

By Senator Bradley

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1 A bill to be entitled
2 An act relating to condominium and cooperative
3 associations; amending s. 468.4334, F.S.; revising the
4 circumstances under which community association
5 managers or management firms must comply with a
6 specified provision; amending s. 553.899, F.S.;
7 revising legislative findings; revising the definition
8 of the terms "milestone inspection" and "substantial
9 structural deterioration"; revising who must have
10 milestone inspections performed for buildings;
11 authorizing local enforcement agencies to make certain
12 determinations relating to milestone inspections after
13 a building reaches a specified age; revising costs
14 that condominium and cooperative associations are
15 responsible for; requiring certain parties to obtain
16 milestone inspection reports; authorizing local
17 enforcement agencies to extend deadlines for milestone
18 inspections under certain circumstances; revising
19 requirements relating to written notice of required
20 inspections; requiring architects or engineers
21 performing milestone inspections to submit a specified
22 progress report to a local enforcement agency within a
23 specified timeframe under certain circumstances;
24 specifying that associations must distribute copies of
25 certain inspection reports within a specified
26 timeframe and in a specified manner; authorizing
27 municipal governing bodies to adopt certain ordinances
28 relating to association repairs; requiring the Florida
29 Building Commission to adopt rules by a specified

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30 date; providing requirements for such rules;
31 conforming provisions; amending s. 627.351, F.S.;
32 revising the types of policyholders not required to
33 purchase flood insurance as a condition for
34 maintaining certain policies issued by the Citizens
35 Property Insurance Corporation; amending s. 718.103,
36 F.S.; defining the term "alternative funding method";
37 revising the definition of the term "structural
38 integrity reserve study"; amending s. 718.111, F.S.;
39 making a technical change; amending s. 718.112, F.S.;
40 revising condominium association reserve account
41 requirements; revising requirements relating to
42 waiving reserve requirements or providing less
43 reserves than required by law; revising requirements
44 relating to using reserve funds or interest accrued on
45 reserve funds for certain purposes; revising
46 requirements for structural integrity reserve studies;
47 providing applicability; conforming provisions to
48 changes made by the act; amending s. 718.1255, F.S.;
49 revising the definition of the term "dispute";
50 specifying that certain disputes are not subject to
51 nonbinding arbitration and must be submitted to
52 presuit mediation; amending s. 718.113, F.S.; revising
53 requirements relating to maintenance, repair, and
54 replacement of common elements and condominium
55 property; amending s. 718.503, F.S.; requiring
56 specified disclosures relating to milestone
57 inspections and structural integrity reserve studies
58 for certain contracts entered into after a specified

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59 date; amending s. 719.103, F.S.; revising the
60 definition of the term "structural integrity reserve
61 study"; amending s. 719.104, F.S.; revising rights
62 relating to the official records of a cooperative
63 association; providing maintenance requirements for
64 cooperative associations; amending s. 719.106, F.S.;
65 revising cooperative association reserve account
66 requirements; revising requirements relating to
67 waiving reserve requirements or providing less
68 reserves than required by law; revising a prohibition
69 on using reserve funds or interest accrued on reserve
70 funds for certain purposes; revising requirements for
71 structural integrity reserve studies; providing
72 applicability; conforming provisions to changes made
73 by the act; amending s. 719.503, F.S.; requiring
74 specified disclosures relating to milestone
75 inspections and structural integrity reserve studies
76 for certain contracts entered into after a specified
77 date; amending ss. 558.002, 718.116, and 720.3085,
78 F.S.; conforming cross-references; reenacting s.
79 719.1255, F.S., relating to alternative resolution of
80 disputes, to incorporate amendments made to s.
81 718.1255, F.S., in a reference thereto; authorizing
82 the Division of Florida Condominiums, Timeshares, and
83 Mobile Homes of the Department of Business and
84 Professional Regulation to adopt rules; providing
85 effective dates.

86
87 Be It Enacted by the Legislature of the State of Florida:

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89 Section 1. Paragraph (b) of subsection (1) of section
90 468.4334, Florida Statutes, is amended to read:

91 468.4334 Professional practice standards; liability.-

92 (1)

93 (b) If a community association manager or a community
94 association management firm has a contract with a community
95 association that ~~has a building on the association's property~~
96 ~~that~~ is subject to s. 553.899, the community association manager
97 or the community association management firm must comply with
98 that section as directed by the board.

99 Section 2. Subsections (1) through (6), paragraph (b) of
100 subsection (7), and subsections (8), (9), (11), and (12) of
101 section 553.899, Florida Statutes, are amended to read:

102 553.899 Mandatory structural inspections for condominium
103 and cooperative buildings.-

104 (1) The Legislature finds that maintaining the structural
105 integrity of a building throughout the life of the building ~~its~~
106 ~~service life~~ is of paramount importance in order to ensure that
107 buildings are structurally sound so as to not pose a threat to
108 the public health, safety, or welfare. As such, the Legislature
109 finds that the imposition of a statewide structural inspection
110 program for aging condominium and cooperative buildings in this
111 state is necessary to ensure that such buildings are safe for
112 continued use.

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

114 (a) "Milestone inspection" means a structural inspection of
115 a building, including an inspection of load-bearing elements
116 ~~walls~~ and the primary structural members and primary structural

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117 systems as those terms are defined in s. 627.706, by an a
118 ~~licensed~~ architect licensed under chapter 481 or engineer
119 licensed under chapter 471 authorized to practice in this state
120 for the purposes of attesting to the life safety and adequacy of
121 the structural components of the building and, to the extent
122 reasonably possible, determining the general structural
123 condition of the building as it affects the safety of such
124 building, including a determination of any necessary
125 maintenance, repair, or replacement of any structural component
126 of the building. The purpose of such inspection is not to
127 determine if the condition of an existing building is in
128 compliance with the Florida Building Code or the firesafety
129 code. The milestone inspection services may be provided by a
130 team of professionals with an architect or engineer acting as a
131 registered design professional in responsible charge with all
132 work and reports signed and sealed by the appropriate qualified
133 team member.

134 (b) "Substantial structural deterioration" means
135 substantial structural distress or substantial structural
136 weakness that negatively affects a building's general structural
137 condition and integrity. The term does not include surface
138 imperfections such as cracks, distortion, sagging, deflections,
139 misalignment, signs of leakage, or peeling of finishes unless
140 the licensed engineer or architect performing the phase one or
141 phase two inspection determines that such surface imperfections
142 are a sign of substantial structural deterioration.

143 (3) An owner or owners of a building that is three stories
144 or more in height that is subject, in whole or in part, to the
145 condominium or cooperative form of ownership as a residential

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146 condominium ~~association~~ under chapter 718 or ~~and~~ a residential
147 cooperative ~~association~~ under chapter 719 must have a milestone
148 inspection performed ~~for each building that is three stories or~~
149 ~~more in height~~ by December 31 of the year in which the building
150 reaches 30 years of age, based on the date the certificate of
151 occupancy for the building was issued, and every 10 years
152 thereafter. The local enforcement agency may determine that
153 local circumstances, including environmental conditions such as
154 proximity to salt water as defined in s. 379.101, require that
155 ~~If the building is located within 3 miles of a coastline as~~
156 ~~defined in s. 376.031, the condominium association or~~
157 ~~cooperative association must have~~ a milestone inspection must be
158 performed by December 31 of the year in which the building
159 reaches 25 years of age, based on the date the certificate of
160 occupancy for the building was issued, and every 10 years
161 thereafter. The milestone inspection report must be arranged by
162 the party or parties responsible for the operation, maintenance,
163 repair, and replacement of the structural components of the
164 building, if other than the condominium or cooperative
165 association. The owner or owners of the building, including the
166 condominium association or cooperative association, are each
167 ~~must arrange for the milestone inspection to be performed and is~~
168 responsible for ensuring compliance with the requirements of
169 this section. The condominium association or cooperative
170 association is responsible for all costs associated with the
171 milestone inspection attributable to the portions of a building
172 which the association is responsible to maintain under the
173 governing documents of the association. This subsection does not
174 apply to a single-family, two-family, or three-family dwelling

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175 with three or fewer habitable stories above ground.

