium association board members and unit
1406 owners. The training may, in the division's discretion, include
1407 web-based electronic media, and live training and seminars in
1408 various locations throughout the state. The division may review
1409 and approve education and training programs for board members
1410 and unit owners offered by providers and shall maintain a
1411 current list of approved programs and providers and make such
1412 list available to board members and unit owners in a reasonable
1413 and cost-effective manner.

1414 (k) The division shall maintain a toll-free telephone
1415 number accessible to condominium unit owners.

1416 (l) The division shall develop a program to certify both
1417 volunteer and paid mediators to provide mediation of condominium
1418 disputes. The division shall provide, upon request, a list of
1419 such mediators to any association, unit owner, or other
1420 participant in alternative dispute resolution proceedings under
1421 s. 718.1255 requesting a copy of the list. The division shall

20224De1

1422 include on the list of volunteer mediators only the names of
1423 persons who have received at least 20 hours of training in
1424 mediation techniques or who have mediated at least 20 disputes.
1425 In order to become initially certified by the division, paid
1426 mediators must be certified by the Supreme Court to mediate
1427 court cases in county or circuit courts. However, the division
1428 may adopt, by rule, additional factors for the certification of
1429 paid mediators, which must be related to experience, education,
1430 or background. Any person initially certified as a paid mediator
1431 by the division must, in order to continue to be certified,
1432 comply with the factors or requirements adopted by rule.

1433 (m) If a complaint is made, the division must conduct its
1434 inquiry with due regard for the interests of the affected
1435 parties. Within 30 days after receipt of a complaint, the
1436 division shall acknowledge the complaint in writing and notify
1437 the complainant whether the complaint is within the jurisdiction
1438 of the division and whether additional information is needed by
1439 the division from the complainant. The division shall conduct
1440 its investigation and, within 90 days after receipt of the
1441 original complaint or of timely requested additional
1442 information, take action upon the complaint. However, the
1443 failure to complete the investigation within 90 days does not
1444 prevent the division from continuing the investigation,
1445 accepting or considering evidence obtained or received after 90
1446 days, or taking administrative action if reasonable cause exists
1447 to believe that a violation of this chapter or a rule has
1448 occurred. If an investigation is not completed within the time
1449 limits established in this paragraph, the division shall, on a
1450 monthly basis, notify the complainant in writing of the status

20224De1

1451 of the investigation. When reporting its action to the
1452 complainant, the division shall inform the complainant of any
1453 right to a hearing under ss. 120.569 and 120.57. The division
1454 may adopt rules regarding the submission of a complaint against
1455 an association.

1456 (n) Condominium association directors, officers, and
1457 employees; condominium developers; bulk assignees, bulk buyers,
1458 and community association managers; and community association
1459 management firms have an ongoing duty to reasonably cooperate
1460 with the division in any investigation under this section. The
1461 division shall refer to local law enforcement authorities any
1462 person whom the division believes has altered, destroyed,
1463 concealed, or removed any record, document, or thing required to
1464 be kept or maintained by this chapter with the purpose to impair
1465 its verity or availability in the department's investigation.

1466 (o) The division may:

1467 1. Contract with agencies in this state or other
1468 jurisdictions to perform investigative functions; or

1469 2. Accept grants-in-aid from any source.

1470 (p) The division shall cooperate with similar agencies in
1471 other jurisdictions to establish uniform filing procedures and
1472 forms, public offering statements, advertising standards, and
1473 rules and common administrative practices.

1474 (q) The division shall consider notice to a developer, bulk
1475 assignee, or bulk buyer to be complete when it is delivered to
1476 the address of the developer, bulk assignee, or bulk buyer
1477 currently on file with the division.

1478 (r) In addition to its enforcement authority, the division
1479 may issue a notice to show cause, which must provide for a

20224De1

1480 hearing, upon written request, in accordance with chapter 120.

1481 (s) The division shall submit to the Governor, the
1482 President of the Senate, the Speaker of the House of
1483 Representatives, and the chairs of the legislative
1484 appropriations committees an annual report that includes, but
1485 need not be limited to, the number of training programs provided
1486 for condominium association board members and unit owners, the
1487 number of complaints received by type, the number and percent of
1488 complaints acknowledged in writing within 30 days and the number
1489 and percent of investigations acted upon within 90 days in
1490 accordance with paragraph (m), and the number of investigations
1491 exceeding the 90-day requirement. The annual report must also
1492 include an evaluation of the division's core business processes
1493 and make recommendations for improvements, including statutory
1494 changes. The report shall be submitted by September 30 following
1495 the end of the fiscal year.

1496 (3) (a) On or before January 1, 2023, condominium
1497 associations existing on or before July 1, 2022, must provide
1498 the following information to the division in writing, by e-mail,
1499 United States Postal Service, commercial delivery service, or
1500 hand delivery, at a physical address or e-mail address provided
1501 by the division and on a form posted on the division's website:

1502 1. The number of buildings on the condominium property that
1503 are three stories or higher in height.

1504 2. The total number of units in all such buildings.

1505 3. The addresses of all such buildings.

1506 4. The counties in which all such buildings are located.

1507 (b) The division must compile a list of the number of
1508 buildings on condominium property that are three stories or

20224De1

1509 higher in height, which is searchable by county, and must post
1510 the list on the division's website. This list must include all
1511 of the following information:

1512 1. The name of each association with buildings on the
1513 condominium property that are three stories or higher in height.

1514 2. The number of such buildings on each association's
1515 property.

1516 3. The addresses of all such buildings.

1517 4. The counties in which all such buildings are located.

1518 (c) An association must provide an update in writing to the
1519 division if there are any changes to the information in the list
1520 under paragraph (b) within 6 months after the change.

1521 Section 11. Present paragraphs (b) and (c) of subsection
1522 (2) of section 718.503, Florida Statutes, are redesignated as
1523 paragraphs (c) and (d), respectively, a new paragraph (b) is
1524 added to that subsection, and paragraph (b) of subsection (1)
1525 and paragraph (a) of subsection (2) of that section are amended,
1526 to read:

1527 718.503 Developer disclosure prior to sale; nondeveloper
1528 unit owner disclosure prior to sale; voidability.—

1529 (1) DEVELOPER DISCLOSURE.—

1530 (b) *Copies of documents to be furnished to prospective*
1531 *buyer or lessee.*—Until such time as the developer has furnished
1532 the documents listed below to a person who has entered into a
1533 contract to purchase a residential unit or lease it for more
1534 than 5 years, the contract may be voided by that person,
1535 entitling the person to a refund of any deposit together with
1536 interest thereon as provided in s. 718.202. The contract may be
1537 terminated by written notice from the proposed buyer or lessee

20224De1

1538 delivered to the developer within 15 days after the buyer or
1539 lessee receives all of the documents required by this section.
1540 The developer may not close for 15 days after ~~following~~ the
1541 execution of the agreement and delivery of the documents to the
1542 buyer as evidenced by a signed receipt for documents unless the
1543 buyer is informed in the 15-day voidability period and agrees to
1544 close before ~~prior to~~ the expiration of the 15 days. The
1545 developer shall retain in his or her records a separate
1546 agreement signed by the buyer as proof of the buyer's agreement
1547 to close before ~~prior to~~ the expiration of the ~~said~~ voidability
1548 period. The developer must retain such ~~said~~ proof ~~shall be~~
1549 ~~retained~~ for a period of 5 years after the date of the closing
1550 of the transaction. The documents to be delivered to the
1551 prospective buyer are the prospectus or disclosure statement
1552 with all exhibits, if the development is subject to ~~the~~
1553 ~~provisions of~~ s. 718.504, or, if not, then copies of the
1554 following which are applicable:

1555 1. The question and answer sheet described in s. 718.504,
1556 and declaration of condominium, or the proposed declaration if
1557 the declaration has not been recorded, which shall include the
1558 certificate of a surveyor approximately representing the
1559 locations required by s. 718.104.

