



798298

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

05/24/2022 06:36 PM

.

.

Senators Bradley and Pizzo moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(5) Notwithstanding any provision in the Florida Building
Code to the contrary, if an existing roofing system or roof
section was built, repaired, or replaced in compliance with the



12 requirements of the 2007 Florida Building Code, or any
13 subsequent editions of the Florida Building Code, and 25 percent
14 or more of such roofing system or roof section is being
15 repaired, replaced, or recovered, only the repaired, replaced,
16 or recovered portion is required to be constructed in accordance
17 with the Florida Building Code in effect, as applicable. The
18 Florida Building Commission shall adopt this exception by rule
19 and incorporate it in the Florida Building Code. Notwithstanding
20 s. 553.73(4), a local government may not adopt by ordinance an
21 administrative or technical amendment to this exception.

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

24 468.4334 Professional practice standards; liability.-

25 (1) (a) A community association manager or a community
26 association management firm is deemed to act as agent on behalf
27 of a community association as principal within the scope of
28 authority authorized by a written contract or under this
29 chapter. A community association manager and a community
30 association management firm shall discharge duties performed on
31 behalf of the association as authorized by this chapter loyally,
32 skillfully, and diligently; dealing honestly and fairly; in good
33 faith; with care and full disclosure to the community
34 association; accounting for all funds; and not charging
35 unreasonable or excessive fees.

36 (b) If a community association manager or a community
37 association management firm has a contract with a community
38 association that has a building on the association's property
39 that is subject to s. 553.899, the community association manager
40 or the community association management firm must comply with



798298

41 that section as directed by the board.

42 Section 3. Section 553.899, Florida Statutes, is created to
43 read:

44 553.899 Mandatory structural inspections for condominium
45 and cooperative buildings.-

46 (1) The Legislature finds that maintaining the structural
47 integrity of a building throughout its service life is of
48 paramount importance in order to ensure that buildings are
49 structurally sound so as to not pose a threat to the public
50 health, safety, or welfare. As such, the Legislature finds that
51 the imposition of a statewide structural inspection program for
52 aging condominium and cooperative buildings in this state is
53 necessary to ensure that such buildings are safe for continued
54 use.

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

56 (a) "Milestone inspection" means a structural inspection of
57 a building, including an inspection of load-bearing walls and
58 the primary structural members and primary structural systems as
59 those terms are defined in s. 627.706, by a licensed architect
60 or engineer authorized to practice in this state for the
61 purposes of attesting to the life safety and adequacy of the
62 structural components of the building and, to the extent
63 reasonably possible, determining the general structural
64 condition of the building as it affects the safety of such
65 building, including a determination of any necessary
66 maintenance, repair, or replacement of any structural component
67 of the building. The purpose of such inspection is not to
68 determine if the condition of an existing building is in
69 compliance with the Florida Building Code or the firesafety



798298

70 code.

71 (b) "Substantial structural deterioration" means
72 substantial structural distress that negatively affects a
73 building's general structural condition and integrity. The term
74 does not include surface imperfections such as cracks,
75 distortion, sagging, deflections, misalignment, signs of
76 leakage, or peeling of finishes unless the licensed engineer or
77 architect performing the phase one or phase two inspection
78 determines that such surface imperfections are a sign of
79 substantial structural deterioration.

80 (3) A condominium association under chapter 718 and a
81 cooperative association under chapter 719 must have a milestone
82 inspection performed for each building that is three stories or
83 more in height by December 31 of the year in which the building
84 reaches 30 years of age, based on the date the certificate of
85 occupancy for the building was issued, and every 10 years
86 thereafter. If the building is located within 3 miles of a
87 coastline as defined in s. 376.031, the condominium association
88 or cooperative association must have a milestone inspection
89 performed by December 31 of the year in which the building
90 reaches 25 years of age, based on the date the certificate of
91 occupancy for the building was issued, and every 10 years
92 thereafter. The condominium association or cooperative
93 association must arrange for the milestone inspection to be
94 performed and is responsible for ensuring compliance with the
95 requirements of this section. The condominium association or
96 cooperative association is responsible for all costs associated
97 with the inspection. This subsection does not apply to a single-
98 family, two-family, or three-family dwelling with three or fewer



798298

99 habitable stories above ground.

100 (4) If a milestone inspection is required under this
101 section and the building's certificate of occupancy was issued
102 on or before July 1, 1992, the building's initial milestone
103 inspection must be performed before December 31, 2024. If the
104 date of issuance for the certificate of occupancy is not
105 available, the date of issuance of the building's certificate of
106 occupancy shall be the date of occupancy evidenced in any record
107 of the local building official.

108 (5) Upon determining that a building must have a milestone
109 inspection, the local enforcement agency must provide written
110 notice of such required inspection to the condominium
111 association or cooperative association by certified mail, return
112 receipt requested.

113 (6) Within 180 days after receiving the written notice
114 under subsection (5), the condominium association or cooperative
115 association must complete phase one of the milestone inspection.
116 For purposes of this section, completion of phase one of the
117 milestone inspection means the licensed engineer or architect
118 who performed the phase one inspection submitted the inspection
119 report by e-mail, United States Postal Service, or commercial
120 delivery service to the local enforcement agency.

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

122 (a) For phase one of the milestone inspection, a licensed
123 architect or engineer authorized to practice in this state shall
124 perform a visual examination of habitable and nonhabitable areas
125 of a building, including the major structural components of a
126 building, and provide a qualitative assessment of the structural
127 conditions of the building. If the architect or engineer finds



798298

128 no signs of substantial structural deterioration to any building
129 components under visual examination, phase two of the
130 inspection, as provided in paragraph (b), is not required. An
131 architect or engineer who completes a phase one milestone
132 inspection shall prepare and submit an inspection report
133 pursuant to subsection (8).

134 (b) A phase two of the milestone inspection must be
135 performed if any substantial structural deterioration is
136 identified during phase one. A phase two inspection may involve
137 destructive or nondestructive testing at the inspector's
138 direction. The inspection may be as extensive or as limited as
139 necessary to fully assess areas of structural distress in order
140 to confirm that the building is structurally sound and safe for
141 its intended use and to recommend a program for fully assessing
142 and repairing distressed and damaged portions of the building.
143 When determining testing locations, the inspector must give
144 preference to locations that are the least disruptive and most
145 easily repairable while still being representative of the
146 structure. An inspector who completes a phase two milestone
147 inspection shall prepare and submit an inspection report
148 pursuant to subsection (8).

149 (8) Upon completion of a phase one or phase two milestone
150 inspection, the architect or engineer who performed the
151 inspection must submit a sealed copy of the inspection report
152 with a separate summary of, at minimum, the material findings
153 and recommendations in the inspection report to the condominium
154 association or cooperative association, and to the building
155 official of the local government which has jurisdiction. The
156 inspection report must, at a minimum, meet all of the following



798298

157 criteria:

158 (a) Bear the seal and signature, or the electronic
159 signature, of the licensed engineer or architect who performed
160 the inspection.

161 (b) Indicate the manner and type of inspection forming the
162 basis for the inspection report.

163 (c) Identify any substantial structural deterioration,
164 within a reasonable professional probability based on the scope
165 of the inspection, describe the extent of such deterioration,
166 and identify any recommended repairs for such deterioration.

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

169 (e) Recommend any remedial or preventive repair for any
170 items that are damaged but are not substantial structural
171 deterioration.

172 (f) Identify and describe any items requiring further
173 inspection.

174 (9) The association must distribute a copy of the
175 inspector-prepared summary of the inspection report to each
176 condominium unit owner or cooperative unit owner, regardless of
177 the findings or recommendations in the report, by United States
178 mail or personal delivery and by electronic transmission to unit
179 owners who previously consented to received notice by electronic
180 transmission; must post a copy of the inspector-prepared summary
181 in a conspicuous place on the condominium or cooperative
182 property; and must publish the full report and inspector-
183 prepared summary on the association's website, if the
184 association is required to have a website.

185 (10) A local enforcement agency may prescribe timelines and



798298

186 penalties with respect to compliance with this section.

187 (11) A board of county commissioners may adopt an ordinance
188 requiring that a condominium or cooperative association schedule
189 or commence repairs for substantial structural deterioration
190 within a specified timeframe after the local enforcement agency
191 receives a phase two inspection report; however, such repairs
192 must be commenced within 365 days after receiving such report.
193 If an association fails to submit proof to the local enforcement
194 agency that repairs have been scheduled or have commenced for
195 substantial structural deterioration identified in a phase two
196 inspection report within the required timeframe, the local
197 enforcement agency must review and determine if the building is
198 unsafe for human occupancy.

199 (12) The Florida Building Commission shall review the
200 milestone inspection requirements under this section and make
201 recommendations, if any, to the Legislature to ensure
202 inspections are sufficient to determine the structural integrity
203 of a building. The commission must provide a written report of
204 any recommendations to the Governor, the President of the
205 Senate, and the Speaker of the House of Representatives by
206 December 31, 2022.

207 (13) The Florida Building Commission shall consult with the
208 State Fire Marshal to provide recommendations to the Legislature
209 for the adoption of comprehensive structural and life safety
210 standards for maintaining and inspecting all types of buildings
211 and structures in this state that are three stories or more in
212 height. The commission shall provide a written report of its
213 recommendations to the Governor, the President of the Senate,
214 and the Speaker of the House of Representatives by December 31,



798298

215 2023.

216 Section 4. Subsections (25) through (30) of section
217 718.103, Florida Statutes, are renumbered as subsections (26)
218 through (31), respectively, and a new subsection (25) is added
219 to that section to read:

220 718.103 Definitions.—As used in this chapter, the term:

221 (25) "Structural integrity reserve study" means a study of
222 the reserve funds required for future major repairs and
223 replacement of the common areas based on a visual inspection of
224 the common areas. A structural integrity reserve study may be
225 performed by any person qualified to perform such study.
226 However, the visual inspection portion of the structural
227 integrity reserve study must be performed by an engineer
228 licensed under chapter 471 or an architect licensed under
229 chapter 481. At a minimum, a structural integrity reserve study
230 must identify the common areas being visually inspected, state
231 the estimated remaining useful life and the estimated
232 replacement cost or deferred maintenance expense of the common
233 areas being visually inspected, and provide a recommended annual
234 reserve amount that achieves the estimated replacement cost or
235 deferred maintenance expense of each common area being visually
236 inspected by the end of the estimated remaining useful life of
237 each common area.

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

241 718.111 The association.—

242 (7) TITLE TO PROPERTY.—

243 (b) Subject to s. 718.112(2)(n) ~~the provisions of s.~~



798298

244 ~~718.112(2)(m)~~, the association, through its board, has the
245 limited power to convey a portion of the common elements to a
246 condemning authority for the purposes of providing utility
247 easements, right-of-way expansion, or other public purposes,
248 whether negotiated or as a result of eminent domain proceedings.

249 (12) OFFICIAL RECORDS.—

250 (a) From the inception of the association, the association
251 shall maintain each of the following items, if applicable, which
252 constitutes the official records of the association:

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

255 2. A photocopy of the recorded declaration of condominium
256 of each condominium operated by the association and each
257 amendment to each declaration.

258 3. A photocopy of the recorded bylaws of the association
259 and each amendment to the bylaws.

260 4. A certified copy of the articles of incorporation of the
261 association, or other documents creating the association, and
262 each amendment thereto.

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

264 6. A book or books that contain the minutes of all meetings
265 of the association, the board of administration, and the unit
266 owners.

267 7. A current roster of all unit owners and their mailing
268 addresses, unit identifications, voting certifications, and, if
269 known, telephone numbers. The association shall also maintain
270 the e-mail addresses and facsimile numbers of unit owners
271 consenting to receive notice by electronic transmission. The e-
272 mail addresses and facsimile numbers are not accessible to unit



798298

273 owners if consent to receive notice by electronic transmission
274 is not provided in accordance with sub-subparagraph (c)3.e.
275 However, the association is not liable for an inadvertent
276 disclosure of the e-mail address or facsimile number for
277 receiving electronic transmission of notices.

278 8. All current insurance policies of the association and
279 condominiums operated by the association.

280 9. A current copy of any management agreement, lease, or
281 other contract to which the association is a party or under
282 which the association or the unit owners have an obligation or
283 responsibility.

284 10. Bills of sale or transfer for all property owned by the
285 association.

286 11. Accounting records for the association and separate
287 accounting records for each condominium that the association
288 operates. Any person who knowingly or intentionally defaces or
289 destroys such records, or who knowingly or intentionally fails
290 to create or maintain such records, with the intent of causing
291 harm to the association or one or more of its members, is
292 personally subject to a civil penalty pursuant to s.

293 718.501(1)(d). The accounting records must include, but are not
294 limited to:

295 a. Accurate, itemized, and detailed records of all receipts
296 and expenditures.

297 b. A current account and a monthly, bimonthly, or quarterly
298 statement of the account for each unit designating the name of
299 the unit owner, the due date and amount of each assessment, the
300 amount paid on the account, and the balance due.

301 c. All audits, reviews, accounting statements, structural



798298

302 integrity reserve studies, and financial reports of the
303 association or condominium. Structural integrity reserve studies
304 must be maintained for at least 15 years after the study is
305 completed.

306 d. All contracts for work to be performed. Bids for work to
307 be performed are also considered official records and must be
308 maintained by the association for at least 1 year after receipt
309 of the bid.

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

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

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

319 15. A copy of the inspection reports ~~report~~ as described in
320 ss. 553.899 and 718.301(4) (p) and any other inspection report
321 relating to a structural or life safety inspection of
322 condominium property. Such record must be maintained by the
323 association for 15 years after receipt of the report ~~s.~~
324 ~~718.301(4) (p).~~

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

326 17. All affirmative acknowledgments made pursuant to s.
327 718.121(4) (c).

328 18. All other written records of the association not
329 specifically included in the foregoing which are related to the
330 operation of the association.



798298

331 (c)1. The official records of the association are open to
332 inspection by any association member or the authorized
333 representative of such member at all reasonable times. The right
334 to inspect the records includes the right to make or obtain
335 copies, at the reasonable expense, if any, of the member or
336 authorized representative of such member. A renter of a unit has
337 a right to inspect and copy only the declaration of condominium,
338 ~~and~~ the association's bylaws and rules, and the inspection
339 reports described in ss. 553.899 and 718.301(4) (p). The
340 association may adopt reasonable rules regarding the frequency,
341 time, location, notice, and manner of record inspections and
342 copying but may not require a member to demonstrate any purpose
343 or state any reason for the inspection. The failure of an
344 association to provide the records within 10 working days after
345 receipt of a written request creates a rebuttable presumption
346 that the association willfully failed to comply with this
347 paragraph. A unit owner who is denied access to official records
348 is entitled to the actual damages or minimum damages for the
349 association's willful failure to comply. Minimum damages are \$50
350 per calendar day for up to 10 days, beginning on the 11th
351 working day after receipt of the written request. The failure to
352 permit inspection entitles any person prevailing in an
353 enforcement action to recover reasonable attorney fees from the
354 person in control of the records who, directly or indirectly,
355 knowingly denied access to the records.

