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LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
05/23/2022	.	
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The Committee on Appropriations (Pizzo) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 33 and 34

insert:

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

468.4334 Professional practice standards; liability.-

(1) (a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of



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

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

25 Section 3. Section 553.899, Florida Statutes, is created to  
26 read:

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

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

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

39 (a) "Milestone inspection" means a structural inspection of



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

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

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



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69 thereafter. If the building is located within 3 miles of a  
70 coastline as defined in s. 376.031, the condominium association  
71 or cooperative association must have a milestone inspection  
72 performed by December 31 of the year in which the building  
73 reaches 25 years of age, based on the date the certificate of  
74 occupancy for the building was issued, and every 10 years  
75 thereafter. The condominium association or cooperative  
76 association must arrange for the milestone inspection to be  
77 performed and is responsible for ensuring compliance with the  
78 requirements of this section. The condominium association or  
79 cooperative association is responsible for all costs associated  
80 with the inspection. This subsection does not apply to a two-  
81 family or three-family dwelling with three or fewer habitable  
82 stories above ground.

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

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

96 (6) Within 180 days after receiving the written notice  
97 under subsection (5), the condominium association or cooperative



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98 association must complete phase one of the milestone inspection.

99 For purposes of this section, completion of phase one of the

100 milestone inspection means the licensed engineer or architect

101 who performed the phase one inspection submitted the inspection

102 report by e-mail, United States Postal Service, or commercial

103 delivery service to the local enforcement agency.

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

105 (a) For phase one of the milestone inspection, a licensed

106 architect or engineer authorized to practice in this state shall

107 perform a visual examination of habitable and nonhabitable areas

108 of a building, including the major structural components of a

109 building, and provide a qualitative assessment of the structural

110 conditions of the building. If the architect or engineer finds

111 no signs of substantial structural deterioration to any building

112 components under visual examination, phase two of the

113 inspection, as provided in paragraph (b), is not required. An

114 architect or engineer who completes a phase one milestone

115 inspection shall prepare and submit an inspection report

116 pursuant to subsection (8).

117 (b) A phase two of the milestone inspection must be

118 performed if any substantial structural deterioration is

119 identified during phase one. A phase two inspection may involve

120 destructive or nondestructive testing at the inspector's

121 direction. The inspection may be as extensive or as limited as

122 necessary to fully assess areas of structural distress in order

123 to confirm that the building is structurally sound and safe for

124 its intended use and to recommend a program for fully assessing

125 and repairing distressed and damaged portions of the building.

126 When determining testing locations, the inspector must give



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

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

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

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

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

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

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

155 (f) Identify and describe any items requiring further



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156 inspection.

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

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

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

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



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

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

199 Section 4. Paragraphs (a), (c), and (g) of subsection (12)  
200 of section 718.111, Florida Statutes, are amended to read:

201 718.111 The association.—

202 (12) OFFICIAL RECORDS.—

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

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

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

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

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





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214 association, or other documents creating the association, and  
215 each amendment thereto.

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

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

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

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

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

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

239 11. Accounting records for the association and separate  
240 accounting records for each condominium that the association  
241 operates. Any person who knowingly or intentionally defaces or  
242 destroys such records, or who knowingly or intentionally fails



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243 to create or maintain such records, with the intent of causing  
244 harm to the association or one or more of its members, is  
245 personally subject to a civil penalty pursuant to s.  
246 718.501(1)(d). The accounting records must include, but are not  
247 limited to:

248 a. Accurate, itemized, and detailed records of all receipts  
249 and expenditures.

250 b. A current account and a monthly, bimonthly, or quarterly  
251 statement of the account for each unit designating the name of  
252 the unit owner, the due date and amount of each assessment, the  
253 amount paid on the account, and the balance due.

254 c. All audits, reviews, accounting statements, and  
255 financial reports of the association or condominium.

256 d. All contracts for work to be performed. Bids for work to  
257 be performed are also considered official records and must be  
258 maintained by the association for at least 1 year after receipt  
259 of the bid.

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

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

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

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



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272 condominium property. Such record must be maintained by the  
273 association for 15 years after receipt of the report s-  
274 718.301(4) (p).

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

276 17. All affirmative acknowledgments made pursuant to s.  
277 718.121(4) (c).