1560 2. The documents creating the association.

1561 3. The bylaws.

1562 4. The ground lease or other underlying lease of the
1563 condominium.

1564 5. The management contract, maintenance contract, and other
1565 contracts for management of the association and operation of the
1566 condominium and facilities used by the unit owners having a

20224De1

1567 service term in excess of 1 year, and any management contracts
1568 that are renewable.

1569 6. The estimated operating budget for the condominium and a
1570 schedule of expenses for each type of unit, including fees
1571 assessed pursuant to s. 718.113(1) for the maintenance of
1572 limited common elements where such costs are shared only by
1573 those entitled to use the limited common elements.

1574 7. The lease of recreational and other facilities that will
1575 be used only by unit owners of the subject condominium.

1576 8. The lease of recreational and other common facilities
1577 that will be used by unit owners in common with unit owners of
1578 other condominiums.

1579 9. The form of unit lease if the offer is of a leasehold.

1580 10. Any declaration of servitude of properties serving the
1581 condominium but not owned by unit owners or leased to them or
1582 the association.

1583 11. If the development is to be built in phases or if the
1584 association is to manage more than one condominium, a
1585 description of the plan of phase development or the arrangements
1586 for the association to manage two or more condominiums.

1587 12. If the condominium is a conversion of existing
1588 improvements, the statements and disclosure required by s.
1589 718.616.

1590 13. The form of agreement for sale or lease of units.

1591 14. A copy of the floor plan of the unit and the plot plan
1592 showing the location of the residential buildings and the
1593 recreation and other common areas.

1594 15. A copy of all covenants and restrictions that ~~which~~
1595 will affect the use of the property and ~~which~~ are not contained

20224De1

1596 in the foregoing.

1597 16. If the developer is required by state or local
1598 authorities to obtain acceptance or approval of any dock or
1599 marina facilities intended to serve the condominium, a copy of
1600 any such acceptance or approval acquired by the time of filing
1601 with the division under s. 718.502(1), or a statement that such
1602 acceptance or approval has not been acquired or received.

1603 17. Evidence demonstrating that the developer has an
1604 ownership, leasehold, or contractual interest in the land upon
1605 which the condominium is to be developed.

1606 18. A copy of the inspector-prepared summary of the
1607 milestone inspection report as described in ss. 553.899 and
1608 718.301(4)(p).

1609 19. A copy of the association's most recent structural
1610 integrity reserve study or a statement that the association has
1611 not completed a structural integrity reserve study.

1612 (2) NONDEVELOPER DISCLOSURE.—

1613 (a) Each unit owner who is not a developer as defined by
1614 this chapter must ~~shall~~ comply with ~~the provisions of~~ this
1615 subsection before ~~prior to~~ the sale of his or her unit. Each
1616 prospective purchaser who has entered into a contract for the
1617 purchase of a condominium unit is entitled, at the seller's
1618 expense, to a current copy of all of the following:

1619 1. The declaration of condominium.7

1620 2. Articles of incorporation of the association.7

1621 3. Bylaws and rules of the association.7

1622 4. Financial information required by s. 718.111.7

1623 5. A copy of the inspector-prepared summary of the
1624 milestone inspection report as described in ss. 553.899 and

20224De1

1625 718.301(4)(p), if applicable.

1626 6. The association's most recent structural integrity
1627 reserve study or a statement that the association has not
1628 completed a structural integrity reserve study.

1629 7. and The document entitled "Frequently Asked Questions
1630 and Answers" required by s. 718.504.

1631 (b) On and after January 1, 2009, The prospective purchaser
1632 is shall also be entitled to receive from the seller a copy of a
1633 governance form. Such form shall be provided by the division
1634 summarizing governance of condominium associations. In addition
1635 to such other information as the division considers helpful to a
1636 prospective purchaser in understanding association governance,
1637 the governance form shall address the following subjects:

1638 1. The role of the board in conducting the day-to-day
1639 affairs of the association on behalf of, and in the best
1640 interests of, the owners.

1641 2. The board's responsibility to provide advance notice of
1642 board and membership meetings.

1643 3. The rights of owners to attend and speak at board and
1644 membership meetings.

1645 4. The responsibility of the board and of owners with
1646 respect to maintenance of the condominium property.

1647 5. The responsibility of the board and owners to abide by
1648 the condominium documents, this chapter, rules adopted by the
1649 division, and reasonable rules adopted by the board.

1650 6. Owners' rights to inspect and copy association records
1651 and the limitations on such rights.

1652 7. Remedies available to owners with respect to actions by
1653 the board which may be abusive or beyond the board's power and

20224De1

1654 authority.

1655 8. The right of the board to hire a property management
1656 firm, subject to its own primary responsibility for such
1657 management.

1658 9. The responsibility of owners with regard to payment of
1659 regular or special assessments necessary for the operation of
1660 the property and the potential consequences of failure to pay
1661 such assessments.

1662 10. The voting rights of owners.

1663 11. Rights and obligations of the board in enforcement of
1664 rules in the condominium documents and rules adopted by the
1665 board.

1666
1667 The governance form shall also include the following statement
1668 in conspicuous type: "This publication is intended as an
1669 informal educational overview of condominium governance. In the
1670 event of a conflict, the provisions of chapter 718, Florida
1671 Statutes, rules adopted by the Division of Florida Condominiums,
1672 Timeshares, and Mobile Homes of the Department of Business and
1673 Professional Regulation, the provisions of the condominium
1674 documents, and reasonable rules adopted by the condominium
1675 association's board of administration prevail over the contents
1676 of this publication."