356 2. Any person who knowingly or intentionally defaces or
357 destroys accounting records that are required by this chapter to
358 be maintained during the period for which such records are
359 required to be maintained, or who knowingly or intentionally



798298

360 fails to create or maintain accounting records that are required
361 to be created or maintained, with the intent of causing harm to
362 the association or one or more of its members, is personally
363 subject to a civil penalty pursuant to s. 718.501(1)(d).

364 3. The association shall maintain an adequate number of
365 copies of the declaration, articles of incorporation, bylaws,
366 and rules, and all amendments to each of the foregoing, as well
367 as the question and answer sheet as described in s. 718.504 and
368 year-end financial information required under this section, on
369 the condominium property to ensure their availability to unit
370 owners and prospective purchasers, and may charge its actual
371 costs for preparing and furnishing these documents to those
372 requesting the documents. An association shall allow a member or
373 his or her authorized representative to use a portable device,
374 including a smartphone, tablet, portable scanner, or any other
375 technology capable of scanning or taking photographs, to make an
376 electronic copy of the official records in lieu of the
377 association's providing the member or his or her authorized
378 representative with a copy of such records. The association may
379 not charge a member or his or her authorized representative for
380 the use of a portable device. Notwithstanding this paragraph,
381 the following records are not accessible to unit owners:

382 a. Any record protected by the lawyer-client privilege as
383 described in s. 90.502 and any record protected by the work-
384 product privilege, including a record prepared by an association
385 attorney or prepared at the attorney's express direction, which
386 reflects a mental impression, conclusion, litigation strategy,
387 or legal theory of the attorney or the association, and which
388 was prepared exclusively for civil or criminal litigation or for



798298

389 adversarial administrative proceedings, or which was prepared in
390 anticipation of such litigation or proceedings until the
391 conclusion of the litigation or proceedings.

392 b. Information obtained by an association in connection
393 with the approval of the lease, sale, or other transfer of a
394 unit.

395 c. Personnel records of association or management company
396 employees, including, but not limited to, disciplinary, payroll,
397 health, and insurance records. For purposes of this sub-
398 subparagraph, the term "personnel records" does not include
399 written employment agreements with an association employee or
400 management company, or budgetary or financial records that
401 indicate the compensation paid to an association employee.

402 d. Medical records of unit owners.

403 e. Social security numbers, driver license numbers, credit
404 card numbers, e-mail addresses, telephone numbers, facsimile
405 numbers, emergency contact information, addresses of a unit
406 owner other than as provided to fulfill the association's notice
407 requirements, and other personal identifying information of any
408 person, excluding the person's name, unit designation, mailing
409 address, property address, and any address, e-mail address, or
410 facsimile number provided to the association to fulfill the
411 association's notice requirements. Notwithstanding the
412 restrictions in this sub-subparagraph, an association may print
413 and distribute to unit owners a directory containing the name,
414 unit address, and all telephone numbers of each unit owner.
415 However, an owner may exclude his or her telephone numbers from
416 the directory by so requesting in writing to the association. An
417 owner may consent in writing to the disclosure of other contact



798298

418 information described in this sub-subparagraph. The association
419 is not liable for the inadvertent disclosure of information that
420 is protected under this sub-subparagraph if the information is
421 included in an official record of the association and is
422 voluntarily provided by an owner and not requested by the
423 association.

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

426 g. The software and operating system used by the
427 association which allow the manipulation of data, even if the
428 owner owns a copy of the same software used by the association.
429 The data is part of the official records of the association.

430 h. All affirmative acknowledgments made pursuant to s.
431 718.121(4)(c).

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

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

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

441 (II) A website, application, or web portal operated by a
442 third-party provider with whom the association owns, leases,
443 rents, or otherwise obtains the right to operate a web page,
444 subpage, web portal, collection of subpages or web portals, or
445 an application which is dedicated to the association's
446 activities and on which required notices, records, and documents



798298

447 may be posted or made available by the association.

448 b. The association's website or application must be
449 accessible through the Internet and must contain a subpage, web
450 portal, or other protected electronic location that is
451 inaccessible to the general public and accessible only to unit
452 owners and employees of the association.

453 c. Upon a unit owner's written request, the association
454 must provide the unit owner with a username and password and
455 access to the protected sections of the association's website or
456 application which contain any notices, records, or documents
457 that must be electronically provided.

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

460 a. The recorded declaration of condominium of each
461 condominium operated by the association and each amendment to
462 each declaration.

463 b. The recorded bylaws of the association and each
464 amendment to the bylaws.

465 c. The articles of incorporation of the association, or
466 other documents creating the association, and each amendment to
467 the articles of incorporation or other documents. The copy
468 posted pursuant to this sub-subparagraph must be a copy of the
469 articles of incorporation filed with the Department of State.

470 d. The rules of the association.

471 e. A list of all executory contracts or documents to which
472 the association is a party or under which the association or the
473 unit owners have an obligation or responsibility and, after
474 bidding for the related materials, equipment, or services has
475 closed, a list of bids received by the association within the



798298

476 past year. Summaries of bids for materials, equipment, or
477 services which exceed \$500 must be maintained on the website or
478 application for 1 year. In lieu of summaries, complete copies of
479 the bids may be posted.

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

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

485 h. The certification of each director required by s.
486 718.112(2)(d)4.b.

487 i. All contracts or transactions between the association
488 and any director, officer, corporation, firm, or association
489 that is not an affiliated condominium association or any other
490 entity in which an association director is also a director or
491 officer and financially interested.

492 j. Any contract or document regarding a conflict of
493 interest or possible conflict of interest as provided in ss.
494 468.436(2)(b)6. and 718.3027(3).

495 k. The notice of any unit owner meeting and the agenda for
496 the meeting, as required by s. 718.112(2)(d)3., no later than 14
497 days before the meeting. The notice must be posted in plain view
498 on the front page of the website or application, or on a
499 separate subpage of the website or application labeled "Notices"
500 which is conspicuously visible and linked from the front page.
501 The association must also post on its website or application any
502 document to be considered and voted on by the owners during the
503 meeting or any document listed on the agenda at least 7 days
504 before the meeting at which the document or the information



798298

505 within the document will be considered.

506 1. Notice of any board meeting, the agenda, and any other
507 document required for the meeting as required by s.

508 718.112(2)(c), which must be posted no later than the date
509 required for notice under s. 718.112(2)(c).

510 m. The inspection reports described in ss. 553.899 and
511 718.301(4)(p) and any other inspection report relating to a
512 structural or life safety inspection of condominium property.

513 n. The association's most recent structural integrity
514 reserve study, if applicable.

515 3. The association shall ensure that the information and
516 records described in paragraph (c), which are not allowed to be
517 accessible to unit owners, are not posted on the association's
518 website or application. If protected information or information
519 restricted from being accessible to unit owners is included in
520 documents that are required to be posted on the association's
521 website or application, the association shall ensure the
522 information is redacted before posting the documents.

523 Notwithstanding the foregoing, the association or its agent is
524 not liable for disclosing information that is protected or
525 restricted under this paragraph unless such disclosure was made
526 with a knowing or intentional disregard of the protected or
527 restricted nature of such information.

528 4. The failure of the association to post information
529 required under subparagraph 2. is not in and of itself
530 sufficient to invalidate any action or decision of the
531 association's board or its committees.

532 Section 6. Paragraphs (g) through (o) of subsection (2) of
533 section 718.112, Florida Statutes, are redesignated as



798298

534 paragraphs (i) through (q), respectively, paragraphs (d) and (f)
535 of that subsection are amended, and new paragraphs (g) and (h)
536 are added to that subsection, to read:

537 718.112 Bylaws.—

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

541 (d) *Unit owner meetings.*—

542 1. An annual meeting of the unit owners must be held at the
543 location provided in the association bylaws and, if the bylaws
544 are silent as to the location, the meeting must be held within
545 45 miles of the condominium property. However, such distance
546 requirement does not apply to an association governing a
547 timeshare condominium.

548 2. Unless the bylaws provide otherwise, a vacancy on the
549 board caused by the expiration of a director's term must be
550 filled by electing a new board member, and the election must be
551 by secret ballot. An election is not required if the number of
552 vacancies equals or exceeds the number of candidates. For
553 purposes of this paragraph, the term "candidate" means an
554 eligible person who has timely submitted the written notice, as
555 described in sub-subparagraph 4.a., of his or her intention to
556 become a candidate. Except in a timeshare or nonresidential
557 condominium, or if the staggered term of a board member does not
558 expire until a later annual meeting, or if all members' terms
559 would otherwise expire but there are no candidates, the terms of
560 all board members expire at the annual meeting, and such members
561 may stand for reelection unless prohibited by the bylaws. Board
562 members may serve terms longer than 1 year if permitted by the



798298

563 bylaws or articles of incorporation. A board member may not
564 serve more than 8 consecutive years unless approved by an
565 affirmative vote of unit owners representing two-thirds of all
566 votes cast in the election or unless there are not enough
567 eligible candidates to fill the vacancies on the board at the
568 time of the vacancy. Only board service that occurs on or after
569 July 1, 2018, may be used when calculating a board member's term
570 limit. If the number of board members whose terms expire at the
571 annual meeting equals or exceeds the number of candidates, the
572 candidates become members of the board effective upon the
573 adjournment of the annual meeting. Unless the bylaws provide
574 otherwise, any remaining vacancies shall be filled by the
575 affirmative vote of the majority of the directors making up the
576 newly constituted board even if the directors constitute less
577 than a quorum or there is only one director. In a residential
578 condominium association of more than 10 units or in a
579 residential condominium association that does not include
580 timeshare units or timeshare interests, co-owners of a unit may
581 not serve as members of the board of directors at the same time
582 unless they own more than one unit or unless there are not
583 enough eligible candidates to fill the vacancies on the board at
584 the time of the vacancy. A unit owner in a residential
585 condominium desiring to be a candidate for board membership must
586 comply with sub-subparagraph 4.a. and must be eligible to be a
587 candidate to serve on the board of directors at the time of the
588 deadline for submitting a notice of intent to run in order to
589 have his or her name listed as a proper candidate on the ballot
590 or to serve on the board. A person who has been suspended or
591 removed by the division under this chapter, or who is delinquent



592 in the payment of any assessment due to the association, is not
593 eligible to be a candidate for board membership and may not be
594 listed on the ballot. For purposes of this paragraph, a person
595 is delinquent if a payment is not made by the due date as
596 specifically identified in the declaration of condominium,
597 bylaws, or articles of incorporation. If a due date is not
598 specifically identified in the declaration of condominium,
599 bylaws, or articles of incorporation, the due date is the first
600 day of the assessment period. A person who has been convicted of
601 any felony in this state or in a United States District or
602 Territorial Court, or who has been convicted of any offense in
603 another jurisdiction which would be considered a felony if
604 committed in this state, is not eligible for board membership
605 unless such felon's civil rights have been restored for at least
606 5 years as of the date such person seeks election to the board.
607 The validity of an action by the board is not affected if it is
608 later determined that a board member is ineligible for board
609 membership due to having been convicted of a felony. This
610 subparagraph does not limit the term of a member of the board of
611 a nonresidential or timeshare condominium.

612 3. The bylaws must provide the method of calling meetings
613 of unit owners, including annual meetings. Written notice of an
614 annual meeting must include an agenda; be mailed, hand
615 delivered, or electronically transmitted to each unit owner at
616 least 14 days before the annual meeting; and be posted in a
617 conspicuous place on the condominium property or association
618 property at least 14 continuous days before the annual meeting.
619 Written notice of a meeting other than an annual meeting must
620 include an agenda; be mailed, hand delivered, or electronically



798298

621 transmitted to each unit owner; and be posted in a conspicuous
622 place on the condominium property or association property within
623 the timeframe specified in the bylaws. If the bylaws do not
624 specify a timeframe for written notice of a meeting other than
625 an annual meeting, notice must be provided at least 14
626 continuous days before the meeting. Upon notice to the unit
627 owners, the board shall, by duly adopted rule, designate a
628 specific location on the condominium property or association
629 property where all notices of unit owner meetings must be
630 posted. This requirement does not apply if there is no
631 condominium property for posting notices. In lieu of, or in
632 addition to, the physical posting of meeting notices, the
633 association may, by reasonable rule, adopt a procedure for
634 conspicuously posting and repeatedly broadcasting the notice and
635 the agenda on a closed-circuit cable television system serving
636 the condominium association. However, if broadcast notice is
637 used in lieu of a notice posted physically on the condominium
638 property, the notice and agenda must be broadcast at least four
639 times every broadcast hour of each day that a posted notice is
640 otherwise required under this section. If broadcast notice is
641 provided, the notice and agenda must be broadcast in a manner
642 and for a sufficient continuous length of time so as to allow an
643 average reader to observe the notice and read and comprehend the
644 entire content of the notice and the agenda. In addition to any
645 of the authorized means of providing notice of a meeting of the
646 board, the association may, by rule, adopt a procedure for
647 conspicuously posting the meeting notice and the agenda on a
648 website serving the condominium association for at least the
649 minimum period of time for which a notice of a meeting is also



798298

650 required to be physically posted on the condominium property.
651 Any rule adopted shall, in addition to other matters, include a
652 requirement that the association send an electronic notice in
653 the same manner as a notice for a meeting of the members, which
654 must include a hyperlink to the website where the notice is
655 posted, to unit owners whose e-mail addresses are included in
656 the association's official records. Unless a unit owner waives
657 in writing the right to receive notice of the annual meeting,
658 such notice must be hand delivered, mailed, or electronically
659 transmitted to each unit owner. Notice for meetings and notice
660 for all other purposes must be mailed to each unit owner at the
661 address last furnished to the association by the unit owner, or
662 hand delivered to each unit owner. However, if a unit is owned
663 by more than one person, the association must provide notice to
664 the address that the developer identifies for that purpose and
665 thereafter as one or more of the owners of the unit advise the
666 association in writing, or if no address is given or the owners
667 of the unit do not agree, to the address provided on the deed of
668 record. An officer of the association, or the manager or other
669 person providing notice of the association meeting, must provide
670 an affidavit or United States Postal Service certificate of
671 mailing, to be included in the official records of the
672 association affirming that the notice was mailed or hand
673 delivered in accordance with this provision.

674 4. The members of the board of a residential condominium
675 shall be elected by written ballot or voting machine. Proxies
676 may not be used in electing the board in general elections or
677 elections to fill vacancies caused by recall, resignation, or
678 otherwise, unless otherwise provided in this chapter. This



798298

679 subparagraph does not apply to an association governing a
680 timeshare condominium.