176 (4) If a milestone inspection is required under this
177 section and the building's certificate of occupancy was issued
178 on or before July 1, 1992, the building's initial milestone
179 inspection must be performed before December 31, 2024. The local
180 enforcement agency may extend the deadline for a building's
181 initial milestone inspection upon a showing of good cause by the
182 owner or owners of the building that the inspection cannot be
183 timely completed if the owner or owners have entered into a
184 contract with an architect or engineer to perform the milestone
185 inspection and the inspection cannot reasonably be completed
186 before the deadline or other circumstance to justify an
187 extension. If the date of issuance for the certificate of
188 occupancy is not available, the date of issuance of the
189 building's certificate of occupancy shall be the date of
190 occupancy evidenced in any record of the local building
191 official.

192 (5) Upon determining that a building must have a milestone
193 inspection, the local enforcement agency must provide written
194 notice of such required inspection to the condominium
195 association or cooperative association and to any other owner of
196 the building by certified mail, return receipt requested.

197 (6) Phase one of the milestone inspection must be completed
198 within 180 days after the owner or owners of the building
199 receive ~~receiving~~ the written notice under subsection (5), ~~the~~
200 ~~condominium association or cooperative association must complete~~
201 ~~phase one of the milestone inspection.~~ For purposes of this
202 section, completion of phase one of the milestone inspection
203 means the licensed engineer or architect who performed the phase

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204 one inspection submitted the inspection report by e-mail, United
205 States Postal Service, or commercial delivery service to the
206 local enforcement agency.

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

208 (b) A phase two of the milestone inspection must be
209 performed if any substantial structural deterioration is
210 identified during phase one. A phase two inspection may involve
211 destructive or nondestructive testing at the inspector's
212 direction. The inspection may be as extensive or as limited as
213 necessary to fully assess areas of structural distress in order
214 to confirm that the building is structurally sound and safe for
215 its intended use and to recommend a program for fully assessing
216 and repairing distressed and damaged portions of the building.
217 When determining testing locations, the inspector must give
218 preference to locations that are the least disruptive and most
219 easily repairable while still being representative of the
220 structure. If a phase two inspection is required, within 180
221 days after submitting a phase one inspection report the
222 architect or engineer performing the phase two inspection must
223 submit a phase two progress report to the local enforcement
224 agency with a timeline for completion of the phase two
225 inspection. An inspector who completes a phase two milestone
226 inspection shall prepare and submit an inspection report
227 pursuant to subsection (8).

228 (8) Upon completion of a phase one or phase two milestone
229 inspection, the architect or engineer who performed the
230 inspection must submit a sealed copy of the inspection report
231 with a separate summary of, at minimum, the material findings
232 and recommendations in the inspection report to the condominium

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233 association or cooperative association, to any other owner of
234 the building, and to the building official of the local
235 government which has jurisdiction. The inspection report must,
236 at a minimum, meet all of the following criteria:

237 (a) Bear the seal and signature, or the electronic
238 signature, of the licensed engineer or architect who performed
239 the inspection.

240 (b) Indicate the manner and type of inspection forming the
241 basis for the inspection report.

242 (c) Identify any substantial structural deterioration,
243 within a reasonable professional probability based on the scope
244 of the inspection, describe the extent of such deterioration,
245 and identify any recommended repairs for such deterioration.

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

248 (e) Recommend any remedial or preventive repair for any
249 items that are damaged but are not substantial structural
250 deterioration.

251 (f) Identify and describe any items requiring further
252 inspection.

253 (9) Within 30 days after receiving the applicable
254 inspection report, the condominium or cooperative association
255 must distribute a copy of the inspector-prepared summary of the
256 inspection report to each condominium unit owner or cooperative
257 unit owner, regardless of the findings or recommendations in the
258 report, by United States mail or personal delivery at the
259 mailing address, property address, or any other address of the
260 owner provided to fulfill the association's notice requirements
261 under chapter 718 or chapter 719, as applicable, and by

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262 electronic transmission to the e-mail address or facsimile
263 number provided to fulfill the association's notice requirements
264 to unit owners who previously consented to receive notice by
265 electronic transmission; must post a copy of the inspector-
266 prepared summary in a conspicuous place on the condominium or
267 cooperative property; and must publish the full report and
268 inspector-prepared summary on the association's website, if the
269 association is required to have a website.

270 (11) A board of county commissioners or municipal governing
271 body may adopt an ordinance requiring that a condominium or
272 cooperative association and any other owner that is subject to
273 this section schedule or commence repairs for substantial
274 structural deterioration within a specified timeframe after the
275 local enforcement agency receives a phase two inspection report;
276 however, such repairs must be commenced within 365 days after
277 receiving such report. If an owner of the building association
278 fails to submit proof to the local enforcement agency that
279 repairs have been scheduled or have commenced for substantial
280 structural deterioration identified in a phase two inspection
281 report within the required timeframe, the local enforcement
282 agency must review and determine if the building is unsafe for
283 human occupancy.

284 (12) By December 31, 2024, the Florida Building Commission
285 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
286 establish a building safety program for the implementation of
287 this section within the Florida Building Code: Existing
288 Building. The building inspection program must, at minimum,
289 include inspection criteria, testing protocols, standardized
290 inspection and reporting forms that are adaptable to an

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291 electronic format, and record maintenance requirements for the
292 local authority ~~review the milestone inspection requirements~~
293 ~~under this section and make recommendations, if any, to the~~
294 ~~Legislature to ensure inspections are sufficient to determine~~
295 ~~the structural integrity of a building. The commission must~~
296 ~~provide a written report of any recommendations to the Governor,~~
297 ~~the President of the Senate, and the Speaker of the House of~~
298 ~~Representatives by December 31, 2022.~~

299 Section 3. Paragraph (aa) of subsection (6) of section
300 627.351, Florida Statutes, is amended to read:

301 627.351 Insurance risk apportionment plans.—

302 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

303 (aa) Except as otherwise provided in this paragraph, the
304 corporation shall require the securing and maintaining of flood
305 insurance as a condition of coverage of a personal lines
306 residential risk. The insured or applicant must execute a form
307 approved by the office affirming that flood insurance is not
308 provided by the corporation and that if flood insurance is not
309 secured by the applicant or insured from an insurer other than
310 the corporation and in addition to coverage by the corporation,
311 the risk will not be eligible for coverage by the corporation.
312 The corporation may deny coverage of a personal lines
313 residential risk to an applicant or insured who refuses to
314 secure and maintain flood insurance. The requirement to purchase
315 flood insurance shall be implemented as follows:

316 1. Except as provided in subparagraphs 2. and 3., all
317 personal lines residential policyholders must have flood
318 coverage in place for policies effective on or after:

319 a. January 1, 2024, for property valued at \$600,000 or

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320 more.

321 b. January 1, 2025, for property valued at \$500,000 or
322 more.

323 c. January 1, 2026, for property valued at \$400,000 or
324 more.

325 d. January 1, 2027, for all other personal lines
326 residential property insured by the corporation.

327 2. All personal lines residential policyholders whose
328 property insured by the corporation is located within the
329 special flood hazard area defined by the Federal Emergency
330 Management Agency must have flood coverage in place:

331 a. At the time of initial policy issuance for all new
332 personal lines residential policies issued by the corporation on
333 or after April 1, 2023.

334 b. By the time of the policy renewal for all personal lines
335 residential policies renewing on or after July 1, 2023.

336 3. Policyholders ~~whose policies issued by the corporation~~
337 ~~do not provide coverage for the peril of wind~~ are not required
338 to purchase flood insurance as a condition for maintaining the
339 following their policies issued by ~~with~~ the corporation:

340 a. Policies that do not provide coverage for the peril of
341 wind.

342 b. Policies that provide coverage under a condominium unit
343 owners form if the risk insured by the policy is:

344 (I) Insured under a master policy that provides flood
345 coverage for personal property within the unit; or

346 (II) Located within an area designated by the Federal
347 Emergency Management Agency:

348 (A) As a V-zone special flood hazard area, and the risk is

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349 on the fifth floor or above;

350 (B) As an A-zone special flood hazard area, and the risk is
 351 on the third floor or above; or

352 (C) As being outside of a special flood hazard area, and
 353 the risk is on the second floor or above.