1677 Section 12. Paragraph (f) of subsection (24) of section
1678 718.504, Florida Statutes, is amended, and paragraph (q) is
1679 added to that subsection, to read:

1680 718.504 Prospectus or offering circular.—Every developer of
1681 a residential condominium which contains more than 20
1682 residential units, or which is part of a group of residential

20224De1

1683 condominiums which will be served by property to be used in
1684 common by unit owners of more than 20 residential units, shall
1685 prepare a prospectus or offering circular and file it with the
1686 Division of Florida Condominiums, Timeshares, and Mobile Homes
1687 prior to entering into an enforceable contract of purchase and
1688 sale of any unit or lease of a unit for more than 5 years and
1689 shall furnish a copy of the prospectus or offering circular to
1690 each buyer. In addition to the prospectus or offering circular,
1691 each buyer shall be furnished a separate page entitled
1692 "Frequently Asked Questions and Answers," which shall be in
1693 accordance with a format approved by the division and a copy of
1694 the financial information required by s. 718.111. This page
1695 shall, in readable language, inform prospective purchasers
1696 regarding their voting rights and unit use restrictions,
1697 including restrictions on the leasing of a unit; shall indicate
1698 whether and in what amount the unit owners or the association is
1699 obligated to pay rent or land use fees for recreational or other
1700 commonly used facilities; shall contain a statement identifying
1701 that amount of assessment which, pursuant to the budget, would
1702 be levied upon each unit type, exclusive of any special
1703 assessments, and which shall further identify the basis upon
1704 which assessments are levied, whether monthly, quarterly, or
1705 otherwise; shall state and identify any court cases in which the
1706 association is currently a party of record in which the
1707 association may face liability in excess of \$100,000; and which
1708 shall further state whether membership in a recreational
1709 facilities association is mandatory, and if so, shall identify
1710 the fees currently charged per unit type. The division shall by
1711 rule require such other disclosure as in its judgment will

20224De1

1712 assist prospective purchasers. The prospectus or offering
1713 circular may include more than one condominium, although not all
1714 such units are being offered for sale as of the date of the
1715 prospectus or offering circular. The prospectus or offering
1716 circular must contain the following information:

1717 (24) Copies of the following, to the extent they are
1718 applicable, shall be included as exhibits:

1719 (f) The estimated operating budget for the condominium, and
1720 the required schedule of unit owners' expenses, and the
1721 association's most recent structural integrity reserve study or
1722 a statement that the association has not completed a structural
1723 integrity reserve study.

1724 (g) A copy of the inspector-prepared summary of the
1725 milestone inspection report as described in ss. 553.899 and
1726 718.301(4)(p), as applicable.

1727 Section 13. Subsections (24) through (28) of section
1728 719.103, Florida Statutes, are renumbered as subsections (25)
1729 through (29), respectively, and a new subsection (24) is added
1730 to that section, to read:

1731 719.103 Definitions.—As used in this chapter:

1732 (24) "Structural integrity reserve study" means a study of
1733 the reserve funds required for future major repairs and
1734 replacement of the common areas based on a visual inspection of
1735 the common areas. A structural integrity reserve study may be
1736 performed by any person qualified to perform such study.
1737 However, the visual inspection portion of the structural
1738 integrity reserve study must be performed by an engineer
1739 licensed under chapter 471 or an architect licensed under
1740 chapter 481. At a minimum, a structural integrity reserve study

20224De1

1741 must identify the common areas being visually inspected, state
1742 the estimated remaining useful life and the estimated
1743 replacement cost or deferred maintenance expense of the common
1744 areas being visually inspected, and provide a recommended annual
1745 reserve amount that achieves the estimated replacement cost or
1746 deferred maintenance expense of each common area being visually
1747 inspected by the end of the estimated remaining useful life of
1748 each common area.

1749 Section 14. Paragraphs (a) and (c) of subsection (2) of
1750 section 719.104, Florida Statutes, are amended to read:

1751 719.104 Cooperatives; access to units; records; financial
1752 reports; assessments; purchase of leases.—

1753 (2) OFFICIAL RECORDS.—

1754 (a) From the inception of the association, the association
1755 shall maintain a copy of each of the following, where
1756 applicable, which shall constitute the official records of the
1757 association:

1758 1. The plans, permits, warranties, and other items provided
1759 by the developer pursuant to s. 719.301(4).

1760 2. A photocopy of the cooperative documents.

1761 3. A copy of the current rules of the association.

1762 4. A book or books containing the minutes of all meetings
1763 of the association, of the board of directors, and of the unit
1764 owners.

1765 5. A current roster of all unit owners and their mailing
1766 addresses, unit identifications, voting certifications, and, if
1767 known, telephone numbers. The association shall also maintain
1768 the e-mail addresses and the numbers designated by unit owners
1769 for receiving notice sent by electronic transmission of those

20224De1

1770 unit owners consenting to receive notice by electronic
1771 transmission. The e-mail addresses and numbers provided by unit
1772 owners to receive notice by electronic transmission shall be
1773 removed from association records when consent to receive notice
1774 by electronic transmission is revoked. However, the association
1775 is not liable for an erroneous disclosure of the e-mail address
1776 or the number for receiving electronic transmission of notices.

1777 6. All current insurance policies of the association.

1778 7. A current copy of any management agreement, lease, or
1779 other contract to which the association is a party or under
1780 which the association or the unit owners have an obligation or
1781 responsibility.

1782 8. Bills of sale or transfer for all property owned by the
1783 association.

1784 9. Accounting records for the association and separate
1785 accounting records for each unit it operates, according to good
1786 accounting practices. The accounting records shall include, but
1787 not be limited to:

1788 a. Accurate, itemized, and detailed records of all receipts
1789 and expenditures.

1790 b. A current account and a monthly, bimonthly, or quarterly
1791 statement of the account for each unit designating the name of
1792 the unit owner, the due date and amount of each assessment, the
1793 amount paid upon the account, and the balance due.

1794 c. All audits, reviews, accounting statements, structural
1795 integrity reserve studies, and financial reports of the
1796 association. Structural integrity reserve studies must be
1797 maintained for at least 15 years after the study is completed.

1798 d. All contracts for work to be performed. Bids for work to

20224De1

1799 be performed shall also be considered official records and shall
1800 be maintained for a period of 1 year.

1801 10. Ballots, sign-in sheets, voting proxies, and all other
1802 papers and electronic records relating to voting by unit owners,
1803 which shall be maintained for a period of 1 year after the date
1804 of the election, vote, or meeting to which the document relates.

1805 11. All rental records where the association is acting as
1806 agent for the rental of units.

1807 12. A copy of the current question and answer sheet as
1808 described in s. 719.504.

1809 13. All affirmative acknowledgments made pursuant to s.
1810 719.108(3)(b)3.

1811 14. A copy of the inspection reports described in ss.
1812 553.899 and 719.301(4)(p) and any other inspection report
1813 relating to a structural or life safety inspection of the
1814 cooperative property. Such record must be maintained by the
1815 association for 15 years after receipt of the report.

1816 15. All other written records of the association not
1817 specifically included in the foregoing which are related to the
1818 operation of the association.