681 a. At least 60 days before a scheduled election, the
682 association shall mail, deliver, or electronically transmit, by
683 separate association mailing or included in another association
684 mailing, delivery, or transmission, including regularly
685 published newsletters, to each unit owner entitled to a vote, a
686 first notice of the date of the election. A unit owner or other
687 eligible person desiring to be a candidate for the board must
688 give written notice of his or her intent to be a candidate to
689 the association at least 40 days before a scheduled election.
690 Together with the written notice and agenda as set forth in
691 subparagraph 3., the association shall mail, deliver, or
692 electronically transmit a second notice of the election to all
693 unit owners entitled to vote, together with a ballot that lists
694 all candidates not less than 14 days or more than 34 days before
695 the date of the election. Upon request of a candidate, an
696 information sheet, no larger than 8 1/2 inches by 11 inches,
697 which must be furnished by the candidate at least 35 days before
698 the election, must be included with the mailing, delivery, or
699 transmission of the ballot, with the costs of mailing, delivery,
700 or electronic transmission and copying to be borne by the
701 association. The association is not liable for the contents of
702 the information sheets prepared by the candidates. In order to
703 reduce costs, the association may print or duplicate the
704 information sheets on both sides of the paper. The division
705 shall by rule establish voting procedures consistent with this
706 sub-subparagraph, including rules establishing procedures for
707 giving notice by electronic transmission and rules providing for



798298

708 the secrecy of ballots. Elections shall be decided by a
709 plurality of ballots cast. There is no quorum requirement;
710 however, at least 20 percent of the eligible voters must cast a
711 ballot in order to have a valid election. A unit owner may not
712 authorize any other person to vote his or her ballot, and any
713 ballots improperly cast are invalid. A unit owner who violates
714 this provision may be fined by the association in accordance
715 with s. 718.303. A unit owner who needs assistance in casting
716 the ballot for the reasons stated in s. 101.051 may obtain such
717 assistance. The regular election must occur on the date of the
718 annual meeting. Notwithstanding this sub-subparagraph, an
719 election is not required unless more candidates file notices of
720 intent to run or are nominated than board vacancies exist.

721 b. Within 90 days after being elected or appointed to the
722 board of an association of a residential condominium, each newly
723 elected or appointed director shall certify in writing to the
724 secretary of the association that he or she has read the
725 association's declaration of condominium, articles of
726 incorporation, bylaws, and current written policies; that he or
727 she will work to uphold such documents and policies to the best
728 of his or her ability; and that he or she will faithfully
729 discharge his or her fiduciary responsibility to the
730 association's members. In lieu of this written certification,
731 within 90 days after being elected or appointed to the board,
732 the newly elected or appointed director may submit a certificate
733 of having satisfactorily completed the educational curriculum
734 administered by a division-approved condominium education
735 provider within 1 year before or 90 days after the date of
736 election or appointment. The written certification or



798298

737 educational certificate is valid and does not have to be
738 resubmitted as long as the director serves on the board without
739 interruption. A director of an association of a residential
740 condominium who fails to timely file the written certification
741 or educational certificate is suspended from service on the
742 board until he or she complies with this sub-subparagraph. The
743 board may temporarily fill the vacancy during the period of
744 suspension. The secretary shall cause the association to retain
745 a director's written certification or educational certificate
746 for inspection by the members for 5 years after a director's
747 election or the duration of the director's uninterrupted tenure,
748 whichever is longer. Failure to have such written certification
749 or educational certificate on file does not affect the validity
750 of any board action.

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

753 5. Any approval by unit owners called for by this chapter
754 or the applicable declaration or bylaws, including, but not
755 limited to, the approval requirement in s. 718.111(8), must be
756 made at a duly noticed meeting of unit owners and is subject to
757 all requirements of this chapter or the applicable condominium
758 documents relating to unit owner decisionmaking, except that
759 unit owners may take action by written agreement, without
760 meetings, on matters for which action by written agreement
761 without meetings is expressly allowed by the applicable bylaws
762 or declaration or any law that provides for such action.

763 6. Unit owners may waive notice of specific meetings if
764 allowed by the applicable bylaws or declaration or any law.
765 Notice of meetings of the board of administration, unit owner



798298

766 meetings, except unit owner meetings called to recall board
767 members under paragraph (k) ~~(j)~~, and committee meetings may be
768 given by electronic transmission to unit owners who consent to
769 receive notice by electronic transmission. A unit owner who
770 consents to receiving notices by electronic transmission is
771 solely responsible for removing or bypassing filters that block
772 receipt of mass e-mails sent to members on behalf of the
773 association in the course of giving electronic notices.

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

778 8. A unit owner may tape record or videotape a meeting of
779 the unit owners subject to reasonable rules adopted by the
780 division.

781 9. Unless otherwise provided in the bylaws, any vacancy
782 occurring on the board before the expiration of a term may be
783 filled by the affirmative vote of the majority of the remaining
784 directors, even if the remaining directors constitute less than
785 a quorum, or by the sole remaining director. In the alternative,
786 a board may hold an election to fill the vacancy, in which case
787 the election procedures must conform to sub-subparagraph 4.a.
788 unless the association governs 10 units or fewer and has opted
789 out of the statutory election process, in which case the bylaws
790 of the association control. Unless otherwise provided in the
791 bylaws, a board member appointed or elected under this section
792 shall fill the vacancy for the unexpired term of the seat being
793 filled. Filling vacancies created by recall is governed by
794 paragraph (k) ~~(j)~~ and rules adopted by the division.



798298

795 10. This chapter does not limit the use of general or
796 limited proxies, require the use of general or limited proxies,
797 or require the use of a written ballot or voting machine for any
798 agenda item or election at any meeting of a timeshare
799 condominium association or nonresidential condominium
800 association.

801
802 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
803 association of 10 or fewer units may, by affirmative vote of a
804 majority of the total voting interests, provide for different
805 voting and election procedures in its bylaws, which may be by a
806 proxy specifically delineating the different voting and election
807 procedures. The different voting and election procedures may
808 provide for elections to be conducted by limited or general
809 proxy.

810 (f) *Annual budget.*—

811 1. The proposed annual budget of estimated revenues and
812 expenses must be detailed and must show the amounts budgeted by
813 accounts and expense classifications, including, at a minimum,
814 any applicable expenses listed in s. 718.504(21). The board
815 shall adopt the annual budget at least 14 days before ~~prior to~~
816 the start of the association's fiscal year. In the event that
817 the board fails to timely adopt the annual budget a second time,
818 it is ~~shall be~~ deemed a minor violation and the prior year's
819 budget shall continue in effect until a new budget is adopted. A
820 multicondominium association must ~~shall~~ adopt a separate budget
821 of common expenses for each condominium the association operates
822 and must ~~shall~~ adopt a separate budget of common expenses for
823 the association. In addition, if the association maintains



824 limited common elements with the cost to be shared only by those
825 entitled to use the limited common elements as provided for in
826 s. 718.113(1), the budget or a schedule attached to it must show
827 the amount budgeted for this maintenance. If, after turnover of
828 control of the association to the unit owners, any of the
829 expenses listed in s. 718.504(21) are not applicable, they do
830 ~~need~~ not need to be listed.

831 2.a. In addition to annual operating expenses, the budget
832 must include reserve accounts for capital expenditures and
833 deferred maintenance. These accounts must include, but are not
834 limited to, roof replacement, building painting, and pavement
835 resurfacing, regardless of the amount of deferred maintenance
836 expense or replacement cost, and any other item that has a
837 deferred maintenance expense or replacement cost that exceeds
838 \$10,000. The amount to be reserved for an item is determined by
839 the association's most recent structural integrity reserve study
840 that must be completed by December 31, 2024. If the amount to be
841 reserved for an item is not in the association's initial or most
842 recent structural integrity reserve study or the association has
843 not completed a structural integrity reserve study, the amount
844 must be computed using a formula based upon estimated remaining
845 useful life and estimated replacement cost or deferred
846 maintenance expense of the each reserve item. The association
847 may adjust replacement reserve assessments annually to take into
848 account any changes in estimates or extension of the useful life
849 of a reserve item caused by deferred maintenance. ~~This~~
850 ~~subsection does not apply to an adopted budget in which~~ The
851 members of a unit-owner controlled an association may determine
852 ~~have determined~~, by a majority vote at a duly called meeting of



798298

853 the association, to provide no reserves or less reserves than
854 required by this subsection. Effective December 31, 2024, the
855 members of a unit-owner controlled association may not determine
856 to provide no reserves or less reserves than required by this
857 subsection for items listed in paragraph (g).

858 b. Before turnover of control of an association by a
859 developer to unit owners other than a developer under pursuant
860 ~~to~~ s. 718.301, the developer-controlled association developer
861 may not vote ~~the voting interests allocated to its units to~~
862 waive the reserves or reduce ~~the funding of~~ the reserves ~~through~~
863 ~~the period expiring at the end of the second fiscal year after~~
864 ~~the fiscal year in which the certificate of a surveyor and~~
865 ~~mapper is recorded pursuant to s. 718.104(4)(c) or an instrument~~
866 ~~that transfers title to a unit in the condominium which is not~~
867 ~~accompanied by a recorded assignment of developer rights in~~
868 ~~favor of the grantee of such unit is recorded, whichever occurs~~
869 ~~first, after which time reserves may be waived or reduced only~~
870 ~~upon the vote of a majority of all nondeveloper voting interests~~
871 ~~voting in person or by limited proxy at a duly called meeting of~~
872 ~~the association.~~ If a meeting of the unit owners has been called
873 to determine whether to waive or reduce the funding of reserves
874 and no such result is achieved or a quorum is not attained, the
875 reserves included in the budget shall go into effect. After the
876 turnover, the developer may vote its voting interest to waive or
877 reduce the funding of reserves.

878 3. Reserve funds and any interest accruing thereon shall
879 remain in the reserve account or accounts, and may be used only
880 for authorized reserve expenditures unless their use for other
881 purposes is approved in advance by a majority vote at a duly



798298

882 called meeting of the association. Before turnover of control of
883 an association by a developer to unit owners other than the
884 developer pursuant to s. 718.301, the developer-controlled
885 association may not vote to use reserves for purposes other than
886 those for which they were intended. Effective December 31, 2024,
887 members of a unit-owner controlled association may not vote to
888 use reserve funds, or any interest accruing thereon, that are
889 reserved for items listed in paragraph (g) for any other purpose
890 other than their intended purpose ~~without the approval of a~~
891 ~~majority of all nondeveloper voting interests, voting in person~~
892 ~~or by limited proxy at a duly called meeting of the association.~~

893 4. The only voting interests that are eligible to vote on
894 questions that involve waiving or reducing the funding of
895 reserves, or using existing reserve funds for purposes other
896 than purposes for which the reserves were intended, are the
897 voting interests of the units subject to assessment to fund the
898 reserves in question. Proxy questions relating to waiving or
899 reducing the funding of reserves or using existing reserve funds
900 for purposes other than purposes for which the reserves were
901 intended must contain the following statement in capitalized,
902 bold letters in a font size larger than any other used on the
903 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
904 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
905 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
906 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

907 (g) Structural integrity reserve study.—

908 1. An association must have a structural integrity reserve
909 study completed at least every 10 years after the condominium's
910 creation for each building on the condominium property that is



798298

911 three stories or higher in height which includes, at a minimum,
912 a study of the following items as related to the structural
913 integrity and safety of the building:

- 914 a. Roof.
- 915 b. Load-bearing walls or other primary structural members.
- 916 c. Floor.
- 917 d. Foundation.
- 918 e. Fireproofing and fire protection systems.
- 919 f. Plumbing.
- 920 g. Electrical systems.
- 921 h. Waterproofing and exterior painting.
- 922 i. Windows.
- 923 j. Any other item that has a deferred maintenance expense
924 or replacement cost that exceeds \$10,000 and the failure to
925 replace or maintain such item negatively affects the items
926 listed in subparagraphs a.-i., as determined by the licensed
927 engineer or architect performing the visual inspection portion
928 of the structural integrity reserve study.

929 2. Before a developer turns over control of an association
930 to unit owners other than the developer, the developer must have
931 a structural integrity reserve study completed for each building
932 on the condominium property that is three stories or higher in
933 height.

934 3. Associations existing on or before July 1, 2022, which
935 are controlled by unit owners other than the developer, must
936 have a structural integrity reserve study completed by December
937 31, 2024, for each building on the condominium property that is
938 three stories or higher in height.

939 4. If an association fails to complete a structural



798298

940 integrity reserve study pursuant to this paragraph, such failure
941 is a breach of an officer's and director's fiduciary
942 relationship to the unit owners under s. 718.111(1).

943 (h) *Mandatory milestone inspections.*—If an association is
944 required to have a milestone inspection performed pursuant to s.
945 553.899, the association must arrange for the milestone
946 inspection to be performed and is responsible for ensuring
947 compliance with the requirements of s. 553.899. The association
948 is responsible for all costs associated with the inspection. If
949 the officers or directors of an association willfully and
950 knowingly fail to have a milestone inspection performed pursuant
951 to s. 553.899, such failure is a breach of the officers' and
952 directors' fiduciary relationship to the unit owners under s.
953 718.111(1)(a). Upon completion of a phase one or phase two
954 milestone inspection and receipt of the inspector-prepared
955 summary of the inspection report from the architect or engineer
956 who performed the inspection, the association must distribute a
957 copy of the inspector-prepared summary of the inspection report
958 to each unit owner, regardless of the findings or
959 recommendations in the report, by United States mail or personal
960 delivery and by electronic transmission to unit owners who
961 previously consented to receive notice by electronic
962 transmission; must post a copy of the inspector-prepared summary
963 in a conspicuous place on the condominium property; and must
964 publish the full report and inspector-prepared summary on the
965 association's website, if the association is required to have a
966 website.

967 Section 7. Paragraph (f) of subsection (8) of section
968 718.116, Florida Statutes, is amended to read:



798298

969 718.116 Assessments; liability; lien and priority;
970 interest; collection.—

971 (8) Within 10 business days after receiving a written or
972 electronic request therefor from a unit owner or the unit
973 owner's designee, or a unit mortgagee or the unit mortgagee's
974 designee, the association shall issue the estoppel certificate.
975 Each association shall designate on its website a person or
976 entity with a street or e-mail address for receipt of a request
977 for an estoppel certificate issued pursuant to this section. The
978 estoppel certificate must be provided by hand delivery, regular
979 mail, or e-mail to the requestor on the date of issuance of the
980 estoppel certificate.

981 (f) Notwithstanding any limitation on transfer fees
982 contained in s. 718.112(2)(j) ~~s. 718.112(2)(i)~~, an association
983 or its authorized agent may charge a reasonable fee for the
984 preparation and delivery of an estoppel certificate, which may
985 not exceed \$250, if, on the date the certificate is issued, no
986 delinquent amounts are owed to the association for the
987 applicable unit. If an estoppel certificate is requested on an
988 expedited basis and delivered within 3 business days after the
989 request, the association may charge an additional fee of \$100.
990 If a delinquent amount is owed to the association for the
991 applicable unit, an additional fee for the estoppel certificate
992 may not exceed \$150.

993 Section 8. Paragraph (b) of subsection (8) of section
994 718.117, Florida Statutes, is amended to read:

995 718.117 Termination of condominium.—

996 (8) REPORTS AND REPLACEMENT OF RECEIVER.—

997 (b) The unit owners of an association in termination may



798298

998 recall or remove members of the board of administration with or
999 without cause at any time as provided in s. 718.112(2)(k) ~~s.~~
1000 ~~718.112(2)(j)~~.

1001 Section 9. Paragraph (p) of subsection (4) of section
1002 718.301, Florida Statutes, is amended and paragraph (r) is added
1003 to that subsection to read:

1004 718.301 Transfer of association control; claims of defect
1005 by association.—

1006 (4) At the time that unit owners other than the developer
1007 elect a majority of the members of the board of administration
1008 of an association, the developer shall relinquish control of the
1009 association, and the unit owners shall accept control.