278 18. All other written records of the association not  
279 specifically included in the foregoing which are related to the  
280 operation of the association.

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



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301 working day after receipt of the written request. The failure to  
302 permit inspection entitles any person prevailing in an  
303 enforcement action to recover reasonable attorney fees from the  
304 person in control of the records who, directly or indirectly,  
305 knowingly denied access to the records.

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

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



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

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

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

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

352 d. Medical records of unit owners.

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



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

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

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

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

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



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388           a. The association's website or application must be:  
389           (I) An independent website, application, or web portal  
390 wholly owned and operated by the association; or  
391           (II) A website, application, or web portal operated by a  
392 third-party provider with whom the association owns, leases,  
393 rents, or otherwise obtains the right to operate a web page,  
394 subpage, web portal, collection of subpages or web portals, or  
395 an application which is dedicated to the association's  
396 activities and on which required notices, records, and documents  
397 may be posted or made available by the association.  
398           b. The association's website or application must be  
399 accessible through the Internet and must contain a subpage, web  
400 portal, or other protected electronic location that is  
401 inaccessible to the general public and accessible only to unit  
402 owners and employees of the association.  
403           c. Upon a unit owner's written request, the association  
404 must provide the unit owner with a username and password and  
405 access to the protected sections of the association's website or  
406 application which contain any notices, records, or documents  
407 that must be electronically provided.  
408           2. A current copy of the following documents must be posted  
409 in digital format on the association's website or application:  
410           a. The recorded declaration of condominium of each  
411 condominium operated by the association and each amendment to  
412 each declaration.  
413           b. The recorded bylaws of the association and each  
414 amendment to the bylaws.  
415           c. The articles of incorporation of the association, or  
416 other documents creating the association, and each amendment to



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

420 d. The rules of the association.

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

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

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

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

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

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

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





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446 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
447 days before the meeting. The notice must be posted in plain view  
448 on the front page of the website or application, or on a  
449 separate subpage of the website or application labeled "Notices"  
450 which is conspicuously visible and linked from the front page.  
451 The association must also post on its website or application any  
452 document to be considered and voted on by the owners during the  
453 meeting or any document listed on the agenda at least 7 days  
454 before the meeting at which the document or the information  
455 within the document will be considered.

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

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

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

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



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475 restricted nature of such information.

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

480 Section 5. Paragraph (p) is added to subsection (2) of  
481 section 718.112, Florida Statutes, to read:

482 718.112 Bylaws.—

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

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



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

510 Section 6. Paragraph (p) of subsection (4) of section  
511 718.301, Florida Statutes, is amended to read:

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

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

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

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



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- 533           1. Roof.
- 534           2. Structure, including load-bearing walls and primary
- 535 structural members and primary structural systems as those terms
- 536 are defined in s. 627.706.
- 537           3. Fireproofing and fire protection systems.
- 538           4. Elevators.
- 539           5. Heating and cooling systems.
- 540           6. Plumbing.
- 541           7. Electrical systems.
- 542           8. Swimming pool or spa and equipment.
- 543           9. Seawalls.
- 544           10. Pavement and parking areas.
- 545           11. Drainage systems.
- 546           12. Painting.
- 547           13. Irrigation systems.
- 548           14. Waterproofing.
- 549           Section 7. Subsection (1) of section 718.501, Florida
- 550 Statutes, is amended, and subsection (3) is added to that
- 551 section, to read:
- 552           718.501 Authority, responsibility, and duties of Division
- 553 of Florida Condominiums, Timeshares, and Mobile Homes.—
- 554           (1) The division may enforce and ensure compliance with
- 555 this chapter and rules relating to the development,
- 556 construction, sale, lease, ownership, operation, and management
- 557 of residential condominium units and complaints related to the
- 558 procedural completion of milestone inspections under s. 553.899.
- 559 In performing its duties, the division has complete jurisdiction
- 560 to investigate complaints and enforce compliance with respect to
- 561 associations that are still under developer control or the



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

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

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

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

588 (c) For the purpose of any investigation under this  
589 chapter, the division director or any officer or employee  
590 designated by the division director may administer oaths or



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

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

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

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



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

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



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649 restitution relates until payment of restitution is made.