1819 (c) The official records of the association are open to
1820 inspection by any association member or the authorized
1821 representative of such member at all reasonable times. The right
1822 to inspect the records includes the right to make or obtain
1823 copies, at the reasonable expense, if any, of the association
1824 member. A renter of a unit has a right to inspect and copy only
1825 the association's bylaws and rules and the inspection reports
1826 described in ss. 553.899 and 719.301(4)(p). The association may
1827 adopt reasonable rules regarding the frequency, time, location,

20224De1

1828 notice, and manner of record inspections and copying, but may
1829 not require a member to demonstrate any purpose or state any
1830 reason for the inspection. The failure of an association to
1831 provide the records within 10 working days after receipt of a
1832 written request creates a rebuttable presumption that the
1833 association willfully failed to comply with this paragraph. A
1834 member who is denied access to official records is entitled to
1835 the actual damages or minimum damages for the association's
1836 willful failure to comply. The minimum damages are \$50 per
1837 calendar day for up to 10 days, beginning on the 11th working
1838 day after receipt of the written request. The failure to permit
1839 inspection entitles any person prevailing in an enforcement
1840 action to recover reasonable attorney fees from the person in
1841 control of the records who, directly or indirectly, knowingly
1842 denied access to the records. Any person who knowingly or
1843 intentionally defaces or destroys accounting records that are
1844 required by this chapter to be maintained during the period for
1845 which such records are required to be maintained, or who
1846 knowingly or intentionally fails to create or maintain
1847 accounting records that are required to be created or
1848 maintained, with the intent of causing harm to the association
1849 or one or more of its members, is personally subject to a civil
1850 penalty under s. 719.501(1)(d). The association shall maintain
1851 an adequate number of copies of the declaration, articles of
1852 incorporation, bylaws, and rules, and all amendments to each of
1853 the foregoing, as well as the question and answer sheet as
1854 described in s. 719.504 and year-end financial information
1855 required by the department, on the cooperative property to
1856 ensure their availability to members and prospective purchasers,

20224De1

1857 and may charge its actual costs for preparing and furnishing
1858 these documents to those requesting the same. An association
1859 shall allow a member or his or her authorized representative to
1860 use a portable device, including a smartphone, tablet, portable
1861 scanner, or any other technology capable of scanning or taking
1862 photographs, to make an electronic copy of the official records
1863 in lieu of the association providing the member or his or her
1864 authorized representative with a copy of such records. The
1865 association may not charge a member or his or her authorized
1866 representative for the use of a portable device. Notwithstanding
1867 this paragraph, the following records shall not be accessible to
1868 members:

1869 1. Any record protected by the lawyer-client privilege as
1870 described in s. 90.502 and any record protected by the work-
1871 product privilege, including any record prepared by an
1872 association attorney or prepared at the attorney's express
1873 direction which reflects a mental impression, conclusion,
1874 litigation strategy, or legal theory of the attorney or the
1875 association, and which was prepared exclusively for civil or
1876 criminal litigation or for adversarial administrative
1877 proceedings, or which was prepared in anticipation of such
1878 litigation or proceedings until the conclusion of the litigation
1879 or proceedings.

1880 2. Information obtained by an association in connection
1881 with the approval of the lease, sale, or other transfer of a
1882 unit.

1883 3. Personnel records of association or management company
1884 employees, including, but not limited to, disciplinary, payroll,
1885 health, and insurance records. For purposes of this

20224De1

1886 subparagraph, the term "personnel records" does not include
1887 written employment agreements with an association employee or
1888 management company, or budgetary or financial records that
1889 indicate the compensation paid to an association employee.

1890 4. Medical records of unit owners.

1891 5. Social security numbers, driver license numbers, credit
1892 card numbers, e-mail addresses, telephone numbers, facsimile
1893 numbers, emergency contact information, addresses of a unit
1894 owner other than as provided to fulfill the association's notice
1895 requirements, and other personal identifying information of any
1896 person, excluding the person's name, unit designation, mailing
1897 address, property address, and any address, e-mail address, or
1898 facsimile number provided to the association to fulfill the
1899 association's notice requirements. Notwithstanding the
1900 restrictions in this subparagraph, an association may print and
1901 distribute to unit owners a directory containing the name, unit
1902 address, and all telephone numbers of each unit owner. However,
1903 an owner may exclude his or her telephone numbers from the
1904 directory by so requesting in writing to the association. An
1905 owner may consent in writing to the disclosure of other contact
1906 information described in this subparagraph. The association is
1907 not liable for the inadvertent disclosure of information that is
1908 protected under this subparagraph if the information is included
1909 in an official record of the association and is voluntarily
1910 provided by an owner and not requested by the association.

1911 6. Electronic security measures that are used by the
1912 association to safeguard data, including passwords.

1913 7. The software and operating system used by the
1914 association which allow the manipulation of data, even if the

20224De1

1915 owner owns a copy of the same software used by the association.
1916 The data is part of the official records of the association.

1917 8. All affirmative acknowledgments made pursuant to s.
1918 719.108(3)(b)3.

1919 Section 15. Paragraphs (k) through (m) of subsection (1) of
1920 section 719.106, Florida Statutes, are redesignated as
1921 paragraphs (m) through (o), respectively, paragraph (j) of
1922 subsection (1) is amended, and new paragraphs (k) and (l) are
1923 added to subsection (1) of that section, to read:

1924 719.106 Bylaws; cooperative ownership.—

1925 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1926 documents shall provide for the following, and if they do not,
1927 they shall be deemed to include the following:

1928 (j) *Annual budget*.—

1929 1. The proposed annual budget of common expenses must ~~shall~~
1930 be detailed and must ~~shall~~ show the amounts budgeted by accounts
1931 and expense classifications, including, if applicable, but not
1932 limited to, those expenses listed in s. 719.504(20). The board
1933 of administration shall adopt the annual budget at least 14 days
1934 before ~~prior to~~ the start of the association's fiscal year. In
1935 the event that the board fails to timely adopt the annual budget
1936 a second time, it is ~~shall be~~ deemed a minor violation and the
1937 prior year's budget shall continue in effect until a new budget
1938 is adopted.

1939 2. In addition to annual operating expenses, the budget
1940 must ~~shall~~ include reserve accounts for capital expenditures and
1941 deferred maintenance. These accounts must ~~shall~~ include, but not
1942 be limited to, roof replacement, building painting, and pavement
1943 resurfacing, regardless of the amount of deferred maintenance

20224De1

1944 expense or replacement cost, and for any other items for which
1945 the deferred maintenance expense or replacement cost exceeds
1946 \$10,000. The amount to be reserved for an item is determined by
1947 the association's most recent structural integrity reserve study
1948 that must be completed by December 31, 2024. If the amount to be
1949 reserved for an item is not in the association's initial or most
1950 recent structural integrity reserve study or the association has
1951 not completed a structural integrity reserve study, the amount
1952 must ~~shall~~ be computed by means of a formula which is based upon
1953 estimated remaining useful life and estimated replacement cost
1954 or deferred maintenance expense of the each reserve item. The
1955 association may adjust replacement reserve assessments annually
1956 to take into account any changes in estimates or extension of
1957 the useful life of a reserve item caused by deferred
1958 maintenance. ~~This paragraph shall not apply to any budget in~~
1959 ~~which~~ The members of a unit-owner controlled ~~an~~ association may
1960 determine ~~have~~, at a duly called meeting of the association,
1961 ~~determined~~ for a fiscal year to provide no reserves or reserves
1962 less adequate than required by this subsection. Before turnover
1963 of control of an association by a developer to unit owners other
1964 than a developer under s. 719.301, the developer-controlled
1965 association may not vote to waive the reserves or reduce funding
1966 of the reserves. Effective December 31, 2024, a unit-owner
1967 controlled association may not determine to provide no reserves
1968 or reserves less adequate than required by this paragraph for
1969 items listed in paragraph (k) ~~However, prior to turnover of~~
1970 ~~control of an association by a developer to unit owners other~~
1971 ~~than a developer pursuant to s. 719.301, the developer may vote~~
1972 ~~to waive the reserves or reduce the funding of reserves for the~~