1010 Simultaneously, or for the purposes of paragraph (c) not more
1011 than 90 days thereafter, the developer shall deliver to the
1012 association, at the developer's expense, all property of the
1013 unit owners and of the association which is held or controlled
1014 by the developer, including, but not limited to, the following
1015 items, if applicable, as to each condominium operated by the
1016 association:

1017 (p) Notwithstanding when the certificate of occupancy was
1018 issued or the height of the building, a milestone inspection
1019 report in compliance with s. 553.899 included in the official
1020 records, under seal of an architect or engineer authorized to
1021 practice in this state, and attesting to required maintenance,
1022 condition, useful life, and replacement costs of the following
1023 applicable condominium property ~~common elements~~ comprising a
1024 turnover inspection report:

- 1025 1. Roof.
1026 2. Structure, including load-bearing walls and primary



798298

1027 structural members and primary structural systems as those terms
1028 are defined in s. 627.706.

1029 3. Fireproofing and fire protection systems.

1030 4. Elevators.

1031 5. Heating and cooling systems.

1032 6. Plumbing.

1033 7. Electrical systems.

1034 8. Swimming pool or spa and equipment.

1035 9. Seawalls.

1036 10. Pavement and parking areas.

1037 11. Drainage systems.

1038 12. Painting.

1039 13. Irrigation systems.

1040 14. Waterproofing.

1041 (r) A copy of the association's most recent structural
1042 integrity reserve study.

1043 Section 10. Subsection (1) of section 718.501, Florida
1044 Statutes, is amended, and subsection (3) is added to that
1045 section, to read:

1046 718.501 Authority, responsibility, and duties of Division
1047 of Florida Condominiums, Timeshares, and Mobile Homes.—

1048 (1) The division may enforce and ensure compliance with
1049 this chapter and rules relating to the development,
1050 construction, sale, lease, ownership, operation, and management
1051 of residential condominium units and complaints related to the
1052 procedural completion of milestone inspections under s. 553.899.

1053 In performing its duties, the division has complete jurisdiction
1054 to investigate complaints and enforce compliance with respect to
1055 associations that are still under developer control or the



798298

1056 control of a bulk assignee or bulk buyer pursuant to part VII of
1057 this chapter and complaints against developers, bulk assignees,
1058 or bulk buyers involving improper turnover or failure to
1059 turnover, pursuant to s. 718.301. However, after turnover has
1060 occurred, the division has jurisdiction to investigate
1061 complaints related only to financial issues, elections, and the
1062 maintenance of and unit owner access to association records
1063 under s. 718.111(12), and the procedural completion of
1064 structural integrity reserve studies under s. 718.112(2)(g).

1065 (a)1. The division may make necessary public or private
1066 investigations within or outside this state to determine whether
1067 any person has violated this chapter or any rule or order
1068 hereunder, to aid in the enforcement of this chapter, or to aid
1069 in the adoption of rules or forms.

1070 2. The division may submit any official written report,
1071 worksheet, or other related paper, or a duly certified copy
1072 thereof, compiled, prepared, drafted, or otherwise made by and
1073 duly authenticated by a financial examiner or analyst to be
1074 admitted as competent evidence in any hearing in which the
1075 financial examiner or analyst is available for cross-examination
1076 and attests under oath that such documents were prepared as a
1077 result of an examination or inspection conducted pursuant to
1078 this chapter.

1079 (b) The division may require or permit any person to file a
1080 statement in writing, under oath or otherwise, as the division
1081 determines, as to the facts and circumstances concerning a
1082 matter to be investigated.

1083 (c) For the purpose of any investigation under this
1084 chapter, the division director or any officer or employee



798298

1085 designated by the division director may administer oaths or
1086 affirmations, subpoena witnesses and compel their attendance,
1087 take evidence, and require the production of any matter which is
1088 relevant to the investigation, including the existence,
1089 description, nature, custody, condition, and location of any
1090 books, documents, or other tangible things and the identity and
1091 location of persons having knowledge of relevant facts or any
1092 other matter reasonably calculated to lead to the discovery of
1093 material evidence. Upon the failure by a person to obey a
1094 subpoena or to answer questions propounded by the investigating
1095 officer and upon reasonable notice to all affected persons, the
1096 division may apply to the circuit court for an order compelling
1097 compliance.

1098 (d) Notwithstanding any remedies available to unit owners
1099 and associations, if the division has reasonable cause to
1100 believe that a violation of any provision of this chapter or
1101 related rule has occurred, the division may institute
1102 enforcement proceedings in its own name against any developer,
1103 bulk assignee, bulk buyer, association, officer, or member of
1104 the board of administration, or its assignees or agents, as
1105 follows:

1106 1. The division may permit a person whose conduct or
1107 actions may be under investigation to waive formal proceedings
1108 and enter into a consent proceeding whereby orders, rules, or
1109 letters of censure or warning, whether formal or informal, may
1110 be entered against the person.

1111 2. The division may issue an order requiring the developer,
1112 bulk assignee, bulk buyer, association, developer-designated
1113 officer, or developer-designated member of the board of



798298

1114 administration, developer-designated assignees or agents, bulk
1115 assignee-designated assignees or agents, bulk buyer-designated
1116 assignees or agents, community association manager, or community
1117 association management firm to cease and desist from the
1118 unlawful practice and take such affirmative action as in the
1119 judgment of the division carry out the purposes of this chapter.
1120 If the division finds that a developer, bulk assignee, bulk
1121 buyer, association, officer, or member of the board of
1122 administration, or its assignees or agents, is violating or is
1123 about to violate any provision of this chapter, any rule adopted
1124 or order issued by the division, or any written agreement
1125 entered into with the division, and presents an immediate danger
1126 to the public requiring an immediate final order, it may issue
1127 an emergency cease and desist order reciting with particularity
1128 the facts underlying such findings. The emergency cease and
1129 desist order is effective for 90 days. If the division begins
1130 nonemergency cease and desist proceedings, the emergency cease
1131 and desist order remains effective until the conclusion of the
1132 proceedings under ss. 120.569 and 120.57.

1133 3. If a developer, bulk assignee, or bulk buyer fails to
1134 pay any restitution determined by the division to be owed, plus
1135 any accrued interest at the highest rate permitted by law,
1136 within 30 days after expiration of any appellate time period of
1137 a final order requiring payment of restitution or the conclusion
1138 of any appeal thereof, whichever is later, the division must
1139 bring an action in circuit or county court on behalf of any
1140 association, class of unit owners, lessees, or purchasers for
1141 restitution, declaratory relief, injunctive relief, or any other
1142 available remedy. The division may also temporarily revoke its



798298

1143 acceptance of the filing for the developer to which the
1144 restitution relates until payment of restitution is made.

1145 4. The division may petition the court for appointment of a
1146 receiver or conservator. If appointed, the receiver or
1147 conservator may take action to implement the court order to
1148 ensure the performance of the order and to remedy any breach
1149 thereof. In addition to all other means provided by law for the
1150 enforcement of an injunction or temporary restraining order, the
1151 circuit court may impound or sequester the property of a party
1152 defendant, including books, papers, documents, and related
1153 records, and allow the examination and use of the property by
1154 the division and a court-appointed receiver or conservator.

1155 5. The division may apply to the circuit court for an order
1156 of restitution whereby the defendant in an action brought under
1157 subparagraph 4. is ordered to make restitution of those sums
1158 shown by the division to have been obtained by the defendant in
1159 violation of this chapter. At the option of the court, such
1160 restitution is payable to the conservator or receiver appointed
1161 under subparagraph 4. or directly to the persons whose funds or
1162 assets were obtained in violation of this chapter.

1163 6. The division may impose a civil penalty against a
1164 developer, bulk assignee, or bulk buyer, or association, or its
1165 assignee or agent, for any violation of this chapter or related
1166 rule. The division may impose a civil penalty individually
1167 against an officer or board member who willfully and knowingly
1168 violates this chapter, an adopted rule, or a final order of the
1169 division; may order the removal of such individual as an officer
1170 or from the board of administration or as an officer of the
1171 association; and may prohibit such individual from serving as an



798298

1172 officer or on the board of a community association for a period
1173 of time. The term "willfully and knowingly" means that the
1174 division informed the officer or board member that his or her
1175 action or intended action violates this chapter, a rule adopted
1176 under this chapter, or a final order of the division and that
1177 the officer or board member refused to comply with the
1178 requirements of this chapter, a rule adopted under this chapter,
1179 or a final order of the division. The division, before
1180 initiating formal agency action under chapter 120, must afford
1181 the officer or board member an opportunity to voluntarily
1182 comply, and an officer or board member who complies within 10
1183 days is not subject to a civil penalty. A penalty may be imposed
1184 on the basis of each day of continuing violation, but the
1185 penalty for any offense may not exceed \$5,000. The division
1186 shall adopt, by rule, penalty guidelines applicable to possible
1187 violations or to categories of violations of this chapter or
1188 rules adopted by the division. The guidelines must specify a
1189 meaningful range of civil penalties for each such violation of
1190 the statute and rules and must be based upon the harm caused by
1191 the violation, the repetition of the violation, and upon such
1192 other factors deemed relevant by the division. For example, the
1193 division may consider whether the violations were committed by a
1194 developer, bulk assignee, or bulk buyer, or owner-controlled
1195 association, the size of the association, and other factors. The
1196 guidelines must designate the possible mitigating or aggravating
1197 circumstances that justify a departure from the range of
1198 penalties provided by the rules. It is the legislative intent
1199 that minor violations be distinguished from those which endanger
1200 the health, safety, or welfare of the condominium residents or



798298

1201 other persons and that such guidelines provide reasonable and
1202 meaningful notice to the public of likely penalties that may be
1203 imposed for proscribed conduct. This subsection does not limit
1204 the ability of the division to informally dispose of
1205 administrative actions or complaints by stipulation, agreed
1206 settlement, or consent order. All amounts collected shall be
1207 deposited with the Chief Financial Officer to the credit of the
1208 Division of Florida Condominiums, Timeshares, and Mobile Homes
1209 Trust Fund. If a developer, bulk assignee, or bulk buyer fails
1210 to pay the civil penalty and the amount deemed to be owed to the
1211 association, the division shall issue an order directing that
1212 such developer, bulk assignee, or bulk buyer cease and desist
1213 from further operation until such time as the civil penalty is
1214 paid or may pursue enforcement of the penalty in a court of
1215 competent jurisdiction. If an association fails to pay the civil
1216 penalty, the division shall pursue enforcement in a court of
1217 competent jurisdiction, and the order imposing the civil penalty
1218 or the cease and desist order is not effective until 20 days
1219 after the date of such order. Any action commenced by the
1220 division shall be brought in the county in which the division
1221 has its executive offices or in the county where the violation
1222 occurred.

1223 7. If a unit owner presents the division with proof that
1224 the unit owner has requested access to official records in
1225 writing by certified mail, and that after 10 days the unit owner
1226 again made the same request for access to official records in
1227 writing by certified mail, and that more than 10 days has
1228 elapsed since the second request and the association has still
1229 failed or refused to provide access to official records as



798298

1230 required by this chapter, the division shall issue a subpoena
1231 requiring production of the requested records where the records
1232 are kept pursuant to s. 718.112.

1233 8. In addition to subparagraph 6., the division may seek
1234 the imposition of a civil penalty through the circuit court for
1235 any violation for which the division may issue a notice to show
1236 cause under paragraph (r). The civil penalty shall be at least
1237 \$500 but no more than \$5,000 for each violation. The court may
1238 also award to the prevailing party court costs and reasonable
1239 attorney fees and, if the division prevails, may also award
1240 reasonable costs of investigation.

1241 (e) The division may prepare and disseminate a prospectus
1242 and other information to assist prospective owners, purchasers,
1243 lessees, and developers of residential condominiums in assessing
1244 the rights, privileges, and duties pertaining thereto.

1245 (f) The division may adopt rules to administer and enforce
1246 this chapter.

1247 (g) The division shall establish procedures for providing
1248 notice to an association and the developer, bulk assignee, or
1249 bulk buyer during the period in which the developer, bulk
1250 assignee, or bulk buyer controls the association if the division
1251 is considering the issuance of a declaratory statement with
1252 respect to the declaration of condominium or any related
1253 document governing such condominium community.

1254 (h) The division shall furnish each association that pays
1255 the fees required by paragraph (2) (a) a copy of this chapter, as
1256 amended, and the rules adopted thereto on an annual basis.

1257 (i) The division shall annually provide each association
1258 with a summary of declaratory statements and formal legal



798298

1259 opinions relating to the operations of condominiums which were
1260 rendered by the division during the previous year.

1261 (j) The division shall provide training and educational
1262 programs for condominium association board members and unit
1263 owners. The training may, in the division's discretion, include
1264 web-based electronic media, and live training and seminars in
1265 various locations throughout the state. The division may review
1266 and approve education and training programs for board members
1267 and unit owners offered by providers and shall maintain a
1268 current list of approved programs and providers and make such
1269 list available to board members and unit owners in a reasonable
1270 and cost-effective manner.

1271 (k) The division shall maintain a toll-free telephone
1272 number accessible to condominium unit owners.

1273 (l) The division shall develop a program to certify both
1274 volunteer and paid mediators to provide mediation of condominium
1275 disputes. The division shall provide, upon request, a list of
1276 such mediators to any association, unit owner, or other
1277 participant in alternative dispute resolution proceedings under
1278 s. 718.1255 requesting a copy of the list. The division shall
1279 include on the list of volunteer mediators only the names of
1280 persons who have received at least 20 hours of training in
1281 mediation techniques or who have mediated at least 20 disputes.
1282 In order to become initially certified by the division, paid
1283 mediators must be certified by the Supreme Court to mediate
1284 court cases in county or circuit courts. However, the division
1285 may adopt, by rule, additional factors for the certification of
1286 paid mediators, which must be related to experience, education,
1287 or background. Any person initially certified as a paid mediator



798298

1288 by the division must, in order to continue to be certified,
1289 comply with the factors or requirements adopted by rule.

1290 (m) If a complaint is made, the division must conduct its
1291 inquiry with due regard for the interests of the affected
1292 parties. Within 30 days after receipt of a complaint, the
1293 division shall acknowledge the complaint in writing and notify
1294 the complainant whether the complaint is within the jurisdiction
1295 of the division and whether additional information is needed by
1296 the division from the complainant. The division shall conduct
1297 its investigation and, within 90 days after receipt of the
1298 original complaint or of timely requested additional
1299 information, take action upon the complaint. However, the
1300 failure to complete the investigation within 90 days does not
1301 prevent the division from continuing the investigation,
1302 accepting or considering evidence obtained or received after 90
1303 days, or taking administrative action if reasonable cause exists
1304 to believe that a violation of this chapter or a rule has
1305 occurred. If an investigation is not completed within the time
1306 limits established in this paragraph, the division shall, on a
1307 monthly basis, notify the complainant in writing of the status
1308 of the investigation. When reporting its action to the
1309 complainant, the division shall inform the complainant of any
1310 right to a hearing under ss. 120.569 and 120.57. The division
1311 may adopt rules regarding the submission of a complaint against
1312 an association.