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

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

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





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



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

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



736 requiring production of the requested records where the records  
737 are kept pursuant to s. 718.112.

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

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

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

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

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

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



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765 rendered by the division during the previous year.

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

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

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



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794 comply with the factors or requirements adopted by rule.

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

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



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

828 (o) The division may:

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

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

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

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

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

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



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

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

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

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

867 3. The addresses of all such buildings.

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

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

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

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

878 3. The addresses of all such buildings.

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

880 (c) An association must provide an update in writing to the



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881 division if there are any changes to the information in the list  
882 under paragraph (b) within 6 months after the change.

883 Section 8. Present paragraphs (b) and (c) of subsection (2)  
884 of section 718.503, Florida Statutes, are redesignated as  
885 paragraphs (c) and (d), respectively, a new paragraph (b) is  
886 added to that subsection, and paragraph (b) of subsection (1)  
887 and paragraph (a) of subsection (2) of that section are amended,  
888 to read:

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

891 (1) DEVELOPER DISCLOSURE.—

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





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

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

922 2. The documents creating the association.

923 3. The bylaws.

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

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

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

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

938 8. The lease of recreational and other common facilities



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939 that will be used by unit owners in common with unit owners of  
940 other condominiums.

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

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

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

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

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

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

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

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

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



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968           18. A copy of the inspector-prepared summary of the  
969 milestone inspection report as described in ss. 553.899 and  
970 718.301(4)(p).

971           (2) NONDEVELOPER DISCLOSURE.—

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

978           1. The declaration of condominium.┐

979           2. Articles of incorporation of the association.┐

980           3. Bylaws and rules of the association.┐

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

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

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

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

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



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997           2. The board's responsibility to provide advance notice of  
998 board and membership meetings.

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

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

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

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

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

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

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

1018           10. The voting rights of owners.

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

1022

1023 The governance form shall also include the following statement  
1024 in conspicuous type: "This publication is intended as an  
1025 informal educational overview of condominium governance. In the



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1026 event of a conflict, the provisions of chapter 718, Florida  
1027 Statutes, rules adopted by the Division of Florida Condominiums,  
1028 Timeshares, and Mobile Homes of the Department of Business and  
1029 Professional Regulation, the provisions of the condominium  
1030 documents, and reasonable rules adopted by the condominium  
1031 association's board of administration prevail over the contents  
1032 of this publication."

1033 Section 9. Paragraph (q) is added to subsection (24) of  
1034 section 718.504, Florida Statutes, to read:

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



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1055 commonly used facilities; shall contain a statement identifying  
1056 that amount of assessment which, pursuant to the budget, would  
1057 be levied upon each unit type, exclusive of any special  
1058 assessments, and which shall further identify the basis upon  
1059 which assessments are levied, whether monthly, quarterly, or  
1060 otherwise; shall state and identify any court cases in which the  
1061 association is currently a party of record in which the  
1062 association may face liability in excess of \$100,000; and which  
1063 shall further state whether membership in a recreational  
1064 facilities association is mandatory, and if so, shall identify  
1065 the fees currently charged per unit type. The division shall by  
1066 rule require such other disclosure as in its judgment will  
1067 assist prospective purchasers. The prospectus or offering  
1068 circular may include more than one condominium, although not all  
1069 such units are being offered for sale as of the date of the  
1070 prospectus or offering circular. The prospectus or offering  
1071 circular must contain the following information:

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

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

1077 Section 10. Paragraphs (a) and (c) of subsection (2) of  
1078 section 719.104, Florida Statutes, are amended to read:

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

1081 (2) OFFICIAL RECORDS.—

1082 (a) From the inception of the association, the association  
1083 shall maintain a copy of each of the following, where



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1084 applicable, which shall constitute the official records of the  
1085 association:

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

1088 2. A photocopy of the cooperative documents.

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

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

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

1105 6. All current insurance policies of the association.

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

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

1112 9. Accounting records for the association and separate



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1113 accounting records for each unit it operates, according to good  
1114 accounting practices. The accounting records shall include, but  
1115 not be limited to:

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

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

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

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

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

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

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

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

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





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1142           15. All other written records of the association not  
1143 specifically included in the foregoing which are related to the  
1144 operation of the association.