354

355 The flood insurance required under this paragraph must meet, at
 356 a minimum, the coverage available from the National Flood
 357 Insurance Program or the requirements of subparagraphs s.
 358 627.715(1)(a)1., 2., and 3.

359 Section 4. Present subsections (1) through (31) of section
 360 718.103, Florida Statutes, are redesignated as subsections (2)
 361 through (32), respectively, a new subsection (1) is added to
 362 that section, and present subsection (25) of that section is
 363 amended, to read:

364 718.103 Definitions.—As used in this chapter, the term:

365 (1) "Alternative funding method" means a method approved by
 366 the division for funding the capital expenditures and deferred
 367 maintenance obligations for a multicondominium association which
 368 may reasonably be expected to fully satisfy the association's
 369 reserve funding obligations, including, but not limited to, the
 370 allocation of funds in the annual operating budget.

371 ~~(26) (25)~~ "Structural integrity reserve study" means a study
 372 of the reserve funds required for future major repairs and
 373 replacement of the condominium property performed as required
 374 under s. 718.112(2)(g) common areas based on a visual inspection
 375 ~~of the common areas. A structural integrity reserve study may be~~
 376 ~~performed by any person qualified to perform such study.~~
 377 ~~However, the visual inspection portion of the structural~~

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378 ~~integrity reserve study must be performed by an engineer~~
379 ~~licensed under chapter 471 or an architect licensed under~~
380 ~~chapter 481. At a minimum, a structural integrity reserve study~~
381 ~~must identify the common areas being visually inspected, state~~
382 ~~the estimated remaining useful life and the estimated~~
383 ~~replacement cost or deferred maintenance expense of the common~~
384 ~~areas being visually inspected, and provide a recommended annual~~
385 ~~reserve amount that achieves the estimated replacement cost or~~
386 ~~deferred maintenance expense of each common area being visually~~
387 ~~inspected by the end of the estimated remaining useful life of~~
388 ~~each common area.~~

389 Section 5. Paragraph (c) of subsection (12) of section
390 718.111, Florida Statutes, is amended to read:

391 718.111 The association.—

392 (12) OFFICIAL RECORDS.—

393 (c)1. The official records of the association are open to
394 inspection by any association member and any person authorized
395 by an association member as a ~~or the authorized~~ representative
396 of such member at all reasonable times. The right to inspect the
397 records includes the right to make or obtain copies, at the
398 reasonable expense, if any, of the member and of the person
399 authorized by the association member as a ~~or authorized~~
400 representative of such member. A renter of a unit has a right to
401 inspect and copy only the declaration of condominium, the
402 association's bylaws and rules, and the inspection reports
403 described in ss. 553.899 and 718.301(4) (p). The association may
404 adopt reasonable rules regarding the frequency, time, location,
405 notice, and manner of record inspections and copying but may not
406 require a member to demonstrate any purpose or state any reason

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407 for the inspection. The failure of an association to provide the
408 records within 10 working days after receipt of a written
409 request creates a rebuttable presumption that the association
410 willfully failed to comply with this paragraph. A unit owner who
411 is denied access to official records is entitled to the actual
412 damages or minimum damages for the association's willful failure
413 to comply. Minimum damages are \$50 per calendar day for up to 10
414 days, beginning on the 11th working day after receipt of the
415 written request. The failure to permit inspection entitles any
416 person prevailing in an enforcement action to recover reasonable
417 attorney fees from the person in control of the records who,
418 directly or indirectly, knowingly denied access to the records.

419 2. Any person who knowingly or intentionally defaces or
420 destroys accounting records that are required by this chapter to
421 be maintained during the period for which such records are
422 required to be maintained, or who knowingly or intentionally
423 fails to create or maintain accounting records that are required
424 to be created or maintained, with the intent of causing harm to
425 the association or one or more of its members, is personally
426 subject to a civil penalty pursuant to s. 718.501(1)(d).

427 3. The association shall maintain an adequate number of
428 copies of the declaration, articles of incorporation, bylaws,
429 and rules, and all amendments to each of the foregoing, as well
430 as the question and answer sheet as described in s. 718.504 and
431 year-end financial information required under this section, on
432 the condominium property to ensure their availability to unit
433 owners and prospective purchasers, and may charge its actual
434 costs for preparing and furnishing these documents to those
435 requesting the documents. An association shall allow a member or

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436 his or her authorized representative to use a portable device,
437 including a smartphone, tablet, portable scanner, or any other
438 technology capable of scanning or taking photographs, to make an
439 electronic copy of the official records in lieu of the
440 association's providing the member or his or her authorized
441 representative with a copy of such records. The association may
442 not charge a member or his or her authorized representative for
443 the use of a portable device. Notwithstanding this paragraph,
444 the following records are not accessible to unit owners:

445 a. Any record protected by the lawyer-client privilege as
446 described in s. 90.502 and any record protected by the work-
447 product privilege, including a record prepared by an association
448 attorney or prepared at the attorney's express direction, which
449 reflects a mental impression, conclusion, litigation strategy,
450 or legal theory of the attorney or the association, and which
451 was prepared exclusively for civil or criminal litigation or for
452 adversarial administrative proceedings, or which was prepared in
453 anticipation of such litigation or proceedings until the
454 conclusion of the litigation or proceedings.

455 b. Information obtained by an association in connection
456 with the approval of the lease, sale, or other transfer of a
457 unit.

458 c. Personnel records of association or management company
459 employees, including, but not limited to, disciplinary, payroll,
460 health, and insurance records. For purposes of this sub-
461 subparagraph, the term "personnel records" does not include
462 written employment agreements with an association employee or
463 management company, or budgetary or financial records that
464 indicate the compensation paid to an association employee.

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- 465 d. Medical records of unit owners.
- 466 e. Social security numbers, driver license numbers, credit
467 card numbers, e-mail addresses, telephone numbers, facsimile
468 numbers, emergency contact information, addresses of a unit
469 owner other than as provided to fulfill the association's notice
470 requirements, and other personal identifying information of any
471 person, excluding the person's name, unit designation, mailing
472 address, property address, and any address, e-mail address, or
473 facsimile number provided to the association to fulfill the
474 association's notice requirements. Notwithstanding the
475 restrictions in this sub-subparagraph, an association may print
476 and distribute to unit owners a directory containing the name,
477 unit address, and all telephone numbers of each unit owner.
478 However, an owner may exclude his or her telephone numbers from
479 the directory by so requesting in writing to the association. An
480 owner may consent in writing to the disclosure of other contact
481 information described in this sub-subparagraph. The association
482 is not liable for the inadvertent disclosure of information that
483 is protected under this sub-subparagraph if the information is
484 included in an official record of the association and is
485 voluntarily provided by an owner and not requested by the
486 association.
- 487 f. Electronic security measures that are used by the
488 association to safeguard data, including passwords.
- 489 g. The software and operating system used by the
490 association which allow the manipulation of data, even if the
491 owner owns a copy of the same software used by the association.
492 The data is part of the official records of the association.
- 493 h. All affirmative acknowledgments made pursuant to s.

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494 718.121(4)(c).

495 Section 6. Paragraphs (f), (g), and (h) of subsection (2)
496 of section 718.112, Florida Statutes, are amended to read:

497 718.112 Bylaws.—

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

501 (f) *Annual budget*.—

502 1. The proposed annual budget of estimated revenues and
503 expenses must be detailed and must show the amounts budgeted by
504 accounts and expense classifications, including, at a minimum,
505 any applicable expenses listed in s. 718.504(21). The board
506 shall adopt the annual budget at least 14 days before the start
507 of the association's fiscal year. In the event that the board
508 fails to timely adopt the annual budget a second time, it is
509 deemed a minor violation and the prior year's budget shall
510 continue in effect until a new budget is adopted. A
511 multicondominium association must adopt a separate budget of
512 common expenses for each condominium the association operates
513 and must adopt a separate budget of common expenses for the
514 association. In addition, if the association maintains limited
515 common elements with the cost to be shared only by those
516 entitled to use the limited common elements as provided for in
517 s. 718.113(1), the budget or a schedule attached to it must show
518 the amount budgeted for this maintenance. If, after turnover of
519 control of the association to the unit owners, any of the
520 expenses listed in s. 718.504(21) are not applicable, they do
521 not need to be listed.