20224De1

1973 ~~first 2 years of the operation of the association after which~~
1974 ~~time reserves may only be waived or reduced upon the vote of a~~
1975 ~~majority of all nondeveloper voting interests voting in person~~
1976 ~~or by limited proxy at a duly called meeting of the association.~~
1977 If a meeting of the unit owners has been called to determine to
1978 provide no reserves, or reserves less adequate than required,
1979 and such result is not attained or a quorum is not attained, the
1980 reserves as included in the budget shall go into effect.

1981 3. Reserve funds and any interest accruing thereon shall
1982 remain in the reserve account or accounts, and shall be used
1983 only for authorized reserve expenditures unless their use for
1984 other purposes is approved in advance by a vote of the majority
1985 of the voting interests, voting in person or by limited proxy at
1986 a duly called meeting of the association. Before ~~Prior to~~
1987 turnover of control of an association by a developer to unit
1988 owners other than the developer under s. 719.301, the developer
1989 may not vote to use reserves for purposes other than that for
1990 which they were intended ~~without the approval of a majority of~~
1991 ~~all nondeveloper voting interests, voting in person or by~~
1992 ~~limited proxy at a duly called meeting of the association.~~

1993 Effective December 31, 2024, members of a unit-owner controlled
1994 association may not vote to use reserve funds, or any interest
1995 accruing thereon, that are reserved for items listed in
1996 paragraph (k) for purposes other than their intended purpose.

1997 (k) Structural integrity reserve study.-

1998 1. An association must have a structural integrity reserve
1999 study completed at least every 10 years for each building on the
2000 cooperative property that is three stories or higher in height
2001 that includes, at a minimum, a study of the following items as

20224De1

2002 related to the structural integrity and safety of the building:

2003 a. Roof.

2004 b. Load-bearing walls or other primary structural members.

2005 c. Floor.

2006 d. Foundation.

2007 e. Fireproofing and fire protection systems.

2008 f. Plumbing.

2009 g. Electrical systems.

2010 h. Waterproofing and exterior painting.

2011 i. Windows.

2012 j. Any other item that has a deferred maintenance expense
2013 or replacement cost that exceeds \$10,000 and the failure to
2014 replace or maintain such item negatively affects the items
2015 listed in subparagraphs a.-i., as determined by the licensed
2016 engineer or architect performing the visual inspection portion
2017 of the structural integrity reserve study.

2018 2. Before a developer turns over control of an association
2019 to unit owners other than the developer, the developer must have
2020 a structural integrity reserve study completed for each building
2021 on the cooperative property that is three stories or higher in
2022 height.

2023 3. Associations existing on or before July 1, 2022, which
2024 are controlled by unit owners other than the developer, must
2025 have a structural integrity reserve study completed by December
2026 31, 2024, for each building on the cooperative property that is
2027 three stories or higher in height.

2028 4. If an association fails to complete a structural
2029 integrity reserve study pursuant to this paragraph, such failure
2030 is a breach of an officer's and director's fiduciary

20224De1

2031 relationship to the unit owners under s. 719.104(8).

2032 (1) *Mandatory milestone inspections.*—If an association is
2033 required to have a milestone inspection performed pursuant to s.
2034 553.899, the association must arrange for the milestone
2035 inspection to be performed and is responsible for ensuring
2036 compliance with the requirements of s. 553.899. The association
2037 is responsible for all costs associated with the inspection. If
2038 the officers or directors of an association willfully and
2039 knowingly fail to have a milestone inspection performed pursuant
2040 to s. 553.899, such failure is a breach of the officers' and
2041 directors' fiduciary relationship to the unit owners under s.
2042 719.104(8)(a). Upon completion of a phase one or phase two
2043 milestone inspection and receipt of the inspector-prepared
2044 summary of the inspection report from the architect or engineer
2045 who performed the inspection, the association must distribute a
2046 copy of the inspector-prepared summary of the inspection report
2047 to each unit owner, regardless of the findings or
2048 recommendations in the report, by United States mail or personal
2049 delivery and by electronic transmission to unit owners who
2050 previously consented to receive notice by electronic
2051 transmission; must post a copy of the inspector-prepared summary
2052 in a conspicuous place on the cooperative property; and must
2053 publish the full report and inspector-prepared summary on the
2054 association's website, if the association is required to have a
2055 website.

2056 Section 16. Paragraphs (p) and (q) are added to subsection
2057 (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

20224De1

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) Notwithstanding when the certificate of occupancy was
2071 issued or the height of the building, a milestone inspection
2072 report in compliance with s. 553.899 included in the official
2073 records, under seal of an architect or engineer authorized to
2074 practice in this state, attesting to required maintenance,
2075 condition, useful life, and replacement costs of the following
2076 applicable cooperative property comprising a turnover inspection
2077 report:

2078 1. Roof.

2079 2. Structure, including load-bearing walls and primary
2080 structural members and primary structural systems as those terms
2081 are defined in s. 627.706.

2082 3. Fireproofing and fire protection systems.

2083 4. Elevators.

2084 5. Heating and cooling systems.

2085 6. Plumbing.

2086 7. Electrical systems.

2087 8. Swimming pool or spa and equipment.

2088 9. Seawalls.

20224De1

2089 10. Pavement and parking areas.

2090 11. Drainage systems.

2091 12. Painting.

2092 13. Irrigation systems.

2093 14. Waterproofing.

2094 (q) A copy of the association's most recent structural
2095 integrity reserve study.

2096 Section 17. Subsection (1) of section 719.501, Florida
2097 Statutes, is amended, and subsection (3) is added to that
2098 section, to read:

2099 719.501 Powers and duties of Division of Florida
2100 Condominiums, Timeshares, and Mobile Homes.—

2101 (1) The Division of Florida Condominiums, Timeshares, and
2102 Mobile Homes of the Department of Business and Professional
2103 Regulation, referred to as the "division" in this part, in
2104 addition to other powers and duties prescribed by chapter 718,
2105 has the power to enforce and ensure compliance with this chapter
2106 and adopted rules relating to the development, construction,
2107 sale, lease, ownership, operation, and management of residential
2108 cooperative units, complaints related to the procedural
2109 completion of the structural integrity reserve studies under s.
2110 719.106(1)(k), and complaints related to the procedural
2111 completion of milestone inspections under s. 553.899. In
2112 performing its duties, the division shall have the following
2113 powers and duties:

2114 (a) The division may make necessary public or private
2115 investigations within or outside this state to determine whether
2116 any person has violated this chapter or any rule or order
2117 hereunder, to aid in the enforcement of this chapter, or to aid

20224De1

2118 in the adoption of rules or forms hereunder.