1313 (n) Condominium association directors, officers, and
1314 employees; condominium developers; bulk assignees, bulk buyers,
1315 and community association managers; and community association
1316 management firms have an ongoing duty to reasonably cooperate



798298

1317 with the division in any investigation under this section. The
1318 division shall refer to local law enforcement authorities any
1319 person whom the division believes has altered, destroyed,
1320 concealed, or removed any record, document, or thing required to
1321 be kept or maintained by this chapter with the purpose to impair
1322 its verity or availability in the department's investigation.

1323 (o) The division may:

- 1324 1. Contract with agencies in this state or other
1325 jurisdictions to perform investigative functions; or
1326 2. Accept grants-in-aid from any source.

1327 (p) The division shall cooperate with similar agencies in
1328 other jurisdictions to establish uniform filing procedures and
1329 forms, public offering statements, advertising standards, and
1330 rules and common administrative practices.

1331 (q) The division shall consider notice to a developer, bulk
1332 assignee, or bulk buyer to be complete when it is delivered to
1333 the address of the developer, bulk assignee, or bulk buyer
1334 currently on file with the division.

1335 (r) In addition to its enforcement authority, the division
1336 may issue a notice to show cause, which must provide for a
1337 hearing, upon written request, in accordance with chapter 120.

1338 (s) The division shall submit to the Governor, the
1339 President of the Senate, the Speaker of the House of
1340 Representatives, and the chairs of the legislative
1341 appropriations committees an annual report that includes, but
1342 need not be limited to, the number of training programs provided
1343 for condominium association board members and unit owners, the
1344 number of complaints received by type, the number and percent of
1345 complaints acknowledged in writing within 30 days and the number



798298

1346 and percent of investigations acted upon within 90 days in
1347 accordance with paragraph (m), and the number of investigations
1348 exceeding the 90-day requirement. The annual report must also
1349 include an evaluation of the division's core business processes
1350 and make recommendations for improvements, including statutory
1351 changes. The report shall be submitted by September 30 following
1352 the end of the fiscal year.

1353 (3) (a) On or before January 1, 2023, condominium
1354 associations existing on or before July 1, 2022, must provide
1355 the following information to the division in writing, by e-mail,
1356 United States Postal Service, commercial delivery service, or
1357 hand delivery, at a physical address or e-mail address provided
1358 by the division and on a form posted on the division's website:

1359 1. The number of buildings on the condominium property that
1360 are three stories or higher in height.

1361 2. The total number of units in all such buildings.

1362 3. The addresses of all such buildings.

1363 4. The counties in which all such buildings are located.

1364 (b) The division must compile a list of the number of
1365 buildings on condominium property that are three stories or
1366 higher in height, which is searchable by county, and must post
1367 the list on the division's website. This list must include all
1368 of the following information:

1369 1. The name of each association with buildings on the
1370 condominium property that are three stories or higher in height.

1371 2. The number of such buildings on each association's
1372 property.

1373 3. The addresses of all such buildings.

1374 4. The counties in which all such buildings are located.



798298

1375 (c) An association must provide an update in writing to the
1376 division if there are any changes to the information in the list
1377 under paragraph (b) within 6 months after the change.

1378 Section 11. Present paragraphs (b) and (c) of subsection
1379 (2) of section 718.503, Florida Statutes, are redesignated as
1380 paragraphs (c) and (d), respectively, a new paragraph (b) is
1381 added to that subsection, and paragraph (b) of subsection (1)
1382 and paragraph (a) of subsection (2) of that section are amended,
1383 to read:

1384 718.503 Developer disclosure prior to sale; nondeveloper
1385 unit owner disclosure prior to sale; voidability.—

1386 (1) DEVELOPER DISCLOSURE.—

1387 (b) *Copies of documents to be furnished to prospective*
1388 *buyer or lessee.*—Until such time as the developer has furnished
1389 the documents listed below to a person who has entered into a
1390 contract to purchase a residential unit or lease it for more
1391 than 5 years, the contract may be voided by that person,
1392 entitling the person to a refund of any deposit together with
1393 interest thereon as provided in s. 718.202. The contract may be
1394 terminated by written notice from the proposed buyer or lessee
1395 delivered to the developer within 15 days after the buyer or
1396 lessee receives all of the documents required by this section.
1397 The developer may not close for 15 days after ~~following~~ the
1398 execution of the agreement and delivery of the documents to the
1399 buyer as evidenced by a signed receipt for documents unless the
1400 buyer is informed in the 15-day voidability period and agrees to
1401 close before ~~prior to~~ the expiration of the 15 days. The
1402 developer shall retain in his or her records a separate
1403 agreement signed by the buyer as proof of the buyer's agreement



798298

1404 to close before ~~prior to~~ the expiration of the ~~said~~ voidability
1405 period. The developer must retain such ~~said~~ proof ~~shall be~~
1406 ~~retained~~ for a period of 5 years after the date of the closing
1407 of the transaction. The documents to be delivered to the
1408 prospective buyer are the prospectus or disclosure statement
1409 with all exhibits, if the development is subject to ~~the~~
1410 ~~provisions of~~ s. 718.504, or, if not, then copies of the
1411 following which are applicable:

1412 1. The question and answer sheet described in s. 718.504,
1413 and declaration of condominium, or the proposed declaration if
1414 the declaration has not been recorded, which shall include the
1415 certificate of a surveyor approximately representing the
1416 locations required by s. 718.104.

1417 2. The documents creating the association.

1418 3. The bylaws.

1419 4. The ground lease or other underlying lease of the
1420 condominium.

1421 5. The management contract, maintenance contract, and other
1422 contracts for management of the association and operation of the
1423 condominium and facilities used by the unit owners having a
1424 service term in excess of 1 year, and any management contracts
1425 that are renewable.

1426 6. The estimated operating budget for the condominium and a
1427 schedule of expenses for each type of unit, including fees
1428 assessed pursuant to s. 718.113(1) for the maintenance of
1429 limited common elements where such costs are shared only by
1430 those entitled to use the limited common elements.

1431 7. The lease of recreational and other facilities that will
1432 be used only by unit owners of the subject condominium.



798298

1433 8. The lease of recreational and other common facilities
1434 that will be used by unit owners in common with unit owners of
1435 other condominiums.

1436 9. The form of unit lease if the offer is of a leasehold.

1437 10. Any declaration of servitude of properties serving the
1438 condominium but not owned by unit owners or leased to them or
1439 the association.

1440 11. If the development is to be built in phases or if the
1441 association is to manage more than one condominium, a
1442 description of the plan of phase development or the arrangements
1443 for the association to manage two or more condominiums.

1444 12. If the condominium is a conversion of existing
1445 improvements, the statements and disclosure required by s.
1446 718.616.

1447 13. The form of agreement for sale or lease of units.

1448 14. A copy of the floor plan of the unit and the plot plan
1449 showing the location of the residential buildings and the
1450 recreation and other common areas.

1451 15. A copy of all covenants and restrictions that ~~which~~
1452 will affect the use of the property and ~~which~~ are not contained
1453 in the foregoing.

1454 16. If the developer is required by state or local
1455 authorities to obtain acceptance or approval of any dock or
1456 marina facilities intended to serve the condominium, a copy of
1457 any such acceptance or approval acquired by the time of filing
1458 with the division under s. 718.502(1), or a statement that such
1459 acceptance or approval has not been acquired or received.

1460 17. Evidence demonstrating that the developer has an
1461 ownership, leasehold, or contractual interest in the land upon



798298

1462 which the condominium is to be developed.

1463 18. A copy of the inspector-prepared summary of the
1464 milestone inspection report as described in ss. 553.899 and
1465 718.301(4) (p).

1466 19. A copy of the association's most recent structural
1467 integrity reserve study or a statement that the association has
1468 not completed a structural integrity reserve study.

1469 (2) NONDEVELOPER DISCLOSURE.—

1470 (a) Each unit owner who is not a developer as defined by
1471 this chapter must ~~shall~~ comply with ~~the provisions of~~ this
1472 subsection before ~~prior to~~ the sale of his or her unit. Each
1473 prospective purchaser who has entered into a contract for the
1474 purchase of a condominium unit is entitled, at the seller's
1475 expense, to a current copy of all of the following:

1476 1. The declaration of condominium.┐

1477 2. Articles of incorporation of the association.┐

1478 3. Bylaws and rules of the association.┐

1479 4. Financial information required by s. 718.111.┐

1480 5. A copy of the inspector-prepared summary of the
1481 milestone inspection report as described in ss. 553.899 and
1482 718.301(4) (p), if applicable.

1483 6. The association's most recent structural integrity
1484 reserve study or a statement that the association has not
1485 completed a structural integrity reserve study.

1486 7. and The document entitled "Frequently Asked Questions
1487 and Answers" required by s. 718.504.

1488 (b) ~~On and after January 1, 2009,~~ The prospective purchaser
1489 is ~~shall~~ also ~~be~~ entitled to receive from the seller a copy of a
1490 governance form. Such form shall be provided by the division



798298

1491 summarizing governance of condominium associations. In addition
1492 to such other information as the division considers helpful to a
1493 prospective purchaser in understanding association governance,
1494 the governance form shall address the following subjects:

1495 1. The role of the board in conducting the day-to-day
1496 affairs of the association on behalf of, and in the best
1497 interests of, the owners.

1498 2. The board's responsibility to provide advance notice of
1499 board and membership meetings.

1500 3. The rights of owners to attend and speak at board and
1501 membership meetings.

1502 4. The responsibility of the board and of owners with
1503 respect to maintenance of the condominium property.

1504 5. The responsibility of the board and owners to abide by
1505 the condominium documents, this chapter, rules adopted by the
1506 division, and reasonable rules adopted by the board.

1507 6. Owners' rights to inspect and copy association records
1508 and the limitations on such rights.

1509 7. Remedies available to owners with respect to actions by
1510 the board which may be abusive or beyond the board's power and
1511 authority.

1512 8. The right of the board to hire a property management
1513 firm, subject to its own primary responsibility for such
1514 management.

1515 9. The responsibility of owners with regard to payment of
1516 regular or special assessments necessary for the operation of
1517 the property and the potential consequences of failure to pay
1518 such assessments.

1519 10. The voting rights of owners.



798298

1520 11. Rights and obligations of the board in enforcement of
1521 rules in the condominium documents and rules adopted by the
1522 board.

1523
1524 The governance form shall also include the following statement
1525 in conspicuous type: "This publication is intended as an
1526 informal educational overview of condominium governance. In the
1527 event of a conflict, the provisions of chapter 718, Florida
1528 Statutes, rules adopted by the Division of Florida Condominiums,
1529 Timeshares, and Mobile Homes of the Department of Business and
1530 Professional Regulation, the provisions of the condominium
1531 documents, and reasonable rules adopted by the condominium
1532 association's board of administration prevail over the contents
1533 of this publication."

1534 Section 12. Paragraph (f) of subsection (24) of section
1535 718.504, Florida Statutes, is amended, and paragraph (q) is
1536 added to that subsection, to read:

1537 718.504 Prospectus or offering circular.—Every developer of
1538 a residential condominium which contains more than 20
1539 residential units, or which is part of a group of residential
1540 condominiums which will be served by property to be used in
1541 common by unit owners of more than 20 residential units, shall
1542 prepare a prospectus or offering circular and file it with the
1543 Division of Florida Condominiums, Timeshares, and Mobile Homes
1544 prior to entering into an enforceable contract of purchase and
1545 sale of any unit or lease of a unit for more than 5 years and
1546 shall furnish a copy of the prospectus or offering circular to
1547 each buyer. In addition to the prospectus or offering circular,
1548 each buyer shall be furnished a separate page entitled



798298

1549 "Frequently Asked Questions and Answers," which shall be in
1550 accordance with a format approved by the division and a copy of
1551 the financial information required by s. 718.111. This page
1552 shall, in readable language, inform prospective purchasers
1553 regarding their voting rights and unit use restrictions,
1554 including restrictions on the leasing of a unit; shall indicate
1555 whether and in what amount the unit owners or the association is
1556 obligated to pay rent or land use fees for recreational or other
1557 commonly used facilities; shall contain a statement identifying
1558 that amount of assessment which, pursuant to the budget, would
1559 be levied upon each unit type, exclusive of any special
1560 assessments, and which shall further identify the basis upon
1561 which assessments are levied, whether monthly, quarterly, or
1562 otherwise; shall state and identify any court cases in which the
1563 association is currently a party of record in which the
1564 association may face liability in excess of \$100,000; and which
1565 shall further state whether membership in a recreational
1566 facilities association is mandatory, and if so, shall identify
1567 the fees currently charged per unit type. The division shall by
1568 rule require such other disclosure as in its judgment will
1569 assist prospective purchasers. The prospectus or offering
1570 circular may include more than one condominium, although not all
1571 such units are being offered for sale as of the date of the
1572 prospectus or offering circular. The prospectus or offering
1573 circular must contain the following information:

1574 (24) Copies of the following, to the extent they are
1575 applicable, shall be included as exhibits:

1576 (f) The estimated operating budget for the condominium, and
1577 the required schedule of unit owners' expenses, and the



798298

1578 association's most recent structural integrity reserve study or
1579 a statement that the association has not completed a structural
1580 integrity reserve study.

1581 (q) A copy of the inspector-prepared summary of the
1582 milestone inspection report as described in ss. 553.899 and
1583 718.301(4) (p), as applicable.

1584 Section 13. Subsections (24) through (28) of section
1585 719.103, Florida Statutes, are renumbered as subsections (25)
1586 through (29), respectively, and a new subsection (24) is added
1587 to that section to read:

1588 719.103 Definitions.—As used in this chapter:

1589 (24) "Structural integrity reserve study" means a study of
1590 the reserve funds required for future major repairs and
1591 replacement of the common areas based on a visual inspection of
1592 the common areas. A structural integrity reserve study may be
1593 performed by any person qualified to perform such study.
1594 However, the visual inspection portion of the structural
1595 integrity reserve study must be performed by an engineer
1596 licensed under chapter 471 or an architect licensed under
1597 chapter 481. At a minimum, a structural integrity reserve study
1598 must identify the common areas being visually inspected, state
1599 the estimated remaining useful life and the estimated
1600 replacement cost or deferred maintenance expense of the common
1601 areas being visually inspected, and provide a recommended annual
1602 reserve amount that achieves the estimated replacement cost or
1603 deferred maintenance expense of each common area being visually
1604 inspected by the end of the estimated remaining useful life of
1605 each common area.