522 2.a. In addition to annual operating expenses, the budget

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523 must include reserve accounts for capital expenditures and
524 deferred maintenance. These accounts must include, but are not
525 limited to, roof replacement, building painting, and pavement
526 resurfacing, regardless of the amount of deferred maintenance
527 expense or replacement cost, and any other item that has a
528 deferred maintenance expense or replacement cost that exceeds
529 \$10,000. The amount to be reserved ~~for an item is determined by~~
530 ~~the association's most recent structural integrity reserve study~~
531 ~~that must be completed by December 31, 2024. If the amount to be~~
532 ~~reserved for an item is not in the association's initial or most~~
533 ~~recent structural integrity reserve study or the association has~~
534 ~~not completed a structural integrity reserve study, the amount~~
535 must be computed using a formula based upon estimated remaining
536 useful life and estimated replacement cost or deferred
537 maintenance expense of the reserve item. In a budget adopted by
538 an association that is required to obtain a structural integrity
539 reserve study, reserves must be maintained for the items
540 identified in paragraph (g) and the reserve amount for such
541 items must be based on the findings and recommendations of the
542 association's most recent structural integrity reserve study.
543 With respect to items for which an estimate of useful life is
544 not readily ascertainable, an association must reserve the
545 amount of deferred maintenance expense, if any, which is
546 recommended by the structural integrity reserve study for such
547 items. The association may adjust replacement reserve
548 assessments annually to take into account an inflation
549 adjustment and any changes in estimates or extension of the
550 useful life of a reserve item caused by deferred maintenance.
551 The members of a unit-owner-controlled association may

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552 determine, by a majority vote of all the voting interests of the
553 association, voting in person or by proxy at a duly called
554 meeting of the association, to provide no reserves or less
555 reserves than required by this subsection. For a budget adopted
556 on or after ~~Effective~~ December 31, 2024, the members of a unit-
557 owner-controlled association that must obtain a structural
558 integrity reserve study may not determine to provide no reserves
559 or less reserves than required by this subsection for items
560 listed in paragraph (g), except that members of an association
561 operating a multicondominium may determine to provide no
562 reserves or less reserves than required by this subsection if an
563 alternative funding method has been approved by the division.

564 b. Before turnover of control of an association by a
565 developer to unit owners other than a developer under s.
566 718.301, the developer-controlled association may not vote to
567 waive the reserves or reduce funding of the reserves. If a
568 meeting of the unit owners has been called to determine whether
569 to waive or reduce the funding of reserves and no such result is
570 achieved or a quorum is not attained, the reserves included in
571 the budget shall go into effect. After the turnover, the
572 developer may vote its voting interest to waive or reduce the
573 funding of reserves.

574 3. Reserve funds and any interest accruing thereon shall
575 remain in the reserve account or accounts, and may be used only
576 for authorized reserve expenditures unless their use for other
577 purposes is approved in advance by a majority vote of all the
578 voting interests of the association, voting in person or by
579 proxy at a duly called meeting of the association. Before
580 turnover of control of an association by a developer to unit

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581 owners other than the developer pursuant to s. 718.301, the
 582 developer-controlled association may not vote to use reserves
 583 for purposes other than those for which they were intended. For
 584 a budget adopted on or after ~~Effective~~ December 31, 2024,
 585 members of a unit-owner-controlled association that must obtain
 586 a structural integrity reserve study may not vote to use reserve
 587 funds, or any interest accruing thereon, ~~that are reserved for~~
 588 ~~items listed in paragraph (g)~~ for any other purpose other than
 589 the replacement or deferred maintenance costs of the components
 590 listed in paragraph (g) ~~their intended purpose.~~

591 4. The only voting interests that are eligible to vote on
 592 questions that involve waiving or reducing the funding of
 593 reserves, or using existing reserve funds for purposes other
 594 than purposes for which the reserves were intended, are the
 595 voting interests of the units subject to assessment to fund the
 596 reserves in question. Proxy questions relating to waiving or
 597 reducing the funding of reserves or using existing reserve funds
 598 for purposes other than purposes for which the reserves were
 599 intended must contain the following statement in capitalized,
 600 bold letters in a font size larger than any other used on the
 601 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
 602 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
 603 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
 604 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

605 (g) *Structural integrity reserve study.*—

606 1. A residential condominium ~~An~~ association must have a
 607 structural integrity reserve study completed at least every 10
 608 years after the condominium's creation for each building on the
 609 condominium property that is three stories or higher in height

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610 which includes, at a minimum, a study of the following items as
611 related to the structural integrity and safety of the building:

- 612 a. Roof.
- 613 b. Load-bearing walls or other primary structural members.
- 614 c. ~~Floor.~~
- 615 ~~d.~~ Foundation.
- 616 ~~d.e.~~ Fireproofing and fire protection systems.
- 617 ~~e.f.~~ Plumbing.
- 618 ~~f.g.~~ Electrical systems.
- 619 ~~g.h.~~ Waterproofing and exterior painting.
- 620 ~~h.i.~~ Windows.
- 621 ~~i.j.~~ Any other item that has a deferred maintenance expense
622 or replacement cost that exceeds \$10,000 and the failure to
623 replace or maintain such item negatively affects the items
624 listed in sub-subparagraphs a.-h. ~~sub-subparagraphs a.-i.~~, as
625 determined by the ~~licensed engineer or architect performing the~~
626 visual inspection portion of the structural integrity reserve
627 study.

628 2. A structural integrity reserve study is based on a
629 visual inspection of the condominium property. A structural
630 integrity reserve study may be performed by any person qualified
631 to perform such study. However, the visual inspection portion of
632 the structural integrity reserve study must be performed or
633 verified by an engineer licensed under chapter 471, an architect
634 licensed under chapter 481, or a person who is certified as a
635 reserve specialist or professional reserve analyst by the
636 Community Associations Institute or the Association of
637 Professional Reserve Analysts. At a minimum, a structural
638 integrity reserve study must identify each item of the

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639 condominium property being visually inspected, state the
640 estimated remaining useful life and the estimated replacement
641 cost or deferred maintenance expense of each item of the
642 condominium property being visually inspected, and provide a
643 reserve funding schedule with a recommended annual reserve
644 amount that achieves the estimated replacement cost or deferred
645 maintenance expense of each item of condominium property being
646 visually inspected by the end of the estimated remaining useful
647 life of the item. The structural integrity reserve study may
648 recommend that reserves do not need to be maintained for any
649 item for which an estimate of useful life and an estimate of
650 replacement cost or deferred maintenance expense cannot be
651 determined, or the study may recommend a deferred maintenance
652 expense amount for such item. This paragraph does not apply to
653 buildings less than three stories in height; single-family, two-
654 family, or three-family dwellings with three or fewer habitable
655 stories above ground; any portion or component of a building
656 that has not been submitted to the condominium form of
657 ownership; or any portion or component of a building that is
658 maintained by a party other than the association.

659 3. Before a developer turns over control of an association
660 to unit owners other than the developer, the developer must have
661 a structural integrity reserve study completed for each building
662 on the condominium property that is three stories or higher in
663 height.

664 ~~4.3.~~ Associations existing on or before July 1, 2022, which
665 are controlled by unit owners other than the developer, must
666 have a structural integrity reserve study completed by December
667 31, 2024, for each building on the condominium property that is

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668 three stories or higher in height.

669 ~~5.4.~~ If an association fails to complete a structural
670 integrity reserve study pursuant to this paragraph, such failure
671 is a breach of an officer's and director's fiduciary
672 relationship to the unit owners under s. 718.111(1).