2119 (b) The division may require or permit any person to file a
2120 statement in writing, under oath or otherwise, as the division
2121 determines, as to the facts and circumstances concerning a
2122 matter to be investigated.

2123 (c) For the purpose of any investigation under this
2124 chapter, the division director or any officer or employee
2125 designated by the division director may administer oaths or
2126 affirmations, subpoena witnesses and compel their attendance,
2127 take evidence, and require the production of any matter which is
2128 relevant to the investigation, including the existence,
2129 description, nature, custody, condition, and location of any
2130 books, documents, or other tangible things and the identity and
2131 location of persons having knowledge of relevant facts or any
2132 other matter reasonably calculated to lead to the discovery of
2133 material evidence. Upon failure by a person to obey a subpoena
2134 or to answer questions propounded by the investigating officer
2135 and upon reasonable notice to all persons affected thereby, the
2136 division may apply to the circuit court for an order compelling
2137 compliance.

2138 (d) Notwithstanding any remedies available to unit owners
2139 and associations, if the division has reasonable cause to
2140 believe that a violation of any provision of this chapter or
2141 related rule has occurred, the division may institute
2142 enforcement proceedings in its own name against a developer,
2143 association, officer, or member of the board, or its assignees
2144 or agents, as follows:

2145 1. The division may permit a person whose conduct or
2146 actions may be under investigation to waive formal proceedings

20224De1

2147 and enter into a consent proceeding whereby orders, rules, or
2148 letters of censure or warning, whether formal or informal, may
2149 be entered against the person.

2150 2. The division may issue an order requiring the developer,
2151 association, officer, or member of the board, or its assignees
2152 or agents, to cease and desist from the unlawful practice and
2153 take such affirmative action as in the judgment of the division
2154 will carry out the purposes of this chapter. Such affirmative
2155 action may include, but is not limited to, an order requiring a
2156 developer to pay moneys determined to be owed to a condominium
2157 association.

2158 3. The division may bring an action in circuit court on
2159 behalf of a class of unit owners, lessees, or purchasers for
2160 declaratory relief, injunctive relief, or restitution.

2161 4. The division may impose a civil penalty against a
2162 developer or association, or its assignees or agents, for any
2163 violation of this chapter or related rule. The division may
2164 impose a civil penalty individually against any officer or board
2165 member who willfully and knowingly violates a provision of this
2166 chapter, a rule adopted pursuant to this chapter, or a final
2167 order of the division. The term "willfully and knowingly" means
2168 that the division informed the officer or board member that his
2169 or her action or intended action violates this chapter, a rule
2170 adopted under this chapter, or a final order of the division,
2171 and that the officer or board member refused to comply with the
2172 requirements of this chapter, a rule adopted under this chapter,
2173 or a final order of the division. The division, prior to
2174 initiating formal agency action under chapter 120, shall afford
2175 the officer or board member an opportunity to voluntarily comply

20224De1

2176 with this chapter, a rule adopted under this chapter, or a final
2177 order of the division. An officer or board member who complies
2178 within 10 days is not subject to a civil penalty. A penalty may
2179 be imposed on the basis of each day of continuing violation, but
2180 in no event shall the penalty for any offense exceed \$5,000. By
2181 January 1, 1998, the division shall adopt, by rule, penalty
2182 guidelines applicable to possible violations or to categories of
2183 violations of this chapter or rules adopted by the division. The
2184 guidelines must specify a meaningful range of civil penalties
2185 for each such violation of the statute and rules and must be
2186 based upon the harm caused by the violation, the repetition of
2187 the violation, and upon such other factors deemed relevant by
2188 the division. For example, the division may consider whether the
2189 violations were committed by a developer or owner-controlled
2190 association, the size of the association, and other factors. The
2191 guidelines must designate the possible mitigating or aggravating
2192 circumstances that justify a departure from the range of
2193 penalties provided by the rules. It is the legislative intent
2194 that minor violations be distinguished from those which endanger
2195 the health, safety, or welfare of the cooperative residents or
2196 other persons and that such guidelines provide reasonable and
2197 meaningful notice to the public of likely penalties that may be
2198 imposed for proscribed conduct. This subsection does not limit
2199 the ability of the division to informally dispose of
2200 administrative actions or complaints by stipulation, agreed
2201 settlement, or consent order. All amounts collected shall be
2202 deposited with the Chief Financial Officer to the credit of the
2203 Division of Florida Condominiums, Timeshares, and Mobile Homes
2204 Trust Fund. If a developer fails to pay the civil penalty, the

20224De1

2205 division shall thereupon issue an order directing that such
2206 developer cease and desist from further operation until such
2207 time as the civil penalty is paid or may pursue enforcement of
2208 the penalty in a court of competent jurisdiction. If an
2209 association fails to pay the civil penalty, the division shall
2210 thereupon pursue enforcement in a court of competent
2211 jurisdiction, and the order imposing the civil penalty or the
2212 cease and desist order shall not become effective until 20 days
2213 after the date of such order. Any action commenced by the
2214 division shall be brought in the county in which the division
2215 has its executive offices or in the county where the violation
2216 occurred.

2217 (e) The division may prepare and disseminate a prospectus
2218 and other information to assist prospective owners, purchasers,
2219 lessees, and developers of residential cooperatives in assessing
2220 the rights, privileges, and duties pertaining thereto.

2221 (f) The division has authority to adopt rules pursuant to
2222 ss. 120.536(1) and 120.54 to implement and enforce the
2223 provisions of this chapter.

2224 (g) The division shall establish procedures for providing
2225 notice to an association when the division is considering the
2226 issuance of a declaratory statement with respect to the
2227 cooperative documents governing such cooperative community.

2228 (h) The division shall furnish each association which pays
2229 the fees required by paragraph (2) (a) a copy of this act,
2230 subsequent changes to this act on an annual basis, an amended
2231 version of this act as it becomes available from the Secretary
2232 of State's office on a biennial basis, and the rules adopted
2233 thereto on an annual basis.

20224De1

2234 (i) The division shall annually provide each association
2235 with a summary of declaratory statements and formal legal
2236 opinions relating to the operations of cooperatives which were
2237 rendered by the division during the previous year.

2238 (j) The division shall adopt uniform accounting principles,
2239 policies, and standards to be used by all associations in the
2240 preparation and presentation of all financial statements
2241 required by this chapter. The principles, policies, and
2242 standards shall take into consideration the size of the
2243 association and the total revenue collected by the association.