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



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1171 which such records are required to be maintained, or who  
1172 knowingly or intentionally fails to create or maintain  
1173 accounting records that are required to be created or  
1174 maintained, with the intent of causing harm to the association  
1175 or one or more of its members, is personally subject to a civil  
1176 penalty under s. 719.501(1)(d). The association shall maintain  
1177 an adequate number of copies of the declaration, articles of  
1178 incorporation, bylaws, and rules, and all amendments to each of  
1179 the foregoing, as well as the question and answer sheet as  
1180 described in s. 719.504 and year-end financial information  
1181 required by the department, on the cooperative property to  
1182 ensure their availability to members and prospective purchasers,  
1183 and may charge its actual costs for preparing and furnishing  
1184 these documents to those requesting the same. An association  
1185 shall allow a member or his or her authorized representative to  
1186 use a portable device, including a smartphone, tablet, portable  
1187 scanner, or any other technology capable of scanning or taking  
1188 photographs, to make an electronic copy of the official records  
1189 in lieu of the association providing the member or his or her  
1190 authorized representative with a copy of such records. The  
1191 association may not charge a member or his or her authorized  
1192 representative for the use of a portable device. Notwithstanding  
1193 this paragraph, the following records shall not be accessible to  
1194 members:

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



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1200 litigation strategy, or legal theory of the attorney or the  
1201 association, and which was prepared exclusively for civil or  
1202 criminal litigation or for adversarial administrative  
1203 proceedings, or which was prepared in anticipation of such  
1204 litigation or proceedings until the conclusion of the litigation  
1205 or proceedings.

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

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

1216         4. Medical records of unit owners.

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



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1229 an owner may exclude his or her telephone numbers from the  
1230 directory by so requesting in writing to the association. An  
1231 owner may consent in writing to the disclosure of other contact  
1232 information described in this subparagraph. The association is  
1233 not liable for the inadvertent disclosure of information that is  
1234 protected under this subparagraph if the information is included  
1235 in an official record of the association and is voluntarily  
1236 provided by an owner and not requested by the association.

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

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

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

1245 Section 11. Paragraph (n) is added to subsection (1) of  
1246 section 719.106, Florida Statutes, to read:

1247 719.106 Bylaws; cooperative ownership.—

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

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



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1258 knowingly fail to have a milestone inspection performed pursuant  
1259 to s. 553.899, such failure is a breach of the officers' and  
1260 directors' fiduciary relationship to the unit owners under s.  
1261 719.104(8)(a). Upon completion of a phase one or phase two  
1262 milestone inspection and receipt of the inspector-prepared  
1263 summary of the inspection report from the architect or engineer  
1264 who performed the inspection, the association must distribute a  
1265 copy of the inspector-prepared summary of the inspection report  
1266 to each unit owner, regardless of the findings or  
1267 recommendations in the report, by United States mail or personal  
1268 delivery and by electronic transmission to unit owners who  
1269 previously consented to receive notice by electronic  
1270 transmission; must post a copy of the inspector-prepared summary  
1271 in a conspicuous place on the cooperative property; and must  
1272 publish the full report and inspector-prepared summary on the  
1273 association's website, if the association is required to have a  
1274 website.

1275 Section 12. Paragraph (p) is added to subsection (4) of  
1276 section 719.301, Florida Statutes, to read:

1277 719.301 Transfer of association control.—

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



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1287 if applicable, as to each cooperative operated by the  
1288 association:

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

1297 1. Roof.

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

1301 3. Fireproofing and fire protection systems.

1302 4. Elevators.

1303 5. Heating and cooling systems.

1304 6. Plumbing.

1305 7. Electrical systems.

1306 8. Swimming pool or spa and equipment.

1307 9. Seawalls.

1308 10. Pavement and parking areas.

1309 11. Drainage systems.

1310 12. Painting.

1311 13. Irrigation systems.

1312 14. Waterproofing.