673 (h) *Mandatory milestone inspections.*—If an association is
674 required to have a milestone inspection performed pursuant to s.
675 553.899, the association must arrange for the milestone
676 inspection to be performed and is responsible for ensuring
677 compliance with the requirements of s. 553.899. The association
678 is responsible for all costs associated with the milestone
679 inspection attributable to the portions of the building which
680 the association is responsible for maintaining under the
681 governing documents of the association. If the officers or
682 directors of an association willfully and knowingly fail to have
683 a milestone inspection performed pursuant to s. 553.899, such
684 failure is a breach of the officers' and directors' fiduciary
685 relationship to the unit owners under s. 718.111(1)(a). Within
686 30 days after receiving ~~Upon completion of~~ a phase one or phase
687 two milestone inspection ~~and receipt of the inspector-prepared~~
688 ~~summary of the inspection~~ report from the architect or engineer
689 who performed the inspection, the association must distribute a
690 copy of the inspector-prepared summary of the inspection report
691 to each unit owner, regardless of the findings or
692 recommendations in the report, by United States mail or personal
693 delivery at the mailing address, property address, or any other
694 address of the owner provided to fulfill the association's
695 notice requirements under this chapter and by electronic
696 transmission to the e-mail address or facsimile number provided

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697 to fulfill the association's notice requirements to unit owners
698 who previously consented to receive notice by electronic
699 transmission; must post a copy of the inspector-prepared summary
700 in a conspicuous place on the condominium property; and must
701 publish the full report and inspector-prepared summary on the
702 association's website, if the association is required to have a
703 website.

704 Section 7. Effective July 1, 2027, subsection (5) of
705 section 718.1255, Florida Statutes, is amended, and paragraph
706 (d) is added to subsection (1) of that section, to read:

707 718.1255 Alternative dispute resolution; mediation;
708 nonbinding arbitration; applicability.—

709 (1) DEFINITIONS.—As used in this section, the term
710 "dispute" means any disagreement between two or more parties
711 that involves:

712 (d) The failure of a governing body, when required by this
713 chapter or an association document, to:

714 1. Obtain the milestone inspection required under s.
715 553.899.

716 2. Obtain a structural integrity reserve study required
717 under s. 718.112(2)(g).

718 3. Fund reserves as required for an item identified in s.
719 718.112(2)(g).

720 4. Make or provide necessary maintenance or repairs of
721 condominium property recommended by a milestone inspection or a
722 structural integrity reserve study.

723

724 "Dispute" does not include any disagreement that primarily
725 involves: title to any unit or common element; the

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726 interpretation or enforcement of any warranty; the levy of a fee
727 or assessment, or the collection of an assessment levied against
728 a party; the eviction or other removal of a tenant from a unit;
729 alleged breaches of fiduciary duty by one or more directors; or
730 claims for damages to a unit based upon the alleged failure of
731 the association to maintain the common elements or condominium
732 property.

733 (5) PRESUIT MEDIATION.—In lieu of the initiation of
734 nonbinding arbitration as provided in subsections (1)-(4), a
735 party may submit a dispute to presuit mediation in accordance
736 with s. 720.311; however, election and recall disputes are not
737 eligible for mediation and such disputes must be arbitrated by
738 the division or filed in a court of competent jurisdiction.
739 Disputes identified in paragraph (1)(d) are not subject to
740 nonbinding arbitration under subsection (4) and must be
741 submitted to presuit mediation in accordance with s. 720.311.

742 Section 8. Subsection (1) of section 718.113, Florida
743 Statutes, is amended to read:

744 718.113 Maintenance; limitation upon improvement; display
745 of flag; hurricane shutters and protection; display of religious
746 decorations.—

747 (1) Maintenance of the common elements is the
748 responsibility of the association, except for any maintenance
749 responsibility for limited common elements assigned to the unit
750 owner by the declaration. The association shall provide for the
751 maintenance, repair, and replacement of the condominium property
752 for which it bears responsibility pursuant to the declaration of
753 condominium. After turnover of control of the association to the
754 unit owners, the association must perform any required

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755 maintenance identified by the developer pursuant to s.
756 718.301(4) (p) until the association obtains new maintenance
757 protocols from a licensed professional engineer or architect.
758 The declaration may provide that certain limited common elements
759 shall be maintained by those entitled to use the limited common
760 elements or that the association shall provide the maintenance,
761 either as a common expense or with the cost shared only by those
762 entitled to use the limited common elements. If the maintenance
763 is to be by the association at the expense of only those
764 entitled to use the limited common elements, the declaration
765 shall describe in detail the method of apportioning such costs
766 among those entitled to use the limited common elements, and the
767 association may use the provisions of s. 718.116 to enforce
768 payment of the shares of such costs by the unit owners entitled
769 to use the limited common elements.

770 Section 9. Paragraph (d) is added to subsection (1) and
771 paragraph (e) is added to subsection (2) of section 718.503,
772 Florida Statutes, to read:

773 718.503 Developer disclosure prior to sale; nondeveloper
774 unit owner disclosure prior to sale; voidability.—

775 (1) DEVELOPER DISCLOSURE.—

776 (d) Milestone inspection or structural integrity reserve
777 study.—If the association is required to have completed a
778 milestone inspection as described in ss. 553.899 and
779 718.301(4) (p) or a structural integrity reserve study, and the
780 association has failed to complete the milestone inspection or
781 the structural integrity reserve study, each contract entered
782 into after December 31, 2024, for the sale of a residential unit
783 shall contain in conspicuous type a statement indicating that

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784 the association is required to have a milestone inspection or a
785 structural integrity reserve study and has failed to complete
786 such inspection or study, as appropriate. If the association is
787 not required to have a milestone inspection as described in ss.
788 553.899 and 718.301(4) (p) or a structural integrity reserve
789 study, each contract entered into after December 31, 2024, for
790 the sale of a residential unit shall contain in conspicuous type
791 a statement indicating that the association is not required to
792 have a milestone inspection or a structural integrity reserve
793 study, as appropriate. If the association is required to have
794 completed a milestone inspection as described in ss. 553.899 and
795 718.301(4) (p) or a structural integrity reserve study, each
796 contract entered into after December 31, 2024, for the sale of a
797 residential unit shall contain in conspicuous type:

798 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
799 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
800 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
801 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
802 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
803 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
804 718.112(2) (g), FLORIDA STATUTES; and

805 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
806 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
807 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
808 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
809 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
810 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
811 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
812 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

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813 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
814 718.112(2)(g), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
815 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
816 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS,
817 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE
818 BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY
819 OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS
820 553.899 AND 718.301(4)(p), FLORIDA STATUTES; AND A COPY OF THE
821 ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY
822 DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA
823 STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS
824 AGREEMENT SHALL TERMINATE AT CLOSING.

825
826 A contract that does not conform to the requirements of this
827 paragraph is voidable at the option of the purchaser prior to
828 closing.

829 (2) NONDEVELOPER DISCLOSURE.—

830 (e) If the association is required to have completed a
831 milestone inspection as described in ss. 553.899 and
832 718.301(4)(p) or a structural integrity reserve study, and the
833 association has failed to complete the milestone inspection or
834 the structural integrity reserve study, each contract entered
835 into after December 31, 2024, for the sale of a residential unit
836 shall contain in conspicuous type a statement indicating that
837 the association is required to have a milestone inspection or a
838 structural integrity reserve study and has failed to complete
839 such inspection or study, as appropriate. If the association is
840 not required to have a milestone inspection as described in ss.
841 553.899 and 718.301(4)(p) or a structural integrity reserve

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842 study, each contract entered into after December 31, 2024, for
843 the sale of a residential unit shall contain in conspicuous type
844 a statement indicating that the association is not required to
845 have a milestone inspection or a structural integrity reserve
846 study, as appropriate. If the association is required to have
847 completed a milestone inspection as described in ss. 553.899 and
848 718.301(4) (p) or a structural integrity reserve study, each
849 contract entered into after December 31, 2024, for the resale of
850 a residential unit shall contain in conspicuous type:

851 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
852 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
853 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
854 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
855 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
856 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
857 718.112(2) (g), FLORIDA STATUTES; and

858 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
859 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
860 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
861 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
862 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
863 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
864 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
865 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
866 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
867 718.112(2) (g), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
868 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
869 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING
870 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES

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871 A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE
872 MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS 553.899 AND
873 718.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE ASSOCIATION'S
874 MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN
875 SECTIONS 718.103(26) AND 718.112(2) (g) FLORIDA STATUTES, IF
876 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
877 TERMINATE AT CLOSING.

878

879 A contract that does not conform to the requirements of this
880 paragraph is voidable at the option of the purchaser prior to
881 closing.