1606 Section 14. Paragraphs (a) and (c) of subsection (2) of



798298

1607 section 719.104, Florida Statutes, are amended to read:
1608 719.104 Cooperatives; access to units; records; financial
1609 reports; assessments; purchase of leases.—
1610 (2) OFFICIAL RECORDS.—
1611 (a) From the inception of the association, the association
1612 shall maintain a copy of each of the following, where
1613 applicable, which shall constitute the official records of the
1614 association:
1615 1. The plans, permits, warranties, and other items provided
1616 by the developer pursuant to s. 719.301(4).
1617 2. A photocopy of the cooperative documents.
1618 3. A copy of the current rules of the association.
1619 4. A book or books containing the minutes of all meetings
1620 of the association, of the board of directors, and of the unit
1621 owners.
1622 5. A current roster of all unit owners and their mailing
1623 addresses, unit identifications, voting certifications, and, if
1624 known, telephone numbers. The association shall also maintain
1625 the e-mail addresses and the numbers designated by unit owners
1626 for receiving notice sent by electronic transmission of those
1627 unit owners consenting to receive notice by electronic
1628 transmission. The e-mail addresses and numbers provided by unit
1629 owners to receive notice by electronic transmission shall be
1630 removed from association records when consent to receive notice
1631 by electronic transmission is revoked. However, the association
1632 is not liable for an erroneous disclosure of the e-mail address
1633 or the number for receiving electronic transmission of notices.
1634 6. All current insurance policies of the association.
1635 7. A current copy of any management agreement, lease, or



798298

1636 other contract to which the association is a party or under
1637 which the association or the unit owners have an obligation or
1638 responsibility.

1639 8. Bills of sale or transfer for all property owned by the
1640 association.

1641 9. Accounting records for the association and separate
1642 accounting records for each unit it operates, according to good
1643 accounting practices. The accounting records shall include, but
1644 not be limited to:

1645 a. Accurate, itemized, and detailed records of all receipts
1646 and expenditures.

1647 b. A current account and a monthly, bimonthly, or quarterly
1648 statement of the account for each unit designating the name of
1649 the unit owner, the due date and amount of each assessment, the
1650 amount paid upon the account, and the balance due.

1651 c. All audits, reviews, accounting statements, structural
1652 integrity reserve studies, and financial reports of the
1653 association. Structural integrity reserve studies must be
1654 maintained for at least 15 years after the study is completed.

1655 d. All contracts for work to be performed. Bids for work to
1656 be performed shall also be considered official records and shall
1657 be maintained for a period of 1 year.

1658 10. Ballots, sign-in sheets, voting proxies, and all other
1659 papers and electronic records relating to voting by unit owners,
1660 which shall be maintained for a period of 1 year after the date
1661 of the election, vote, or meeting to which the document relates.

1662 11. All rental records where the association is acting as
1663 agent for the rental of units.

1664 12. A copy of the current question and answer sheet as



798298

1665 described in s. 719.504.

1666 13. All affirmative acknowledgments made pursuant to s.
1667 719.108(3)(b)3.

1668 14. A copy of the inspection reports described in s.
1669 553.899 and 719.301(4)(p) and any other inspection report
1670 relating to a structural or life safety inspection of the
1671 cooperative property. Such record must be maintained by the
1672 association for 15 years after receipt of the report.

1673 15. All other written records of the association not
1674 specifically included in the foregoing which are related to the
1675 operation of the association.

1676 (c) The official records of the association are open to
1677 inspection by any association member or the authorized
1678 representative of such member at all reasonable times. The right
1679 to inspect the records includes the right to make or obtain
1680 copies, at the reasonable expense, if any, of the association
1681 member. A renter of a unit has a right to inspect and copy only
1682 the association's bylaws and rules and the inspection reports
1683 described in ss. 553.899 and 719.301(4)(p). The association may
1684 adopt reasonable rules regarding the frequency, time, location,
1685 notice, and manner of record inspections and copying, but may
1686 not require a member to demonstrate any purpose or state any
1687 reason for the inspection. The failure of an association to
1688 provide the records within 10 working days after receipt of a
1689 written request creates a rebuttable presumption that the
1690 association willfully failed to comply with this paragraph. A
1691 member who is denied access to official records is entitled to
1692 the actual damages or minimum damages for the association's
1693 willful failure to comply. The minimum damages are \$50 per



798298

1694 calendar day for up to 10 days, beginning on the 11th working
1695 day after receipt of the written request. The failure to permit
1696 inspection entitles any person prevailing in an enforcement
1697 action to recover reasonable attorney fees from the person in
1698 control of the records who, directly or indirectly, knowingly
1699 denied access to the records. Any person who knowingly or
1700 intentionally defaces or destroys accounting records that are
1701 required by this chapter to be maintained during the period for
1702 which such records are required to be maintained, or who
1703 knowingly or intentionally fails to create or maintain
1704 accounting records that are required to be created or
1705 maintained, with the intent of causing harm to the association
1706 or one or more of its members, is personally subject to a civil
1707 penalty under s. 719.501(1)(d). The association shall maintain
1708 an adequate number of copies of the declaration, articles of
1709 incorporation, bylaws, and rules, and all amendments to each of
1710 the foregoing, as well as the question and answer sheet as
1711 described in s. 719.504 and year-end financial information
1712 required by the department, on the cooperative property to
1713 ensure their availability to members and prospective purchasers,
1714 and may charge its actual costs for preparing and furnishing
1715 these documents to those requesting the same. An association
1716 shall allow a member or his or her authorized representative to
1717 use a portable device, including a smartphone, tablet, portable
1718 scanner, or any other technology capable of scanning or taking
1719 photographs, to make an electronic copy of the official records
1720 in lieu of the association providing the member or his or her
1721 authorized representative with a copy of such records. The
1722 association may not charge a member or his or her authorized



798298

1723 representative for the use of a portable device. Notwithstanding
1724 this paragraph, the following records shall not be accessible to
1725 members:

1726 1. Any record protected by the lawyer-client privilege as
1727 described in s. 90.502 and any record protected by the work-
1728 product privilege, including any record prepared by an
1729 association attorney or prepared at the attorney's express
1730 direction which reflects a mental impression, conclusion,
1731 litigation strategy, or legal theory of the attorney or the
1732 association, and which was prepared exclusively for civil or
1733 criminal litigation or for adversarial administrative
1734 proceedings, or which was prepared in anticipation of such
1735 litigation or proceedings until the conclusion of the litigation
1736 or proceedings.

1737 2. Information obtained by an association in connection
1738 with the approval of the lease, sale, or other transfer of a
1739 unit.

1740 3. Personnel records of association or management company
1741 employees, including, but not limited to, disciplinary, payroll,
1742 health, and insurance records. For purposes of this
1743 subparagraph, the term "personnel records" does not include
1744 written employment agreements with an association employee or
1745 management company, or budgetary or financial records that
1746 indicate the compensation paid to an association employee.

1747 4. Medical records of unit owners.

1748 5. Social security numbers, driver license numbers, credit
1749 card numbers, e-mail addresses, telephone numbers, facsimile
1750 numbers, emergency contact information, addresses of a unit
1751 owner other than as provided to fulfill the association's notice



798298

1752 requirements, and other personal identifying information of any
1753 person, excluding the person's name, unit designation, mailing
1754 address, property address, and any address, e-mail address, or
1755 facsimile number provided to the association to fulfill the
1756 association's notice requirements. Notwithstanding the
1757 restrictions in this subparagraph, an association may print and
1758 distribute to unit owners a directory containing the name, unit
1759 address, and all telephone numbers of each unit owner. However,
1760 an owner may exclude his or her telephone numbers from the
1761 directory by so requesting in writing to the association. An
1762 owner may consent in writing to the disclosure of other contact
1763 information described in this subparagraph. The association is
1764 not liable for the inadvertent disclosure of information that is
1765 protected under this subparagraph if the information is included
1766 in an official record of the association and is voluntarily
1767 provided by an owner and not requested by the association.

1768 6. Electronic security measures that are used by the
1769 association to safeguard data, including passwords.

1770 7. The software and operating system used by the
1771 association which allow the manipulation of data, even if the
1772 owner owns a copy of the same software used by the association.
1773 The data is part of the official records of the association.

1774 8. All affirmative acknowledgments made pursuant to s.
1775 719.108(3)(b)3.

1776 Section 15. Paragraphs (k) through (m) of subsection (1) of
1777 section 719.106, Florida Statutes, are redesignated as
1778 paragraphs (m) through (o), respectively, paragraph (j) of
1779 subsection (1) is amended, and new paragraphs (k) and (l) are
1780 added to subsection (1) of that section, to read:



798298

1781 719.106 Bylaws; cooperative ownership.-

1782 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1783 documents shall provide for the following, and if they do not,
1784 they shall be deemed to include the following:

1785 (j) *Annual budget.*—

1786 1. The proposed annual budget of common expenses must ~~shall~~
1787 be detailed and must ~~shall~~ show the amounts budgeted by accounts
1788 and expense classifications, including, if applicable, but not
1789 limited to, those expenses listed in s. 719.504(20). The board
1790 of administration shall adopt the annual budget at least 14 days
1791 before ~~prior to~~ the start of the association's fiscal year. In
1792 the event that the board fails to timely adopt the annual budget
1793 a second time, it is ~~shall be~~ deemed a minor violation and the
1794 prior year's budget shall continue in effect until a new budget
1795 is adopted.

1796 2. In addition to annual operating expenses, the budget
1797 must ~~shall~~ include reserve accounts for capital expenditures and
1798 deferred maintenance. These accounts must ~~shall~~ include, but not
1799 be limited to, roof replacement, building painting, and pavement
1800 resurfacing, regardless of the amount of deferred maintenance
1801 expense or replacement cost, and for any other items for which
1802 the deferred maintenance expense or replacement cost exceeds
1803 \$10,000. The amount to be reserved for an item is determined by
1804 the association's most recent structural integrity reserve study
1805 that must be completed by December 31, 2024. If the amount to be
1806 reserved for an item is not in the association's initial or most
1807 recent structural integrity reserve study or the association has
1808 not completed a structural integrity reserve study, the amount
1809 must ~~shall~~ be computed by means of a formula which is based upon



798298

1810 estimated remaining useful life and estimated replacement cost
1811 or deferred maintenance expense of the each reserve item. The
1812 association may adjust replacement reserve assessments annually
1813 to take into account any changes in estimates or extension of
1814 the useful life of a reserve item caused by deferred
1815 maintenance. ~~This paragraph shall not apply to any budget in~~
1816 ~~which~~ The members of a unit-owner controlled an association may
1817 determine have, at a duly called meeting of the association,
1818 ~~determined~~ for a fiscal year to provide no reserves or reserves
1819 less adequate than required by this subsection. Before turnover
1820 of control of an association by a developer to unit owners other
1821 than a developer under s. 719.301, the developer-controlled
1822 association may not vote to waive the reserves or reduce funding
1823 of the reserves. Effective December 31, 2024, a unit-owner
1824 controlled association may not determine to provide no reserves
1825 or reserves less adequate than required by this paragraph for
1826 items listed in paragraph (k) ~~However, prior to turnover of~~
1827 ~~control of an association by a developer to unit owners other~~
1828 ~~than a developer pursuant to s. 719.301, the developer may vote~~
1829 ~~to waive the reserves or reduce the funding of reserves for the~~
1830 ~~first 2 years of the operation of the association after which~~
1831 ~~time reserves may only be waived or reduced upon the vote of a~~
1832 ~~majority of all nondeveloper voting interests voting in person~~
1833 ~~or by limited proxy at a duly called meeting of the association.~~
1834 If a meeting of the unit owners has been called to determine to
1835 provide no reserves, or reserves less adequate than required,
1836 and such result is not attained or a quorum is not attained, the
1837 reserves as included in the budget shall go into effect.

1838 3. Reserve funds and any interest accruing thereon shall



798298

1839 remain in the reserve account or accounts, and shall be used
1840 only for authorized reserve expenditures unless their use for
1841 other purposes is approved in advance by a vote of the majority
1842 of the voting interests, voting in person or by limited proxy at
1843 a duly called meeting of the association. ~~Before~~ ~~Prior to~~
1844 turnover of control of an association by a developer to unit
1845 owners other than the developer under s. 719.301, the developer
1846 may not vote to use reserves for purposes other than that for
1847 which they were intended ~~without the approval of a majority of~~
1848 ~~all nondeveloper voting interests, voting in person or by~~
1849 ~~limited proxy at a duly called meeting of the association.~~

1850 Effective December 31, 2024, members of a unit-owner controlled
1851 association may not vote to use reserve funds, or any interest
1852 accruing thereon, that are reserved for items listed in
1853 paragraph (k) for purposes other than their intended purpose.

1854 (k) Structural integrity reserve study.—

1855 1. An association must have a structural integrity reserve
1856 study completed at least every 10 years for each building on the
1857 cooperative property that is three stories or higher in height
1858 that includes, at a minimum, a study of the following items as
1859 related to the structural integrity and safety of the building:

1860 a. Roof.

1861 b. Load-bearing walls or other primary structural members.

1862 c. Floor.

1863 d. Foundation.

1864 e. Fireproofing and fire protection systems.

1865 f. Plumbing.

1866 g. Electrical systems.

1867 h. Waterproofing and exterior painting.



798298

1868 i. Windows.

1869 j. Any other item that has a deferred maintenance expense
1870 or replacement cost that exceeds \$10,000 and the failure to
1871 replace or maintain such item negatively affects the items
1872 listed in subparagraphs a.-i., as determined by the licensed
1873 engineer or architect performing the visual inspection portion
1874 of the structural integrity reserve study.

1875 2. Before a developer turns over control of an association
1876 to unit owners other than the developer, the developer must have
1877 a structural integrity reserve study completed for each building
1878 on the cooperative property that is three stories or higher in
1879 height.

1880 3. Associations existing on or before July 1, 2022, which
1881 are controlled by unit owners other than the developer, must
1882 have a structural integrity reserve study completed by December
1883 31, 2024, for each building on the cooperative property that is
1884 three stories or higher in height.

1885 4. If an association fails to complete a structural
1886 integrity reserve study pursuant to this paragraph, such failure
1887 is a breach of an officer's and director's fiduciary
1888 relationship to the unit owners under s. 719.104(8).

1889 (1) Mandatory milestone inspections.—If an association is
1890 required to have a milestone inspection performed pursuant to s.
1891 553.899, the association must arrange for the milestone
1892 inspection to be performed and is responsible for ensuring
1893 compliance with the requirements of s. 553.899. The association
1894 is responsible for all costs associated with the inspection. If
1895 the officers or directors of an association willfully and
1896 knowingly fail to have a milestone inspection performed pursuant



798298

1897 to s. 553.899, such failure is a breach of the officers' and
1898 directors' fiduciary relationship to the unit owners under s.
1899 719.104(8)(a). Upon completion of a phase one or phase two
1900 milestone inspection and receipt of the inspector-prepared
1901 summary of the inspection report from the architect or engineer
1902 who performed the inspection, the association must distribute a
1903 copy of the inspector-prepared summary of the inspection report
1904 to each unit owner, regardless of the findings or
1905 recommendations in the report, by United States mail or personal
1906 delivery and by electronic transmission to unit owners who
1907 previously consented to receive notice by electronic
1908 transmission; must post a copy of the inspector-prepared summary
1909 in a conspicuous place on the cooperative property; and must
1910 publish the full report and inspector-prepared summary on the
1911 association's website, if the association is required to have a
1912 website.