1313 Section 13. Subsection (1) of section 719.501, Florida  
1314 Statutes, is amended, and subsection (3) is added to that  
1315 section, to read:



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1316           719.501 Powers and duties of Division of Florida  
1317 Condominiums, Timeshares, and Mobile Homes.—

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

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

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

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



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1345 books, documents, or other tangible things and the identity and  
1346 location of persons having knowledge of relevant facts or any  
1347 other matter reasonably calculated to lead to the discovery of  
1348 material evidence. Upon failure by a person to obey a subpoena  
1349 or to answer questions propounded by the investigating officer  
1350 and upon reasonable notice to all persons affected thereby, the  
1351 division may apply to the circuit court for an order compelling  
1352 compliance.

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

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

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

1373 3. The division may bring an action in circuit court on





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1374 behalf of a class of unit owners, lessees, or purchasers for  
1375 declaratory relief, injunctive relief, or restitution.

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



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1403 the division. For example, the division may consider whether the  
1404 violations were committed by a developer or owner-controlled  
1405 association, the size of the association, and other factors. The  
1406 guidelines must designate the possible mitigating or aggravating  
1407 circumstances that justify a departure from the range of  
1408 penalties provided by the rules. It is the legislative intent  
1409 that minor violations be distinguished from those which endanger  
1410 the health, safety, or welfare of the cooperative residents or  
1411 other persons and that such guidelines provide reasonable and  
1412 meaningful notice to the public of likely penalties that may be  
1413 imposed for proscribed conduct. This subsection does not limit  
1414 the ability of the division to informally dispose of  
1415 administrative actions or complaints by stipulation, agreed  
1416 settlement, or consent order. All amounts collected shall be  
1417 deposited with the Chief Financial Officer to the credit of the  
1418 Division of Florida Condominiums, Timeshares, and Mobile Homes  
1419 Trust Fund. If a developer fails to pay the civil penalty, the  
1420 division shall thereupon issue an order directing that such  
1421 developer cease and desist from further operation until such  
1422 time as the civil penalty is paid or may pursue enforcement of  
1423 the penalty in a court of competent jurisdiction. If an  
1424 association fails to pay the civil penalty, the division shall  
1425 thereupon pursue enforcement in a court of competent  
1426 jurisdiction, and the order imposing the civil penalty or the  
1427 cease and desist order shall not become effective until 20 days  
1428 after the date of such order. Any action commenced by the  
1429 division shall be brought in the county in which the division  
1430 has its executive offices or in the county where the violation  
1431 occurred.



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1432           (e) The division may prepare and disseminate a prospectus  
1433 and other information to assist prospective owners, purchasers,  
1434 lessees, and developers of residential cooperatives in assessing  
1435 the rights, privileges, and duties pertaining thereto.

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

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

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

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

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

1459           (k) The division shall provide training and educational  
1460 programs for cooperative association board members and unit



1461 owners. The training may, in the division's discretion, include  
1462 web-based electronic media, and live training and seminars in  
1463 various locations throughout the state. The division may review  
1464 and approve education and training programs for board members  
1465 and unit owners offered by providers and shall maintain a  
1466 current list of approved programs and providers and make such  
1467 list available to board members and unit owners in a reasonable  
1468 and cost-effective manner.

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

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



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1490 investigation. When reporting its action to the complainant, the  
1491 division shall inform the complainant of any right to a hearing  
1492 pursuant to ss. 120.569 and 120.57.

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

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

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



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- 1519           2. The total number of units in all such buildings.
- 1520           3. The addresses of all such buildings.
- 1521           4. The counties in which all such buildings are located.
- 1522           (b) The division must compile a list of the number of  
1523 buildings on cooperative property that are three stories or  
1524 higher in height, which is searchable by county, and must post  
1525 the list on the division's website. This list must include all  
1526 of the following information:
- 1527           1. The name of each association with buildings on the  
1528 cooperative property that are three stories or higher in height.
- 1529           2. The number of such buildings on each association's  
1530 property.
- 1531           3. The addresses of all such buildings.
- 1532           4. The counties in which all such buildings are located.
- 1533           (c) An association must provide an update in writing to the  
1534 division if there are any changes to the information in the list  
1535 under paragraph (b) within 6 months after the change.
- 1536           Section 14. Paragraph (b) of subsection (1) and paragraph  
1537 (a) of subsection (2) of section 719.503, Florida Statutes, are  
1538 amended to read:
- 1539           719.503 Disclosure prior to sale.—
- 1540           (1) DEVELOPER DISCLOSURE.—
- 1541           (b) *Copies of documents to be furnished to prospective*  
1542 *buyer or lessee.*—Until such time as the developer has furnished  
1543 the documents listed below to a person who has entered into a  
1544 contract to purchase a unit or lease it for more than 5 years,  
1545 the contract may be voided by that person, entitling the person  
1546 to a refund of any deposit together with interest thereon as  
1547 provided in s. 719.202. The contract may be terminated by