882 Section 10. Subsection (24) of section 719.103, Florida
883 Statutes, is amended to read:

884 719.103 Definitions.—As used in this chapter:

885 (24) "Structural integrity reserve study" means a study of
886 the reserve funds required for future major repairs and
887 replacement of the cooperative property performed as required
888 under s. 719.106(1) (k) common areas based on a visual inspection
889 of the common areas. A structural integrity reserve study may be
890 performed by any person qualified to perform such study.
891 ~~However, the visual inspection portion of the structural~~
892 ~~integrity reserve study must be performed by an engineer~~
893 ~~licensed under chapter 471 or an architect licensed under~~
894 ~~chapter 481. At a minimum, a structural integrity reserve study~~
895 ~~must identify the common areas being visually inspected, state~~
896 ~~the estimated remaining useful life and the estimated~~
897 ~~replacement cost or deferred maintenance expense of the common~~
898 ~~areas being visually inspected, and provide a recommended annual~~
899 ~~reserve amount that achieves the estimated replacement cost or~~

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900 ~~deferred maintenance expense of each common area being visually~~
901 ~~inspected by the end of the estimated remaining useful life of~~
902 ~~each common area.~~

903 Section 11. Present subsections (5) through (11) of section
904 719.104, Florida Statutes, are redesignated as subsections (6)
905 through (12), respectively, a new subsection (5) is added to
906 that section, and paragraph (c) of subsection (2) of that
907 section is amended, to read:

908 719.104 Cooperatives; access to units; records; financial
909 reports; assessments; purchase of leases.—

910 (2) OFFICIAL RECORDS.—

911 (c) The official records of the association are open to
912 inspection by any association member and any person authorized
913 by an association member as a ~~or the authorized~~ representative
914 of such member at all reasonable times. The right to inspect the
915 records includes the right to make or obtain copies, at the
916 reasonable expense, if any, of the association member and of the
917 person authorized by the association member as a representative
918 of such member. A renter of a unit has a right to inspect and
919 copy only the association's bylaws and rules and the inspection
920 reports described in ss. 553.899 and 719.301(4) (p). The
921 association may adopt reasonable rules regarding the frequency,
922 time, location, notice, and manner of record inspections and
923 copying, but may not require a member to demonstrate any purpose
924 or state any reason for the inspection. The failure of an
925 association to provide the records within 10 working days after
926 receipt of a written request creates a rebuttable presumption
927 that the association willfully failed to comply with this
928 paragraph. A member who is denied access to official records is

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929 entitled to the actual damages or minimum damages for the
930 association's willful failure to comply. The minimum damages are
931 \$50 per calendar day for up to 10 days, beginning on the 11th
932 working day after receipt of the written request. The failure to
933 permit inspection entitles any person prevailing in an
934 enforcement action to recover reasonable attorney fees from the
935 person in control of the records who, directly or indirectly,
936 knowingly denied access to the records. Any person who knowingly
937 or intentionally defaces or destroys accounting records that are
938 required by this chapter to be maintained during the period for
939 which such records are required to be maintained, or who
940 knowingly or intentionally fails to create or maintain
941 accounting records that are required to be created or
942 maintained, with the intent of causing harm to the association
943 or one or more of its members, is personally subject to a civil
944 penalty under s. 719.501(1)(d). The association shall maintain
945 an adequate number of copies of the declaration, articles of
946 incorporation, bylaws, and rules, and all amendments to each of
947 the foregoing, as well as the question and answer sheet as
948 described in s. 719.504 and year-end financial information
949 required by the department, on the cooperative property to
950 ensure their availability to members and prospective purchasers,
951 and may charge its actual costs for preparing and furnishing
952 these documents to those requesting the same. An association
953 shall allow a member or his or her authorized representative to
954 use a portable device, including a smartphone, tablet, portable
955 scanner, or any other technology capable of scanning or taking
956 photographs, to make an electronic copy of the official records
957 in lieu of the association providing the member or his or her

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958 authorized representative with a copy of such records. The
959 association may not charge a member or his or her authorized
960 representative for the use of a portable device. Notwithstanding
961 this paragraph, the following records shall not be accessible to
962 members:

963 1. Any record protected by the lawyer-client privilege as
964 described in s. 90.502 and any record protected by the work-
965 product privilege, including any record prepared by an
966 association attorney or prepared at the attorney's express
967 direction which reflects a mental impression, conclusion,
968 litigation strategy, or legal theory of the attorney or the
969 association, and which was prepared exclusively for civil or
970 criminal litigation or for adversarial administrative
971 proceedings, or which was prepared in anticipation of such
972 litigation or proceedings until the conclusion of the litigation
973 or proceedings.

974 2. Information obtained by an association in connection
975 with the approval of the lease, sale, or other transfer of a
976 unit.

977 3. Personnel records of association or management company
978 employees, including, but not limited to, disciplinary, payroll,
979 health, and insurance records. For purposes of this
980 subparagraph, the term "personnel records" does not include
981 written employment agreements with an association employee or
982 management company, or budgetary or financial records that
983 indicate the compensation paid to an association employee.

984 4. Medical records of unit owners.

985 5. Social security numbers, driver license numbers, credit
986 card numbers, e-mail addresses, telephone numbers, facsimile

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987 numbers, emergency contact information, addresses of a unit
988 owner other than as provided to fulfill the association's notice
989 requirements, and other personal identifying information of any
990 person, excluding the person's name, unit designation, mailing
991 address, property address, and any address, e-mail address, or
992 facsimile number provided to the association to fulfill the
993 association's notice requirements. Notwithstanding the
994 restrictions in this subparagraph, an association may print and
995 distribute to unit owners a directory containing the name, unit
996 address, and all telephone numbers of each unit owner. However,
997 an owner may exclude his or her telephone numbers from the
998 directory by so requesting in writing to the association. An
999 owner may consent in writing to the disclosure of other contact
1000 information described in this subparagraph. The association is
1001 not liable for the inadvertent disclosure of information that is
1002 protected under this subparagraph if the information is included
1003 in an official record of the association and is voluntarily
1004 provided by an owner and not requested by the association.

1005 6. Electronic security measures that are used by the
1006 association to safeguard data, including passwords.

1007 7. The software and operating system used by the
1008 association which allow the manipulation of data, even if the
1009 owner owns a copy of the same software used by the association.
1010 The data is part of the official records of the association.

1011 8. All affirmative acknowledgments made pursuant to s.
1012 719.108(3)(b)3.

1013 (5) MAINTENANCE.-Maintenance of the common elements is the
1014 responsibility of the association, except for any maintenance
1015 responsibility for limited common elements assigned to the unit

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1016 owner by the declaration. The association shall provide for the
 1017 maintenance, repair, and replacement of the cooperative property
 1018 for which it bears responsibility pursuant to the declaration of
 1019 cooperative. After turnover of control of the association to the
 1020 unit owners, the association must perform any required
 1021 maintenance identified by the developer pursuant to s.
 1022 719.301(4)(p) until the association obtains new maintenance
 1023 protocols from a licensed professional engineer or architect.
 1024 The declaration may provide that certain limited common elements
 1025 shall be maintained by those entitled to use the limited common
 1026 elements or that the association shall provide the maintenance,
 1027 either as a common expense or with the cost shared only by those
 1028 entitled to use the limited common elements. If the maintenance
 1029 is to be by the association at the expense of only those
 1030 entitled to use the limited common elements, the declaration
 1031 shall describe in detail the method of apportioning such costs
 1032 among those entitled to use the limited common elements, and the
 1033 association may use the provisions of s. 719.108 to enforce
 1034 payment of the shares of such costs by the unit owners entitled
 1035 to use the limited common elements.

1036 Section 12. Paragraphs (j), (k), and (l) of subsection (1)
 1037 of section 719.106, Florida Statutes, are amended to read:

1038 719.106 Bylaws; cooperative ownership.—

1039 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 1040 documents shall provide for the following, and if they do not,
 1041 they shall be deemed to include the following:

1042 (j) *Annual budget.*—

1043 1. The proposed annual budget of common expenses must be
 1044 detailed and must show the amounts budgeted by accounts and

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1045 expense classifications, including, if applicable, but not
1046 limited to, those expenses listed in s. 719.504(20). The board
1047 of administration shall adopt the annual budget at least 14 days
1048 before the start of the association's fiscal year. In the event
1049 that the board fails to timely adopt the annual budget a second
1050 time, it is deemed a minor violation and the prior year's budget
1051 shall continue in effect until a new budget is adopted.