1913 Section 16. Paragraphs (p) and (q) are added to subsection
1914 (4) of section 719.301, Florida Statutes, to read:

1915 719.301 Transfer of association control.—

1916 (4) When unit owners other than the developer elect a
1917 majority of the members of the board of administration of an
1918 association, the developer shall relinquish control of the
1919 association, and the unit owners shall accept control.
1920 Simultaneously, or for the purpose of paragraph (c) not more
1921 than 90 days thereafter, the developer shall deliver to the
1922 association, at the developer's expense, all property of the
1923 unit owners and of the association held or controlled by the
1924 developer, including, but not limited to, the following items,
1925 if applicable, as to each cooperative operated by the



798298

1926 association:

1927 (p) Notwithstanding when the certificate of occupancy was
1928 issued or the height of the building, a milestone inspection
1929 report in compliance with s. 553.899 included in the official
1930 records, under seal of an architect or engineer authorized to
1931 practice in this state, attesting to required maintenance,
1932 condition, useful life, and replacement costs of the following
1933 applicable cooperative property comprising a turnover inspection
1934 report:

1935 1. Roof.

1936 2. Structure, including load-bearing walls and primary
1937 structural members and primary structural systems as those terms
1938 are defined in s. 627.706.

1939 3. Fireproofing and fire protection systems.

1940 4. Elevators.

1941 5. Heating and cooling systems.

1942 6. Plumbing.

1943 7. Electrical systems.

1944 8. Swimming pool or spa and equipment.

1945 9. Seawalls.

1946 10. Pavement and parking areas.

1947 11. Drainage systems.

1948 12. Painting.

1949 13. Irrigation systems.

1950 14. Waterproofing.

1951 (q) A copy of the association's most recent structural
1952 integrity reserve study.

1953 Section 17. Subsection (1) of section 719.501, Florida
1954 Statutes, is amended, and subsection (3) is added to that



798298

1955 section, to read:

1956 719.501 Powers and duties of Division of Florida
1957 Condominiums, Timeshares, and Mobile Homes.—

1958 (1) The Division of Florida Condominiums, Timeshares, and
1959 Mobile Homes of the Department of Business and Professional
1960 Regulation, referred to as the "division" in this part, in
1961 addition to other powers and duties prescribed by chapter 718,
1962 has the power to enforce and ensure compliance with this chapter
1963 and adopted rules relating to the development, construction,
1964 sale, lease, ownership, operation, and management of residential
1965 cooperative units, complaints related to the procedural
1966 completion of the structural integrity reserve studies under s.
1967 719.106(1)(k), and complaints related to the procedural
1968 completion of milestone inspections under s. 553.899. In
1969 performing its duties, the division shall have the following
1970 powers and duties:

1971 (a) The division may make necessary public or private
1972 investigations within or outside this state to determine whether
1973 any person has violated this chapter or any rule or order
1974 hereunder, to aid in the enforcement of this chapter, or to aid
1975 in the adoption of rules or forms hereunder.

1976 (b) The division may require or permit any person to file a
1977 statement in writing, under oath or otherwise, as the division
1978 determines, as to the facts and circumstances concerning a
1979 matter to be investigated.

1980 (c) For the purpose of any investigation under this
1981 chapter, the division director or any officer or employee
1982 designated by the division director may administer oaths or
1983 affirmations, subpoena witnesses and compel their attendance,



798298

1984 take evidence, and require the production of any matter which is
1985 relevant to the investigation, including the existence,
1986 description, nature, custody, condition, and location of any
1987 books, documents, or other tangible things and the identity and
1988 location of persons having knowledge of relevant facts or any
1989 other matter reasonably calculated to lead to the discovery of
1990 material evidence. Upon failure by a person to obey a subpoena
1991 or to answer questions propounded by the investigating officer
1992 and upon reasonable notice to all persons affected thereby, the
1993 division may apply to the circuit court for an order compelling
1994 compliance.

1995 (d) Notwithstanding any remedies available to unit owners
1996 and associations, if the division has reasonable cause to
1997 believe that a violation of any provision of this chapter or
1998 related rule has occurred, the division may institute
1999 enforcement proceedings in its own name against a developer,
2000 association, officer, or member of the board, or its assignees
2001 or agents, as follows:

2002 1. The division may permit a person whose conduct or
2003 actions may be under investigation to waive formal proceedings
2004 and enter into a consent proceeding whereby orders, rules, or
2005 letters of censure or warning, whether formal or informal, may
2006 be entered against the person.

2007 2. The division may issue an order requiring the developer,
2008 association, officer, or member of the board, or its assignees
2009 or agents, to cease and desist from the unlawful practice and
2010 take such affirmative action as in the judgment of the division
2011 will carry out the purposes of this chapter. Such affirmative
2012 action may include, but is not limited to, an order requiring a



798298

2013 developer to pay moneys determined to be owed to a condominium
2014 association.

2015 3. The division may bring an action in circuit court on
2016 behalf of a class of unit owners, lessees, or purchasers for
2017 declaratory relief, injunctive relief, or restitution.

2018 4. The division may impose a civil penalty against a
2019 developer or association, or its assignees or agents, for any
2020 violation of this chapter or related rule. The division may
2021 impose a civil penalty individually against any officer or board
2022 member who willfully and knowingly violates a provision of this
2023 chapter, a rule adopted pursuant to this chapter, or a final
2024 order of the division. The term "willfully and knowingly" means
2025 that the division informed the officer or board member that his
2026 or her action or intended action violates this chapter, a rule
2027 adopted under this chapter, or a final order of the division,
2028 and that the officer or board member refused to comply with the
2029 requirements of this chapter, a rule adopted under this chapter,
2030 or a final order of the division. The division, prior to
2031 initiating formal agency action under chapter 120, shall afford
2032 the officer or board member an opportunity to voluntarily comply
2033 with this chapter, a rule adopted under this chapter, or a final
2034 order of the division. An officer or board member who complies
2035 within 10 days is not subject to a civil penalty. A penalty may
2036 be imposed on the basis of each day of continuing violation, but
2037 in no event shall the penalty for any offense exceed \$5,000. By
2038 January 1, 1998, the division shall adopt, by rule, penalty
2039 guidelines applicable to possible violations or to categories of
2040 violations of this chapter or rules adopted by the division. The
2041 guidelines must specify a meaningful range of civil penalties



798298

2042 for each such violation of the statute and rules and must be
2043 based upon the harm caused by the violation, the repetition of
2044 the violation, and upon such other factors deemed relevant by
2045 the division. For example, the division may consider whether the
2046 violations were committed by a developer or owner-controlled
2047 association, the size of the association, and other factors. The
2048 guidelines must designate the possible mitigating or aggravating
2049 circumstances that justify a departure from the range of
2050 penalties provided by the rules. It is the legislative intent
2051 that minor violations be distinguished from those which endanger
2052 the health, safety, or welfare of the cooperative residents or
2053 other persons and that such guidelines provide reasonable and
2054 meaningful notice to the public of likely penalties that may be
2055 imposed for proscribed conduct. This subsection does not limit
2056 the ability of the division to informally dispose of
2057 administrative actions or complaints by stipulation, agreed
2058 settlement, or consent order. All amounts collected shall be
2059 deposited with the Chief Financial Officer to the credit of the
2060 Division of Florida Condominiums, Timeshares, and Mobile Homes
2061 Trust Fund. If a developer fails to pay the civil penalty, the
2062 division shall thereupon issue an order directing that such
2063 developer cease and desist from further operation until such
2064 time as the civil penalty is paid or may pursue enforcement of
2065 the penalty in a court of competent jurisdiction. If an
2066 association fails to pay the civil penalty, the division shall
2067 thereupon pursue enforcement in a court of competent
2068 jurisdiction, and the order imposing the civil penalty or the
2069 cease and desist order shall not become effective until 20 days
2070 after the date of such order. Any action commenced by the



798298

2071 division shall be brought in the county in which the division
2072 has its executive offices or in the county where the violation
2073 occurred.

2074 (e) The division may prepare and disseminate a prospectus
2075 and other information to assist prospective owners, purchasers,
2076 lessees, and developers of residential cooperatives in assessing
2077 the rights, privileges, and duties pertaining thereto.

2078 (f) The division has authority to adopt rules pursuant to
2079 ss. 120.536(1) and 120.54 to implement and enforce the
2080 provisions of this chapter.

2081 (g) The division shall establish procedures for providing
2082 notice to an association when the division is considering the
2083 issuance of a declaratory statement with respect to the
2084 cooperative documents governing such cooperative community.

2085 (h) The division shall furnish each association which pays
2086 the fees required by paragraph (2) (a) a copy of this act,
2087 subsequent changes to this act on an annual basis, an amended
2088 version of this act as it becomes available from the Secretary
2089 of State's office on a biennial basis, and the rules adopted
2090 thereto on an annual basis.

2091 (i) The division shall annually provide each association
2092 with a summary of declaratory statements and formal legal
2093 opinions relating to the operations of cooperatives which were
2094 rendered by the division during the previous year.

2095 (j) The division shall adopt uniform accounting principles,
2096 policies, and standards to be used by all associations in the
2097 preparation and presentation of all financial statements
2098 required by this chapter. The principles, policies, and
2099 standards shall take into consideration the size of the



798298

2100 association and the total revenue collected by the association.

2101 (k) The division shall provide training and educational
2102 programs for cooperative association board members and unit
2103 owners. The training may, in the division's discretion, include
2104 web-based electronic media, and live training and seminars in
2105 various locations throughout the state. The division may review
2106 and approve education and training programs for board members
2107 and unit owners offered by providers and shall maintain a
2108 current list of approved programs and providers and make such
2109 list available to board members and unit owners in a reasonable
2110 and cost-effective manner.

2111 (l) The division shall maintain a toll-free telephone
2112 number accessible to cooperative unit owners.

2113 (m) When a complaint is made to the division, the division
2114 shall conduct its inquiry with reasonable dispatch and with due
2115 regard to the interests of the affected parties. Within 30 days
2116 after receipt of a complaint, the division shall acknowledge the
2117 complaint in writing and notify the complainant whether the
2118 complaint is within the jurisdiction of the division and whether
2119 additional information is needed by the division from the
2120 complainant. The division shall conduct its investigation and
2121 shall, within 90 days after receipt of the original complaint or
2122 timely requested additional information, take action upon the
2123 complaint. However, the failure to complete the investigation
2124 within 90 days does not prevent the division from continuing the
2125 investigation, accepting or considering evidence obtained or
2126 received after 90 days, or taking administrative action if
2127 reasonable cause exists to believe that a violation of this
2128 chapter or a rule of the division has occurred. If an



798298

2129 investigation is not completed within the time limits
2130 established in this paragraph, the division shall, on a monthly
2131 basis, notify the complainant in writing of the status of the
2132 investigation. When reporting its action to the complainant, the
2133 division shall inform the complainant of any right to a hearing
2134 pursuant to ss. 120.569 and 120.57.

2135 (n) The division shall develop a program to certify both
2136 volunteer and paid mediators to provide mediation of cooperative
2137 disputes. The division shall provide, upon request, a list of
2138 such mediators to any association, unit owner, or other
2139 participant in arbitration proceedings under s. 718.1255
2140 requesting a copy of the list. The division shall include on the
2141 list of voluntary mediators only persons who have received at
2142 least 20 hours of training in mediation techniques or have
2143 mediated at least 20 disputes. In order to become initially
2144 certified by the division, paid mediators must be certified by
2145 the Supreme Court to mediate court cases in county or circuit
2146 courts. However, the division may adopt, by rule, additional
2147 factors for the certification of paid mediators, which factors
2148 must be related to experience, education, or background. Any
2149 person initially certified as a paid mediator by the division
2150 must, in order to continue to be certified, comply with the
2151 factors or requirements imposed by rules adopted by the
2152 division.

2153 (3) (a) On or before January 1, 2023, cooperative
2154 associations existing on or before July 1, 2022, must provide
2155 the following information to the division in writing, by e-mail,
2156 United States Postal Service, commercial delivery service, or
2157 hand delivery, at a physical address or e-mail address provided



798298

2158 by the division and on a form posted on the division's website:

2159 1. The number of buildings on the cooperative property that
2160 are three stories or higher in height.

2161 2. The total number of units in all such buildings.

2162 3. The addresses of all such buildings.

2163 4. The counties in which all such buildings are located.

2164 (b) The division must compile a list of the number of
2165 buildings on cooperative property that are three stories or
2166 higher in height, which is searchable by county, and must post
2167 the list on the division's website. This list must include all
2168 of the following information:

2169 1. The name of each association with buildings on the
2170 cooperative property that are three stories or higher in height.

2171 2. The number of such buildings on each association's
2172 property.

2173 3. The addresses of all such buildings.

2174 4. The counties in which all such buildings are located.

2175 (c) An association must provide an update in writing to the
2176 division if there are any changes to the information in the list
2177 under paragraph (b) within 6 months after the change.

2178 Section 18. Paragraph (b) of subsection (1) and paragraph
2179 (a) of subsection (2) of section 719.503, Florida Statutes, are
2180 amended to read:

2181 719.503 Disclosure prior to sale.—

2182 (1) DEVELOPER DISCLOSURE.—

2183 (b) *Copies of documents to be furnished to prospective*
2184 *buyer or lessee.*—Until such time as the developer has furnished
2185 the documents listed below to a person who has entered into a
2186 contract to purchase a unit or lease it for more than 5 years,



798298

2187 the contract may be voided by that person, entitling the person
2188 to a refund of any deposit together with interest thereon as
2189 provided in s. 719.202. The contract may be terminated by
2190 written notice from the proposed buyer or lessee delivered to
2191 the developer within 15 days after the buyer or lessee receives
2192 all of the documents required by this section. The developer may
2193 ~~shall~~ not close for 15 days after ~~following~~ the execution of the
2194 agreement and delivery of the documents to the buyer as
2195 evidenced by a receipt for documents signed by the buyer unless
2196 the buyer is informed in the 15-day voidability period and
2197 agrees to close before ~~prior to~~ the expiration of the 15 days.
2198 The developer shall retain in his or her records a separate
2199 signed agreement as proof of the buyer's agreement to close
2200 before ~~prior to~~ the expiration of the said voidability period.
2201 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for
2202 a period of 5 years after the date of the closing transaction.
2203 The documents to be delivered to the prospective buyer are the
2204 prospectus or disclosure statement with all exhibits, if the
2205 development is subject to ~~the provisions of~~ s. 719.504, or, if
2206 not, then copies of the following which are applicable:
2207 1. The question and answer sheet described in s. 719.504,
2208 and cooperative documents, or the proposed cooperative documents
2209 if the documents have not been recorded, which shall include the
2210 certificate of a surveyor approximately representing the
2211 locations required by s. 719.104.
2212 2. The documents creating the association.
2213 3. The bylaws.
2214 4. The ground lease or other underlying lease of the
2215 cooperative.



798298

2216 5. The management contract, maintenance contract, and other
2217 contracts for management of the association and operation of the
2218 cooperative and facilities used by the unit owners having a
2219 service term in excess of 1 year, and any management contracts
2220 that are renewable.

2221 6. The estimated operating budget for the cooperative and a
2222 schedule of expenses for each type of unit, including fees
2223 assessed to a shareholder who has exclusive use of limited
2224 common areas, where such costs are shared only by those entitled
2225 to use such limited common areas.

2226 7. The lease of recreational and other facilities that will
2227 be used only by unit owners of the subject cooperative.

2228 8. The lease of recreational and other common areas that
2229 will be used by unit owners in common with unit owners of other
2230 cooperatives.

2231 9. The form of unit lease if the offer is of a leasehold.