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1548 written notice from the proposed buyer or lessee delivered to  
1549 the developer within 15 days after the buyer or lessee receives  
1550 all of the documents required by this section. The developer may  
1551 ~~shall~~ not close for 15 days after ~~following~~ the execution of the  
1552 agreement and delivery of the documents to the buyer as  
1553 evidenced by a receipt for documents signed by the buyer unless  
1554 the buyer is informed in the 15-day voidability period and  
1555 agrees to close before ~~prior to~~ the expiration of the 15 days.  
1556 The developer shall retain in his or her records a separate  
1557 signed agreement as proof of the buyer's agreement to close  
1558 before ~~prior to~~ the expiration of the ~~said~~ voidability period.  
1559 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for  
1560 a period of 5 years after the date of the closing transaction.  
1561 The documents to be delivered to the prospective buyer are the  
1562 prospectus or disclosure statement with all exhibits, if the  
1563 development is subject to ~~the provisions of~~ s. 719.504, or, if  
1564 not, then copies of the following which are applicable:  
1565       1. The question and answer sheet described in s. 719.504,  
1566 and cooperative documents, or the proposed cooperative documents  
1567 if the documents have not been recorded, which shall include the  
1568 certificate of a surveyor approximately representing the  
1569 locations required by s. 719.104.  
1570       2. The documents creating the association.  
1571       3. The bylaws.  
1572       4. The ground lease or other underlying lease of the  
1573 cooperative.  
1574       5. The management contract, maintenance contract, and other  
1575 contracts for management of the association and operation of the  
1576 cooperative and facilities used by the unit owners having a



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1577 service term in excess of 1 year, and any management contracts  
1578 that are renewable.

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

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

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

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

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

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

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

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

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

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





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1606 in the foregoing.

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

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

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

1619 (2) NONDEVELOPER DISCLOSURE.—

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

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

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

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

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

1634 Section 15. Paragraph (q) is added to subsection (23) of



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1635 section 719.504, Florida Statutes, to read:

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



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1664 mandatory and, if so, identify the fees currently charged per  
1665 unit type. The division shall by rule require such other  
1666 disclosure as in its judgment will assist prospective  
1667 purchasers. The prospectus or offering circular may include more  
1668 than one cooperative, although not all such units are being  
1669 offered for sale as of the date of the prospectus or offering  
1670 circular. The prospectus or offering circular must contain the  
1671 following information:

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

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

1677  
1678 ===== T I T L E A M E N D M E N T =====

1679 And the title is amended as follows:

1680 Delete lines 2 - 12

1681 and insert:

1682 An act relating to buildings and community  
1683 associations; amending s. 553.844, F.S.; providing  
1684 that the entire roofing system or roof section of  
1685 certain existing buildings or structures does not have  
1686 to be repaired, replaced, or recovered in accordance  
1687 with the Florida Building Code under certain  
1688 circumstances; requiring the Florida Building  
1689 Commission to adopt rules and incorporate the rules  
1690 into the building code; prohibiting local governments  
1691 from adopting certain administrative or technical  
1692 amendments to the building code; amending s. 468.4334,



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1693 F.S.; requiring community association managers and  
1694 community association management firms to comply with  
1695 a specified provision under certain circumstances;  
1696 creating s. 553.899, F.S.; providing legislative  
1697 findings; defining the terms "milestone inspection"  
1698 and "substantial structural deterioration"; specifying  
1699 that the purpose of a milestone inspection is not to  
1700 determine compliance with the Florida Building Code or  
1701 the firesafety code; requiring condominium  
1702 associations and cooperative associations to have  
1703 milestone inspections performed on certain buildings  
1704 at specified times; specifying that such associations  
1705 are responsible for costs relating to milestone  
1706 inspections; providing applicability; requiring that  
1707 initial milestone inspections for certain buildings be  
1708 performed before a specified date; requiring local  
1709 enforcement agencies to provide certain written notice  
1710 to condominium associations and cooperative  
1711 associations; requiring condominium associations and  
1712 cooperative associations to complete phase one of a  
1713 milestone inspection within a specified timeframe;  
1714 specifying that milestone inspections consist of two  
1715 phases; providing requirements for each phase of a  
1716 milestone inspection; requiring architects and  
1717 engineers performing a milestone inspection to submit  
1718 a sealed copy of the inspection report and a summary  
1719 that includes specified findings and recommendations  
1720 to certain entities; providing requirements for such  
1721 inspection reports; requiring condominium associations