2244 (k) The division shall provide training and educational
2245 programs for cooperative association board members and unit
2246 owners. The training may, in the division's discretion, include
2247 web-based electronic media, and live training and seminars in
2248 various locations throughout the state. The division may review
2249 and approve education and training programs for board members
2250 and unit owners offered by providers and shall maintain a
2251 current list of approved programs and providers and make such
2252 list available to board members and unit owners in a reasonable
2253 and cost-effective manner.

2254 (l) The division shall maintain a toll-free telephone
2255 number accessible to cooperative unit owners.

2256 (m) When a complaint is made to the division, the division
2257 shall conduct its inquiry with reasonable dispatch and with due
2258 regard to the interests of the affected parties. Within 30 days
2259 after receipt of a complaint, the division shall acknowledge the
2260 complaint in writing and notify the complainant whether the
2261 complaint is within the jurisdiction of the division and whether
2262 additional information is needed by the division from the

20224De1

2263 complainant. The division shall conduct its investigation and
2264 shall, within 90 days after receipt of the original complaint or
2265 timely requested additional information, take action upon the
2266 complaint. However, the failure to complete the investigation
2267 within 90 days does not prevent the division from continuing the
2268 investigation, accepting or considering evidence obtained or
2269 received after 90 days, or taking administrative action if
2270 reasonable cause exists to believe that a violation of this
2271 chapter or a rule of the division has occurred. If an
2272 investigation is not completed within the time limits
2273 established in this paragraph, the division shall, on a monthly
2274 basis, notify the complainant in writing of the status of the
2275 investigation. When reporting its action to the complainant, the
2276 division shall inform the complainant of any right to a hearing
2277 pursuant to ss. 120.569 and 120.57.

2278 (n) The division shall develop a program to certify both
2279 volunteer and paid mediators to provide mediation of cooperative
2280 disputes. The division shall provide, upon request, a list of
2281 such mediators to any association, unit owner, or other
2282 participant in arbitration proceedings under s. 718.1255
2283 requesting a copy of the list. The division shall include on the
2284 list of voluntary mediators only persons who have received at
2285 least 20 hours of training in mediation techniques or have
2286 mediated at least 20 disputes. In order to become initially
2287 certified by the division, paid mediators must be certified by
2288 the Supreme Court to mediate court cases in county or circuit
2289 courts. However, the division may adopt, by rule, additional
2290 factors for the certification of paid mediators, which factors
2291 must be related to experience, education, or background. Any

20224De1

2292 person initially certified as a paid mediator by the division
2293 must, in order to continue to be certified, comply with the
2294 factors or requirements imposed by rules adopted by the
2295 division.

2296 (3) (a) On or before January 1, 2023, cooperative
2297 associations existing on or before July 1, 2022, must provide
2298 the following information to the division in writing, by e-mail,
2299 United States Postal Service, commercial delivery service, or
2300 hand delivery, at a physical address or e-mail address provided
2301 by the division and on a form posted on the division's website:

2302 1. The number of buildings on the cooperative property that
2303 are three stories or higher in height.

2304 2. The total number of units in all such buildings.

2305 3. The addresses of all such buildings.

2306 4. The counties in which all such buildings are located.

2307 (b) The division must compile a list of the number of
2308 buildings on cooperative property that are three stories or
2309 higher in height, which is searchable by county, and must post
2310 the list on the division's website. This list must include all
2311 of the following information:

2312 1. The name of each association with buildings on the
2313 cooperative property that are three stories or higher in height.

2314 2. The number of such buildings on each association's
2315 property.

2316 3. The addresses of all such buildings.

2317 4. The counties in which all such buildings are located.

2318 (c) An association must provide an update in writing to the
2319 division if there are any changes to the information in the list
2320 under paragraph (b) within 6 months after the change.

20224De1

2321 Section 18. Paragraph (b) of subsection (1) and paragraph
2322 (a) of subsection (2) of section 719.503, Florida Statutes, are
2323 amended to read:

2324 719.503 Disclosure prior to sale.—

2325 (1) DEVELOPER DISCLOSURE.—

2326 (b) *Copies of documents to be furnished to prospective*
2327 *buyer or lessee.*—Until such time as the developer has furnished
2328 the documents listed below to a person who has entered into a
2329 contract to purchase a unit or lease it for more than 5 years,
2330 the contract may be voided by that person, entitling the person
2331 to a refund of any deposit together with interest thereon as
2332 provided in s. 719.202. The contract may be terminated by
2333 written notice from the proposed buyer or lessee delivered to
2334 the developer within 15 days after the buyer or lessee receives
2335 all of the documents required by this section. The developer may
2336 ~~shall~~ not close for 15 days after ~~following~~ the execution of the
2337 agreement and delivery of the documents to the buyer as
2338 evidenced by a receipt for documents signed by the buyer unless
2339 the buyer is informed in the 15-day voidability period and
2340 agrees to close before ~~prior to~~ the expiration of the 15 days.
2341 The developer shall retain in his or her records a separate
2342 signed agreement as proof of the buyer's agreement to close
2343 before ~~prior to~~ the expiration of the ~~said~~ voidability period.
2344 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for
2345 a period of 5 years after the date of the closing transaction.
2346 The documents to be delivered to the prospective buyer are the
2347 prospectus or disclosure statement with all exhibits, if the
2348 development is subject to ~~the provisions of~~ s. 719.504, or, if
2349 not, then copies of the following which are applicable:

20224De1

2350 1. The question and answer sheet described in s. 719.504,
2351 and cooperative documents, or the proposed cooperative documents
2352 if the documents have not been recorded, which shall include the
2353 certificate of a surveyor approximately representing the
2354 locations required by s. 719.104.

2355 2. The documents creating the association.

2356 3. The bylaws.

2357 4. The ground lease or other underlying lease of the
2358 cooperative.

2359 5. The management contract, maintenance contract, and other
2360 contracts for management of the association and operation of the
2361 cooperative and facilities used by the unit owners having a
2362 service term in excess of 1 year, and any management contracts
2363 that are renewable.

2364 6. The estimated operating budget for the cooperative and a
2365 schedule of expenses for each type of unit, including fees
2366 assessed to a shareholder who has exclusive use of limited
2367 common areas, where such costs are shared only by those entitled
2368 to use such limited common areas.

2369 7. The lease of recreational and other facilities that will
2370 be used only by unit owners of the subject cooperative.

2371 8. The lease of recreational and other common areas that
2372 will be used by unit owners in common with unit owners of other
2373 cooperatives.

2374 9. The form of unit lease if the offer is of a leasehold.

2375 10. Any declaration of servitude of properties serving the
2376 cooperative but not owned by unit owners or leased to them or
2377 the association.

2378 11. If the development is to be built in phases or if the

20224De1

2379 association is to manage more than one cooperative, a
2380 description of the plan of phase development or the arrangements
2381 for the association to manage two or more cooperatives.

2382 12. If the cooperative is a conversion of existing
2383 improvements, the statements and disclosure required by s.
2384 719.616.

2385 13. The form of agreement for sale or lease of units.

2386 14. A copy of the floor plan of the unit and the plot plan
2387 showing the location of the residential buildings and the
2388 recreation and other common areas.