2232 10. Any declaration of servitude of properties serving the
2233 cooperative but not owned by unit owners or leased to them or
2234 the association.

2235 11. If the development is to be built in phases or if the
2236 association is to manage more than one cooperative, a
2237 description of the plan of phase development or the arrangements
2238 for the association to manage two or more cooperatives.

2239 12. If the cooperative is a conversion of existing
2240 improvements, the statements and disclosure required by s.
2241 719.616.

2242 13. The form of agreement for sale or lease of units.

2243 14. A copy of the floor plan of the unit and the plot plan
2244 showing the location of the residential buildings and the



798298

2245 recreation and other common areas.

2246 15. A copy of all covenants and restrictions that ~~which~~
2247 will affect the use of the property and ~~which~~ are not contained
2248 in the foregoing.

2249 16. If the developer is required by state or local
2250 authorities to obtain acceptance or approval of any dock or
2251 marina facilities intended to serve the cooperative, a copy of
2252 any such acceptance or approval acquired by the time of filing
2253 with the division pursuant to s. 719.502(1) or a statement that
2254 such acceptance or approval has not been acquired or received.

2255 17. Evidence demonstrating that the developer has an
2256 ownership, leasehold, or contractual interest in the land upon
2257 which the cooperative is to be developed.

2258 18. A copy of the inspector-prepared summary of the
2259 milestone inspection report as described in ss. 553.899 and
2260 719.301(4) (p), if applicable.

2261 19. A copy of the association's most recent structural
2262 integrity reserve study or a statement that the association has
2263 not completed a structural integrity reserve study.

2264 (2) NONDEVELOPER DISCLOSURE.—

2265 (a) Each unit owner who is not a developer as defined by
2266 this chapter must comply with ~~the provisions of~~ this subsection
2267 before ~~prior to~~ the sale of his or her interest in the
2268 association. Each prospective purchaser who has entered into a
2269 contract for the purchase of an interest in a cooperative is
2270 entitled, at the seller's expense, to a current copy of all of
2271 the following:

2272 1. The articles of incorporation of the association.7

2273 2. The bylaws7 and rules of the association.



798298

2274 3. ~~as well as~~ A copy of the question and answer sheet as
2275 provided in s. 719.504.

2276 4. A copy of the inspector-prepared summary of the
2277 milestone inspection report as described in ss. 553.899 and
2278 719.301(4)(p), if applicable.

2279 5. A copy of the association's most recent structural
2280 integrity reserve study or a statement that the association has
2281 not completed a structural integrity reserve study.

2282 Section 19. Paragraphs (q) and (r) are added to subsection
2283 (23) of section 719.504, Florida Statutes, to read:

2284 719.504 Prospectus or offering circular.—Every developer of
2285 a residential cooperative which contains more than 20
2286 residential units, or which is part of a group of residential
2287 cooperatives which will be served by property to be used in
2288 common by unit owners of more than 20 residential units, shall
2289 prepare a prospectus or offering circular and file it with the
2290 Division of Florida Condominiums, Timeshares, and Mobile Homes
2291 prior to entering into an enforceable contract of purchase and
2292 sale of any unit or lease of a unit for more than 5 years and
2293 shall furnish a copy of the prospectus or offering circular to
2294 each buyer. In addition to the prospectus or offering circular,
2295 each buyer shall be furnished a separate page entitled
2296 "Frequently Asked Questions and Answers," which must be in
2297 accordance with a format approved by the division. This page
2298 must, in readable language: inform prospective purchasers
2299 regarding their voting rights and unit use restrictions,
2300 including restrictions on the leasing of a unit; indicate
2301 whether and in what amount the unit owners or the association is
2302 obligated to pay rent or land use fees for recreational or other



798298

2303 commonly used facilities; contain a statement identifying that
2304 amount of assessment which, pursuant to the budget, would be
2305 levied upon each unit type, exclusive of any special
2306 assessments, and which identifies the basis upon which
2307 assessments are levied, whether monthly, quarterly, or
2308 otherwise; state and identify any court cases in which the
2309 association is currently a party of record in which the
2310 association may face liability in excess of \$100,000; and state
2311 whether membership in a recreational facilities association is
2312 mandatory and, if so, identify the fees currently charged per
2313 unit type. The division shall by rule require such other
2314 disclosure as in its judgment will assist prospective
2315 purchasers. The prospectus or offering circular may include more
2316 than one cooperative, although not all such units are being
2317 offered for sale as of the date of the prospectus or offering
2318 circular. The prospectus or offering circular must contain the
2319 following information:

2320 (23) Copies of the following, to the extent they are
2321 applicable, shall be included as exhibits:

2322 (q) A copy of the inspector-prepared summary of the
2323 milestone inspection report as described in ss. 553.899 and
2324 719.301(4)(p), if applicable.

2325 (r) The association's most recent structural integrity
2326 reserve study or a statement that the association has not
2327 completed a structural integrity reserve study.

2328 Section 20. Paragraphs (d) and (k) of subsection (10) of
2329 section 720.303, Florida Statutes, are amended to read:

2330 720.303 Association powers and duties; meetings of board;
2331 official records; budgets; financial reporting; association



798298

2332 funds; recalls.—

2333 (10) RECALL OF DIRECTORS.—

2334 (d) If the board determines not to certify the written
2335 agreement or written ballots to recall a director or directors
2336 of the board or does not certify the recall by a vote at a
2337 meeting, the board shall, within 5 full business days after the
2338 meeting, file an action with a court of competent jurisdiction
2339 or file with the department a petition for binding arbitration
2340 under the applicable procedures in ss. 718.112(2)(k) ~~ss.~~
2341 ~~718.112(2)(j)~~ and 718.1255 and the rules adopted thereunder. For
2342 the purposes of this section, the members who voted at the
2343 meeting or who executed the agreement in writing shall
2344 constitute one party under the petition for arbitration or in a
2345 court action. If the arbitrator or court certifies the recall as
2346 to any director or directors of the board, the recall will be
2347 effective upon the final order of the court or the mailing of
2348 the final order of arbitration to the association. The director
2349 or directors so recalled shall deliver to the board any and all
2350 records of the association in their possession within 5 full
2351 business days after the effective date of the recall.

2352 (k) A board member who has been recalled may file an action
2353 with a court of competent jurisdiction or a petition under ss.
2354 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and 718.1255 and the rules
2355 adopted challenging the validity of the recall. The petition or
2356 action must be filed within 60 days after the recall is deemed
2357 certified. The association and the parcel owner representative
2358 shall be named as respondents.

2359 Section 21. Subsection (1) of section 720.311, Florida
2360 Statutes, is amended to read:



798298

2361 720.311 Dispute resolution.-

2362 (1) The Legislature finds that alternative dispute
2363 resolution has made progress in reducing court dockets and
2364 trials and in offering a more efficient, cost-effective option
2365 to litigation. The filing of any petition for arbitration or the
2366 serving of a demand for presuit mediation as provided for in
2367 this section shall toll the applicable statute of limitations.
2368 Any recall dispute filed with the department under s.
2369 720.303(10) shall be conducted by the department in accordance
2370 with the provisions of ss. 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and
2371 718.1255 and the rules adopted by the division. In addition, the
2372 department shall conduct binding arbitration of election
2373 disputes between a member and an association in accordance with
2374 s. 718.1255 and rules adopted by the division. Election disputes
2375 and recall disputes are not eligible for presuit mediation;
2376 these disputes must be arbitrated by the department or filed in
2377 a court of competent jurisdiction. At the conclusion of an
2378 arbitration proceeding, the department shall charge the parties
2379 a fee in an amount adequate to cover all costs and expenses
2380 incurred by the department in conducting the proceeding.
2381 Initially, the petitioner shall remit a filing fee of at least
2382 \$200 to the department. The fees paid to the department shall
2383 become a recoverable cost in the arbitration proceeding, and the
2384 prevailing party in an arbitration proceeding shall recover its
2385 reasonable costs and attorney fees in an amount found reasonable
2386 by the arbitrator. The department shall adopt rules to
2387 effectuate the purposes of this section.

2388 Section 22. Subsection (6) of section 721.15, Florida
2389 Statutes, is amended to read:



798298

2390 721.15 Assessments for common expenses.-
2391 (6) Notwithstanding any contrary requirements of s.
2392 718.112(2)(h) ~~s. 718.112(2)(g)~~ or s. 719.106(1)(g), for
2393 timeshare plans subject to this chapter, assessments against
2394 purchasers need not be made more frequently than annually.
2395 Section 23. This act shall take effect upon becoming a law.

2396
2397 ===== T I T L E A M E N D M E N T =====

2398 And the title is amended as follows:

2399 Delete everything before the enacting clause
2400 and insert:

2401 A bill to be entitled
2402 An act relating to building safety; amending s.
2403 553.844, F.S.; providing that the entire roofing
2404 system or roof section of certain existing buildings
2405 or structures does not have to be repaired, replaced,
2406 or recovered in accordance with the Florida Building
2407 Code under certain circumstances; requiring the
2408 Florida Building Commission to adopt rules and
2409 incorporate the rules into the building code;
2410 prohibiting local governments from adopting certain
2411 administrative or technical amendments to the building
2412 code; amending s. 468.4334, F.S.; requiring community
2413 association managers and community association
2414 management firms to comply with a specified provision
2415 under certain circumstances; creating s. 553.899,
2416 F.S.; providing legislative findings; defining the
2417 terms "milestone inspection" and "substantial
2418 structural deterioration"; specifying that the purpose



798298

2419 of a milestone inspection is not to determine
2420 compliance with the Florida Building Code or the
2421 firesafety code; requiring condominium associations
2422 and cooperative associations to have milestone
2423 inspections performed on certain buildings at
2424 specified times; specifying that such associations are
2425 responsible for costs relating to milestone
2426 inspections; providing applicability; requiring that
2427 initial milestone inspections for certain buildings be
2428 performed before a specified date; requiring local
2429 enforcement agencies to provide certain written notice
2430 to condominium associations and cooperative
2431 associations; requiring condominium associations and
2432 cooperative associations to complete phase one of a
2433 milestone inspection within a specified timeframe;
2434 specifying that milestone inspections consist of two
2435 phases; providing requirements for each phase of a
2436 milestone inspection; requiring architects and
2437 engineers performing a milestone inspection to submit
2438 a sealed copy of the inspection report and a summary
2439 that includes specified findings and recommendations
2440 to certain entities; providing requirements for such
2441 inspection reports; requiring condominium associations
2442 and cooperative associations to distribute and post a
2443 copy of each inspection report and summary in a
2444 specified manner; authorizing local enforcement
2445 agencies to prescribe timelines and penalties relating
2446 to milestone inspections; authorizing boards of county
2447 commissioners to adopt certain ordinances relating to



798298

2448 repairs for substantial structural deterioration;
2449 requiring local enforcement agencies to review and
2450 determine if a building is unsafe for human occupancy
2451 under certain circumstances; requiring the Florida
2452 Building Commission to review milestone inspection
2453 requirements and make any recommendations to the
2454 Governor and the Legislature by a specified date;
2455 requiring the commission to consult with the State
2456 Fire Marshal to provide certain recommendations to the
2457 Governor and the Legislature by a specified date;
2458 amending s. 718.103, F.S.; providing a definition;
2459 amending s. 718.111, F.S.; revising the types of
2460 records that constitute the official records of a
2461 condominium association; requiring associations to
2462 maintain specified records for a certain timeframe;
2463 specifying that renters of a unit have the right to
2464 inspect and copy certain reports; requiring
2465 associations to post a copy of certain reports and
2466 reserve studies on the association's website; amending
2467 s. 718.112, F.S.; specifying the method for
2468 determining reserve amounts; prohibiting certain
2469 members and associations from waiving or reducing
2470 reserves for certain items after a specified date;
2471 requiring certain associations to receive approval
2472 before waiving or reducing reserves for certain items;
2473 prohibiting certain associations from using reserve
2474 funds, or any interest accruing thereon, for certain
2475 purposes after a specified date; requiring certain
2476 associations to have a structural integrity reserve



798298

2477 study completed at specified intervals and for certain
2478 buildings by a specified date; providing requirements
2479 for such study; conforming provisions to changes made
2480 by the act; restating requirements for associations
2481 relating to milestone inspections; specifying that if
2482 the officers or directors of a condominium association
2483 fail to have a milestone inspection performed, such
2484 failure is a breach of their fiduciary relationship to
2485 the unit owners; amending ss. 718.116 and 718.117,
2486 F.S.; conforming cross-references; amending s.
2487 718.301, F.S.; revising reporting requirements
2488 relating to the transfer of association control;
2489 amending s. 718.501, F.S.; revising the Division of
2490 Florida Condominiums, Timeshares, and Mobile Homes'
2491 authority relating to enforcement and compliance;
2492 requiring certain associations to provide certain
2493 information and updates to the division by a specified
2494 date and within a specified timeframe; requiring the
2495 division to compile a list with certain information
2496 and post such list on its website; amending s.
2497 718.503, F.S.; revising the documents that must be
2498 delivered to a prospective buyer or lessee of a
2499 residential unit; revising requirements for
2500 nondeveloper disclosures; amending s. 718.504, F.S.;
2501 revising requirements for prospectuses and offering
2502 circulars; amending s. 719.103, F.S.; providing
2503 definitions; amending s. 719.104, F.S.; revising the
2504 types of records that constitute the official records
2505 of a cooperative association; requiring associations



2506 to maintain specified records for a certain timeframe;
2507 specifying that renters of a unit have the right to
2508 inspect and copy certain reports; amending s. 719.106,
2509 F.S.; specifying the method for determining reserve
2510 amounts; prohibiting certain members and associations
2511 from waiving or reducing reserves for certain items
2512 after a specified date; requiring certain associations
2513 to receive approval before waiving or reducing
2514 reserves for certain items; prohibiting certain
2515 associations from using reserve funds, or any interest
2516 accruing thereon, for certain purposes after a
2517 specified date; requiring certain associations to have
2518 a structural integrity reserve study completed at
2519 specified intervals and for certain buildings by a
2520 specified date; providing requirements for such study;
2521 conforming provisions to changes made by the act;
2522 restating requirements for associations relating to
2523 milestone inspections; specifying that if the officers
2524 or directors of a cooperative association fail to have
2525 a milestone inspection performed, such failure is a
2526 breach of their fiduciary relationship to the unit
2527 owners; amending s. 719.301, F.S.; requiring
2528 developers to deliver a turnover inspection report
2529 relating to cooperative property under certain
2530 circumstances; amending s. 719.501, F.S.; revising the
2531 division's authority relating to enforcement and
2532 compliance; requiring certain associations to provide
2533 certain information and updates to the division by a
2534 specified date and within a specified time; requiring



798298

2535 the division to compile a list with certain
2536 information and post such list on its website;
2537 amending s. 719.503, F.S.; revising the documents that
2538 must be delivered to a prospective buyer or lessee of
2539 a residential unit; revising nondeveloper disclosure
2540 requirements; amending s. 719.504, F.S.; revising
2541 requirements for prospectuses and offering circulars;
2542 amending ss. 720.303, 720.311, and 721.15, F.S.;
2543 conforming cross-references; providing an effective
2544 date.