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1722 and cooperative associations to distribute and post a  
1723 copy of each inspection report and summary in a  
1724 specified manner; authorizing local enforcement  
1725 agencies to prescribe timelines and penalties relating  
1726 to milestone inspections; authorizing boards of county  
1727 commissioners to adopt certain ordinances relating to  
1728 repairs for substantial structural deterioration;  
1729 requiring local enforcement agencies to review and  
1730 determine if a building is unsafe for human occupancy  
1731 under certain circumstances; requiring the Florida  
1732 Building Commission to review milestone inspection  
1733 requirements and make any recommendations to the  
1734 Governor and the Legislature by a specified date;  
1735 requiring the commission to consult with the State  
1736 Fire Marshal to provide certain recommendations to the  
1737 Governor and the Legislature by a specified date;  
1738 amending s. 718.111, F.S.; revising the types of  
1739 records that constitute the official records of a  
1740 condominium association; requiring associations to  
1741 maintain specified records for a certain timeframe;  
1742 specifying that renters of a unit have the right to  
1743 inspect and copy certain reports; requiring  
1744 associations to post a copy of certain reports and  
1745 reserve studies on the association's website; amending  
1746 s. 718.112, F.S.; restating requirements for  
1747 associations relating to milestone inspections;  
1748 specifying that if the officers or directors of a  
1749 condominium association fail to have a milestone  
1750 inspection performed, such failure is a breach of



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1751 their fiduciary relationship to the unit owners;  
1752 amending s. 718.301, F.S.; revising reporting  
1753 requirements relating to the transfer of association  
1754 control; amending s. 718.501, F.S.; revising the  
1755 Division of Florida Condominiums, Timeshares, and  
1756 Mobile Homes' authority relating to enforcement and  
1757 compliance; requiring certain associations to provide  
1758 certain information and updates to the division by a  
1759 specified date and within a specified timeframe;  
1760 requiring the division to compile a list with certain  
1761 information and post such list on its website;  
1762 amending s. 718.503, F.S.; revising the documents that  
1763 must be delivered to a prospective buyer or lessee of  
1764 a residential unit; revising requirements for  
1765 nondeveloper disclosures; amending s. 718.504, F.S.;  
1766 revising requirements for prospectuses and offering  
1767 circulars; amending s. 719.104, F.S.; revising the  
1768 types of records that constitute the official records  
1769 of a cooperative association; requiring associations  
1770 to maintain specified records for a certain timeframe;  
1771 specifying that renters of a unit have the right to  
1772 inspect and copy certain reports; amending s. 719.106,  
1773 F.S.; restating requirements for associations relating  
1774 to milestone inspections; specifying that if the  
1775 officers or directors of a cooperative association  
1776 fail to have a milestone inspection performed, such  
1777 failure is a breach of their fiduciary relationship to  
1778 the unit owners; amending s. 719.301, F.S.; requiring  
1779 developers to deliver a turnover inspection report



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1780 relating to cooperative property under certain  
1781 circumstances; amending s. 719.501, F.S.; revising the  
1782 division's authority relating to enforcement and  
1783 compliance; requiring certain associations to provide  
1784 certain information and updates to the division by a  
1785 specified date and within a specified time; requiring  
1786 the division to compile a list with certain  
1787 information and post such list on its website;  
1788 amending s. 719.503, F.S.; revising the documents that  
1789 must be delivered to a prospective buyer or lessee of  
1790 a residential unit; revising nondeveloper disclosure  
1791 requirements; amending s. 719.504, F.S.; revising  
1792 requirements for prospectuses and offering circulars;  
1793 providing an