1052 2. In addition to annual operating expenses, the budget
1053 must include reserve accounts for capital expenditures and
1054 deferred maintenance. These accounts must include, but not be
1055 limited to, roof replacement, building painting, and pavement
1056 resurfacing, regardless of the amount of deferred maintenance
1057 expense or replacement cost, and for any other items for which
1058 the deferred maintenance expense or replacement cost exceeds
1059 \$10,000. The amount to be reserved ~~for an item is determined by~~
1060 ~~the association's most recent structural integrity reserve study~~
1061 ~~that must be completed by December 31, 2024. If the amount to be~~
1062 ~~reserved for an item is not in the association's initial or most~~
1063 ~~recent structural integrity reserve study or the association has~~
1064 ~~not completed a structural integrity reserve study, the amount~~
1065 must be computed by means of a formula which is based upon
1066 estimated remaining useful life and estimated replacement cost
1067 or deferred maintenance expense of the reserve item. In a budget
1068 adopted by an association that is required to obtain a
1069 structural integrity reserve study, reserves must be maintained
1070 for the items identified in paragraph (k) and the reserve amount
1071 for such items must be based on the findings and recommendations
1072 of the association's most recent structural integrity reserve
1073 study. With respect to items for which an estimate of useful

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1074 life is not readily ascertainable, an association must reserve
1075 the amount of deferred maintenance expense, if any, which is
1076 recommended by the structural integrity reserve study for such
1077 items. The association may adjust replacement reserve
1078 assessments annually to take into account an inflation
1079 adjustment and any changes in estimates or extension of the
1080 useful life of a reserve item caused by deferred maintenance.
1081 The members of a unit-owner-controlled association may
1082 determine, by a majority vote of all the voting interests of the
1083 association, voting in person or by proxy at a duly called
1084 meeting of the association, for a fiscal year to provide no
1085 reserves or reserves less adequate than required by this
1086 subsection. Before turnover of control of an association by a
1087 developer to unit owners other than a developer under s.
1088 719.301, the developer-controlled association may not vote to
1089 waive the reserves or reduce funding of the reserves. For a
1090 budget adopted on or after ~~Effective~~ December 31, 2024, a unit-
1091 owner-controlled association that must obtain a structural
1092 integrity reserve study may not determine to provide no reserves
1093 or reserves less adequate than required by this paragraph for
1094 items listed in paragraph (k). If a meeting of the unit owners
1095 has been called to determine to provide no reserves, or reserves
1096 less adequate than required, and such result is not attained or
1097 a quorum is not attained, the reserves as included in the budget
1098 shall go into effect.

1099 3. Reserve funds and any interest accruing thereon shall
1100 remain in the reserve account or accounts, and shall be used
1101 only for authorized reserve expenditures unless their use for
1102 other purposes is approved in advance by a vote of the majority

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1103 of the voting interests, voting in person or by limited proxy at
1104 a duly called meeting of the association. Before turnover of
1105 control of an association by a developer to unit owners other
1106 than the developer under s. 719.301, the developer may not vote
1107 to use reserves for purposes other than that for which they were
1108 intended. For a budget adopted on or after ~~Effective~~ December
1109 31, 2024, members of a unit-owner-controlled association that
1110 must obtain a structural integrity reserve study may not vote to
1111 use reserve funds, or any interest accruing thereon, ~~that are~~
1112 ~~reserved for items listed in paragraph (k)~~ for purposes other
1113 than the replacement or deferred maintenance costs of the
1114 components listed in paragraph (k) ~~their intended purpose.~~

1115 (k) *Structural integrity reserve study.*—

1116 1. A residential cooperative ~~An~~ association must have a
1117 structural integrity reserve study completed at least every 10
1118 years for each building on the cooperative property that is
1119 three stories or higher in height that includes, at a minimum, a
1120 study of the following items as related to the structural
1121 integrity and safety of the building:

1122 a. Roof.

1123 b. Load-bearing walls or other primary structural members.

1124 c. ~~Floor.~~

1125 ~~d.~~ Foundation.

1126 ~~d.e.~~ Fireproofing and fire protection systems.

1127 ~~e.f.~~ Plumbing.

1128 ~~f.g.~~ Electrical systems.

1129 ~~g.h.~~ Waterproofing and exterior painting.

1130 ~~h.i.~~ Windows.

1131 ~~i.j.~~ Any other item that has a deferred maintenance expense

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1132 or replacement cost that exceeds \$10,000 and the failure to
1133 replace or maintain such item negatively affects the items
1134 listed in sub-subparagraphs a.-h. ~~sub-subparagraphs a.-i.~~, as
1135 determined by the ~~licensed engineer or architect performing the~~
1136 visual inspection portion of the structural integrity reserve
1137 study.

1138 2. A structural integrity reserve study is based on a
1139 visual inspection of the cooperative property. A structural
1140 integrity reserve study may be performed by any person qualified
1141 to perform such study. However, the visual inspection portion of
1142 the structural integrity reserve study must be performed or
1143 verified by an engineer licensed under chapter 471, an architect
1144 licensed under chapter 481, or a person who is certified as a
1145 reserve specialist or professional reserve analyst by the
1146 Community Associations Institute or the Association of
1147 Professional Reserve Analysts. At a minimum, a structural
1148 integrity reserve study must identify each item of the
1149 cooperative property being visually inspected, state the
1150 estimated remaining useful life and the estimated replacement
1151 cost or deferred maintenance expense of each item of the
1152 cooperative property being visually inspected, and provide a
1153 reserve funding schedule with a recommended annual reserve
1154 amount that achieves the estimated replacement cost or deferred
1155 maintenance expense of each item of cooperative property being
1156 visually inspected by the end of the estimated remaining useful
1157 life of the item. The structural integrity reserve study may
1158 recommend that reserves do not need to be maintained for any
1159 item for which an estimate of useful life and an estimate of
1160 replacement cost or deferred maintenance expense cannot be

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1161 determined, or the study may recommend a deferred maintenance
1162 expense amount for such item. This paragraph does not apply to
1163 buildings less than three stories in height; single-family, two-
1164 family, or three-family dwellings with three or fewer habitable
1165 stories above ground; any portion or component of a building
1166 that has not been submitted to the cooperative form of
1167 ownership; or any portion or component of a building that is
1168 maintained by a party other than the association.

1169 3. Before a developer turns over control of an association
1170 to unit owners other than the developer, the developer must have
1171 a structural integrity reserve study completed for each building
1172 on the cooperative property that is three stories or higher in
1173 height.

1174 4.3. Associations existing on or before July 1, 2022, which
1175 are controlled by unit owners other than the developer, must
1176 have a structural integrity reserve study completed by December
1177 31, 2024, for each building on the cooperative property that is
1178 three stories or higher in height.

1179 5.4. If an association fails to complete a structural
1180 integrity reserve study pursuant to this paragraph, such failure
1181 is a breach of an officer's and director's fiduciary
1182 relationship to the unit owners under s. 719.104(9) ~~s.~~
1183 ~~719.104(8)~~.

1184 (1) *Mandatory milestone inspections.*—If an association is
1185 required to have a milestone inspection performed pursuant to s.
1186 553.899, the association must arrange for the milestone
1187 inspection to be performed and is responsible for ensuring
1188 compliance with the requirements of s. 553.899. The association
1189 is responsible for all costs associated with the milestone

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1190 inspection attributable to the portions of the building which
1191 the association is responsible to maintain under the governing
1192 documents of the association. If the officers or directors of an
1193 association willfully and knowingly fail to have a milestone
1194 inspection performed pursuant to s. 553.899, such failure is a
1195 breach of the officers' and directors' fiduciary relationship to
1196 the unit owners under s. 719.104(9)(a) ~~s. 719.104(8)(a)~~. Within
1197 30 days after receiving ~~Upon completion of~~ a phase one or phase
1198 two milestone inspection ~~and receipt of the inspector-prepared~~
1199 ~~summary of the inspection~~ report from the architect or engineer
1200 who performed the inspection, the association must distribute a
1201 copy of the inspector-prepared summary of the inspection report
1202 to each unit owner, regardless of the findings or
1203 recommendations in the report, by United States mail or personal
1204 delivery at the mailing address, property address, or any other
1205 address of the owner provided to fulfill the association's
1206 notice requirements under this chapter and by electronic
1207 transmission to the e-mail address or facsimile number provided
1208 to fulfill the association's notice requirements to unit owners
1209 who previously consented to receive notice by electronic
1210 transmission; must post a copy of the inspector-prepared summary
1211 in a conspicuous place on the cooperative property; and must
1212 publish the full report and inspector-prepared summary on the
1213 association's website, if the association is required to have a
1214 website.