2389 15. A copy of all covenants and restrictions that ~~which~~
2390 will affect the use of the property and ~~which~~ are not contained
2391 in the foregoing.

2392 16. If the developer is required by state or local
2393 authorities to obtain acceptance or approval of any dock or
2394 marina facilities intended to serve the cooperative, a copy of
2395 any such acceptance or approval acquired by the time of filing
2396 with the division pursuant to s. 719.502(1) or a statement that
2397 such acceptance or approval has not been acquired or received.

2398 17. Evidence demonstrating that the developer has an
2399 ownership, leasehold, or contractual interest in the land upon
2400 which the cooperative is to be developed.

2401 18. A copy of the inspector-prepared summary of the
2402 milestone inspection report as described in ss. 553.899 and
2403 719.301(4)(p), if applicable.

2404 19. A copy of the association's most recent structural
2405 integrity reserve study or a statement that the association has
2406 not completed a structural integrity reserve study.

2407 (2) NONDEVELOPER DISCLOSURE.—

20224De1

2408 (a) Each unit owner who is not a developer as defined by
2409 this chapter must comply with ~~the provisions of~~ this subsection
2410 before ~~prior to~~ the sale of his or her interest in the
2411 association. Each prospective purchaser who has entered into a
2412 contract for the purchase of an interest in a cooperative is
2413 entitled, at the seller's expense, to a current copy of all of
2414 the following:

2415 1. The articles of incorporation of the association.~~7~~

2416 2. The bylaws,~~7~~ and rules of the association.

2417 3. ~~as well as~~ A copy of the question and answer sheet as
2418 provided in s. 719.504.

2419 4. A copy of the inspector-prepared summary of the
2420 milestone inspection report as described in ss. 553.899 and
2421 719.301(4) (p), if applicable.

2422 5. A copy of the association's most recent structural
2423 integrity reserve study or a statement that the association has
2424 not completed a structural integrity reserve study.

2425 Section 19. Paragraphs (q) and (r) are added to subsection
2426 (23) of section 719.504, Florida Statutes, to read:

2427 719.504 Prospectus or offering circular.—Every developer of
2428 a residential cooperative which contains more than 20
2429 residential units, or which is part of a group of residential
2430 cooperatives which will be served by property to be used in
2431 common by unit owners of more than 20 residential units, shall
2432 prepare a prospectus or offering circular and file it with the
2433 Division of Florida Condominiums, Timeshares, and Mobile Homes
2434 prior to entering into an enforceable contract of purchase and
2435 sale of any unit or lease of a unit for more than 5 years and
2436 shall furnish a copy of the prospectus or offering circular to

20224De1

2437 each buyer. In addition to the prospectus or offering circular,
2438 each buyer shall be furnished a separate page entitled
2439 "Frequently Asked Questions and Answers," which must be in
2440 accordance with a format approved by the division. This page
2441 must, in readable language: inform prospective purchasers
2442 regarding their voting rights and unit use restrictions,
2443 including restrictions on the leasing of a unit; indicate
2444 whether and in what amount the unit owners or the association is
2445 obligated to pay rent or land use fees for recreational or other
2446 commonly used facilities; contain a statement identifying that
2447 amount of assessment which, pursuant to the budget, would be
2448 levied upon each unit type, exclusive of any special
2449 assessments, and which identifies the basis upon which
2450 assessments are levied, whether monthly, quarterly, or
2451 otherwise; state and identify any court cases in which the
2452 association is currently a party of record in which the
2453 association may face liability in excess of \$100,000; and state
2454 whether membership in a recreational facilities association is
2455 mandatory and, if so, identify the fees currently charged per
2456 unit type. The division shall by rule require such other
2457 disclosure as in its judgment will assist prospective
2458 purchasers. The prospectus or offering circular may include more
2459 than one cooperative, although not all such units are being
2460 offered for sale as of the date of the prospectus or offering
2461 circular. The prospectus or offering circular must contain the
2462 following information:

2463 (23) Copies of the following, to the extent they are
2464 applicable, shall be included as exhibits:

2465 (g) A copy of the inspector-prepared summary of the

20224De1

2466 milestone inspection report as described in ss. 553.899 and
2467 719.301(4) (p), if applicable.

2468 (r) The association's most recent structural integrity
2469 reserve study or a statement that the association has not
2470 completed a structural integrity reserve study.

2471 Section 20. Paragraphs (d) and (k) of subsection (10) of
2472 section 720.303, Florida Statutes, are amended to read:

2473 720.303 Association powers and duties; meetings of board;
2474 official records; budgets; financial reporting; association
2475 funds; recalls.—

2476 (10) RECALL OF DIRECTORS.—

2477 (d) If the board determines not to certify the written
2478 agreement or written ballots to recall a director or directors
2479 of the board or does not certify the recall by a vote at a
2480 meeting, the board shall, within 5 full business days after the
2481 meeting, file an action with a court of competent jurisdiction
2482 or file with the department a petition for binding arbitration
2483 under the applicable procedures in ss. 718.112(2) (1) ss.
2484 ~~718.112(2)(j)~~ and 718.1255 and the rules adopted thereunder. For
2485 the purposes of this section, the members who voted at the
2486 meeting or who executed the agreement in writing shall
2487 constitute one party under the petition for arbitration or in a
2488 court action. If the arbitrator or court certifies the recall as
2489 to any director or directors of the board, the recall will be
2490 effective upon the final order of the court or the mailing of
2491 the final order of arbitration to the association. The director
2492 or directors so recalled shall deliver to the board any and all
2493 records of the association in their possession within 5 full
2494 business days after the effective date of the recall.

20224De1

2495 (k) A board member who has been recalled may file an action
2496 with a court of competent jurisdiction or a petition under ss.
2497 718.112(2)(1) ~~ss. 718.112(2)(j)~~ and 718.1255 and the rules
2498 adopted challenging the validity of the recall. The petition or
2499 action must be filed within 60 days after the recall is deemed
2500 certified. The association and the parcel owner representative
2501 shall be named as respondents.

2502 Section 21. Subsection (1) of section 720.311, Florida
2503 Statutes, is amended to read:

2504 720.311 Dispute resolution.—

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

20224De1

2524 Initially, the petitioner shall remit a filing fee of at least
2525 \$200 to the department. The fees paid to the department shall
2526 become a recoverable cost in the arbitration proceeding, and the
2527 prevailing party in an arbitration proceeding shall recover its
2528 reasonable costs and attorney fees in an amount found reasonable
2529 by the arbitrator. The department shall adopt rules to
2530 effectuate the purposes of this section.

2531 Section 22. Subsection (6) of section 721.15, Florida
2532 Statutes, is amended to read:

2533 721.15 Assessments for common expenses.—

2534 (6) Notwithstanding any contrary requirements of s.
2535 718.112(2)(i) ~~s. 718.112(2)(g)~~ or s. 719.106(1)(g), for
2536 timeshare plans subject to this chapter, assessments against
2537 purchasers need not be made more frequently than annually.

2538 Section 23. This act shall take effect upon becoming a law.