1215 Section 13. Paragraph (d) is added to subsection (1) and
1216 paragraph (d) is added to subsection (2) of section 719.503,
1217 Florida Statutes, to read:

1218 719.503 Disclosure prior to sale.—

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1219 (1) DEVELOPER DISCLOSURE.—

1220 (d) Milestone inspection or structural integrity reserve
1221 study.—If the association is required to have completed a
1222 milestone inspection as described in ss. 553.899 and
1223 719.301(4) (p) or a structural integrity reserve study, and the
1224 association has failed to complete the milestone inspection or
1225 the structural integrity reserve study, each contract entered
1226 into after December 31, 2024, for the sale of a residential unit
1227 shall contain in conspicuous type a statement indicating that
1228 the association is required to have a milestone inspection or a
1229 structural integrity reserve study and has failed to complete
1230 such inspection or study, as appropriate. If the association is
1231 not required to have a milestone inspection as described in ss.
1232 553.899 and 719.301(4) (p) or a structural integrity reserve
1233 study, each contract entered into after December 31, 2024, for
1234 the sale of a residential unit shall contain in conspicuous type
1235 a statement indicating that the association is not required to
1236 have a milestone inspection or a structural integrity reserve
1237 study, as appropriate. If the association is required to have
1238 completed a milestone inspection as described in ss. 553.899 and
1239 719.301(4) (p) or a structural integrity reserve study, each
1240 contract entered into after December 31, 2024, for the sale of a
1241 residential unit shall contain in conspicuous type:

1242 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
1243 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1244 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1245 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A
1246 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1247 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND

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1248 719.106(1)(k), FLORIDA STATUTES; and

1249 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
1250 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
1251 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1252 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
1253 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
1254 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1255 IN SECTIONS 553.899 AND 719.301(4)(p), FLORIDA STATUTES; AND A
1256 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1257 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
1258 719.106(1)(k), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
1259 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
1260 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS,
1261 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE
1262 BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY
1263 OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS
1264 553.899 AND 719.301(4)(p), FLORIDA STATUTES; AND A COPY OF THE
1265 ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY
1266 DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA
1267 STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS
1268 AGREEMENT SHALL TERMINATE AT CLOSING.

1269
1270 A contract that does not conform to the requirements of this
1271 paragraph is voidable at the option of the purchaser prior to
1272 closing.

1273 (2) NONDEVELOPER DISCLOSURE.—

1274 (d) If the association is required to have completed a
1275 milestone inspection as described in ss. 553.899 and
1276 719.301(4)(p) or a structural integrity reserve study, and the

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1277 association has failed to complete the milestone inspection or
1278 the structural integrity reserve study, each contract entered
1279 into after December 31, 2024, for the sale of a residential unit
1280 shall contain in conspicuous type a statement indicating that
1281 the association is required to have a milestone inspection or a
1282 structural integrity reserve study and has failed to complete
1283 such inspection or study, as appropriate. If the association is
1284 not required to have a milestone inspection as described in ss.
1285 553.899 and 719.301(4) (p) or a structural integrity reserve
1286 study, each contract entered into after December 31, 2024, for
1287 the sale of a residential unit shall contain in conspicuous type
1288 a statement indicating that the association is not required to
1289 have a milestone inspection or a structural integrity reserve
1290 study, as appropriate. If the association is required to have
1291 completed a milestone inspection as described in ss. 553.899 and
1292 719.301(4) (p) or a structural integrity reserve study, each
1293 contract entered into after December 31, 2024, for the resale of
1294 a residential unit shall contain in conspicuous type:

1295 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
1296 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1297 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1298 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A
1299 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1300 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
1301 719.106(1) (k), FLORIDA STATUTES; and

1302 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
1303 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
1304 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1305 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE

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1306 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 1307 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 1308 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A
 1309 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 1310 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
 1311 719.106(1) (k), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
 1312 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
 1313 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING
 1314 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES
 1315 A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE
 1316 MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS 553.899 AND
 1317 719.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE ASSOCIATION'S
 1318 MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN
 1319 SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF
 1320 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
 1321 TERMINATE AT CLOSING.

1322
 1323 A contract that does not conform to the requirements of this
 1324 paragraph is voidable at the option of the purchaser prior to
 1325 closing.

1326 Section 14. Subsection (2) of section 558.002, Florida
 1327 Statutes, is amended to read:

1328 558.002 Definitions.—As used in this chapter, the term:

1329 (2) "Association" has the same meaning as in s. 718.103 ~~s.~~
 1330 ~~718.103(2)~~, s. 719.103(2), s. 720.301(9), or s. 723.075.

1331 Section 15. Paragraph (b) of subsection (1) of section
 1332 718.116, Florida Statutes, is amended to read:

1333 718.116 Assessments; liability; lien and priority;
 1334 interest; collection.—

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1335 (1)

1336 (b)1. The liability of a first mortgagee or its successor
1337 or assignees who acquire title to a unit by foreclosure or by
1338 deed in lieu of foreclosure for the unpaid assessments that
1339 became due before the mortgagee's acquisition of title is
1340 limited to the lesser of:

1341 a. The unit's unpaid common expenses and regular periodic
1342 assessments which accrued or came due during the 12 months
1343 immediately preceding the acquisition of title and for which
1344 payment in full has not been received by the association; or

1345 b. One percent of the original mortgage debt. The
1346 provisions of this paragraph apply only if the first mortgagee
1347 joined the association as a defendant in the foreclosure action.
1348 Joinder of the association is not required if, on the date the
1349 complaint is filed, the association was dissolved or did not
1350 maintain an office or agent for service of process at a location
1351 which was known to or reasonably discoverable by the mortgagee.

1352 2. An association, or its successor or assignee, that
1353 acquires title to a unit through the foreclosure of its lien for
1354 assessments is not liable for any unpaid assessments, late fees,
1355 interest, or reasonable attorney's fees and costs that came due
1356 before the association's acquisition of title in favor of any
1357 other association, as defined in s. 718.103 ~~s. 718.103(2)~~ or s.
1358 720.301(9), which holds a superior lien interest on the unit.
1359 This subparagraph is intended to clarify existing law.

1360 Section 16. Paragraph (d) of subsection (2) of section
1361 720.3085, Florida Statutes, is amended to read:

1362 720.3085 Payment for assessments; lien claims.—

1363 (2)

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1364 (d) An association, or its successor or assignee, that
1365 acquires title to a parcel through the foreclosure of its lien
1366 for assessments is not liable for any unpaid assessments, late
1367 fees, interest, or reasonable attorney's fees and costs that
1368 came due before the association's acquisition of title in favor
1369 of any other association, as defined in s. 718.103 ~~s. 718.103(2)~~
1370 or s. 720.301(9), which holds a superior lien interest on the
1371 parcel. This paragraph is intended to clarify existing law.

1372 Section 17. Effective July 1, 2027, for the purpose of
1373 incorporating the amendments made by this act to section
1374 718.1255, Florida Statutes, in a reference thereto, section
1375 719.1255, Florida Statutes, is reenacted to read:

1376 719.1255 Alternative resolution of disputes.—The Division
1377 of Florida Condominiums, Timeshares, and Mobile Homes of the
1378 Department of Business and Professional Regulation shall provide
1379 for alternative dispute resolution in accordance with s.
1380 718.1255.

1381 Section 18. The Division of Florida Condominiums,
1382 Timeshares, and Mobile Homes of the Department of Business and
1383 Professional Regulation may adopt rules to implement the changes
1384 made by this act to chapters 718 and 719, Florida Statutes.

1385 Section 19. Except as otherwise expressly provided in this
1386 act, this act shall take effect upon becoming a law.