

By the Committee on Regulated Industries; and 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.; revising the
56 documents developers are required to provide to
57 prospective buyers or lessees; requiring specified
58 disclosures relating to milestone inspections and

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59 structural integrity reserve studies for certain
60 contracts entered into after a specified date;
61 amending s. 719.103, F.S.; revising the definition of
62 the term "structural integrity reserve study";
63 amending s. 719.104, F.S.; revising rights relating to
64 the official records of a cooperative association;
65 providing maintenance requirements for cooperative
66 associations; amending s. 719.106, F.S.; revising
67 cooperative association reserve account requirements;
68 revising requirements relating to waiving reserve
69 requirements or providing less reserves than required
70 by law; revising a prohibition on using reserve funds
71 or interest accrued on reserve funds for certain
72 purposes; revising requirements for structural
73 integrity reserve studies; providing applicability;
74 conforming provisions to changes made by the act;
75 amending s. 719.503, F.S.; revising the types of
76 documents developers are required to provide to
77 prospective buyers and lessees; requiring specified
78 disclosures relating to milestone inspections and
79 structural integrity reserve studies for certain
80 contracts entered into after a specified date;
81 amending ss. 558.002, 718.116, and 720.3085, F.S.;
82 conforming cross-references; reenacting s. 719.1255,
83 F.S., relating to alternative resolution of disputes,
84 to incorporate amendments made to s. 718.1255, F.S.,
85 in a reference thereto; reenacting ss. 718.501(1)(f)
86 and 719.501(1)(f), F.S., relating to the rulemaking
87 authority of the Division of Florida Condominiums,

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88 Timeshares, and Mobile Homes of the Department of
89 Business and Professional Regulation; providing
90 effective dates.

91

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

93

94 Section 1. Paragraph (b) of subsection (1) of section
95 468.4334, Florida Statutes, is amended to read:

96 468.4334 Professional practice standards; liability.-

97 (1)

98 (b) If a community association manager or a community
99 association management firm has a contract with a community
100 association that ~~has a building on the association's property~~
101 ~~that~~ is subject to s. 553.899, the community association manager
102 or the community association management firm must comply with
103 that section as directed by the board.

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

107 553.899 Mandatory structural inspections for condominium
108 and cooperative buildings.-

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

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117 continued use.

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

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

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

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146 phase two inspection determines that such surface imperfections
147 are a sign of substantial structural deterioration.

148 (3) An owner or owners of a building that is three stories
149 or more in height that is subject, in whole or in part, to the
150 condominium or cooperative form of ownership as a residential
151 condominium association under chapter 718 or and a residential
152 cooperative association under chapter 719 must have a milestone
153 inspection performed for each building that is three stories or
154 more in height by December 31 of the year in which the building
155 reaches 30 years of age, based on the date the certificate of
156 occupancy for the building was issued, and every 10 years
157 thereafter. The local enforcement agency may determine that
158 local circumstances, including environmental conditions such as
159 proximity to salt water as defined in s. 379.101, require that
160 If the building is located within 3 miles of a coastline as
161 defined in s. 376.031, the condominium association or
162 cooperative association must have a milestone inspection must be
163 performed by December 31 of the year in which the building
164 reaches 25 years of age, based on the date the certificate of
165 occupancy for the building was issued, and every 10 years
166 thereafter. The milestone inspection report must be arranged by
167 a condominium or cooperative association and any owner of any
168 portion of the building which is not subject to the condominium
169 or cooperative form of ownership. The owner or owners of the
170 building, including the condominium association or cooperative
171 association, are each must arrange for the milestone inspection
172 to be performed and is responsible for ensuring compliance with
173 the requirements of this section. The condominium association or
174 cooperative association is responsible for all costs associated

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175 with the milestone inspection attributable to the portions of a
176 building which the association is responsible to maintain under
177 the governing documents of the association. This subsection does
178 not apply to a single-family, two-family, or three-family
179 dwelling with three or fewer habitable stories above ground.

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

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

201 (6) Phase one of the milestone inspection must be completed
202 within 180 days after the owner or owners of the building
203 receive ~~receiving~~ the written notice under subsection (5), ~~the~~

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204 ~~condominium association or cooperative association must complete~~
205 ~~phase one of the milestone inspection.~~ For purposes of this
206 section, completion of phase one of the milestone inspection
207 means the licensed engineer or architect who performed the phase
208 one inspection submitted the inspection report by e-mail, United
209 States Postal Service, or commercial delivery service to the
210 local enforcement agency.

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

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

232 (8) Upon completion of a phase one or phase two milestone

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233 inspection, the architect or engineer who performed the
234 inspection must submit a sealed copy of the inspection report
235 with a separate summary of, at minimum, the material findings
236 and recommendations in the inspection report to the condominium
237 association or cooperative association, to any other owner of
238 the building, and to the building official of the local
239 government which has jurisdiction. The inspection report must,
240 at a minimum, meet all of the following criteria:

241 (a) Bear the seal and signature, or the electronic
242 signature, of the licensed engineer or architect who performed
243 the inspection.

244 (b) Indicate the manner and type of inspection forming the
245 basis for the inspection report.

246 (c) Identify any substantial structural deterioration,
247 within a reasonable professional probability based on the scope
248 of the inspection, describe the extent of such deterioration,
249 and identify any recommended repairs for such deterioration.

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

252 (e) Recommend any remedial or preventive repair for any
253 items that are damaged but are not substantial structural
254 deterioration.

255 (f) Identify and describe any items requiring further
256 inspection.

257 (9) Within 30 days after receiving the applicable
258 inspection report, the condominium or cooperative association
259 must distribute a copy of the inspector-prepared summary of the
260 inspection report to each condominium unit owner or cooperative
261 unit owner, regardless of the findings or recommendations in the

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262 report, by United States mail or personal delivery at the
263 mailing address, property address, or any other address of the
264 owner provided to fulfill the association's notice requirements
265 under chapter 718 or chapter 719, as applicable, and by
266 electronic transmission to the e-mail address or facsimile
267 number provided to fulfill the association's notice requirements
268 to unit owners who previously consented to receive notice by
269 electronic transmission; must post a copy of the inspector-
270 prepared summary in a conspicuous place on the condominium or
271 cooperative property; and must publish the full report and
272 inspector-prepared summary on the association's website, if the
273 association is required to have a website.

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

288 (12) By December 31, 2024, the Florida Building Commission
289 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
290 establish a building safety program for the implementation of

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291 this section within the Florida Building Code: Existing
292 Building. The building inspection program must, at minimum,
293 include inspection criteria, testing protocols, standardized
294 inspection and reporting forms that are adaptable to an
295 electronic format, and record maintenance requirements for the
296 local authority ~~review the milestone inspection requirements~~
297 ~~under this section and make recommendations, if any, to the~~
298 ~~Legislature to ensure inspections are sufficient to determine~~
299 ~~the structural integrity of a building. The commission must~~
300 ~~provide a written report of any recommendations to the Governor,~~
301 ~~the President of the Senate, and the Speaker of the House of~~
302 ~~Representatives by December 31, 2022.~~

303 Section 3. Paragraph (aa) of subsection (6) of section
304 627.351, Florida Statutes, is amended to read:

305 627.351 Insurance risk apportionment plans.—

306 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

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

323 a. January 1, 2024, for property valued at \$600,000 or
324 more.

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

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

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

331 2. All personal lines residential policyholders whose
332 property insured by the corporation is located within the
333 special flood hazard area defined by the Federal Emergency
334 Management Agency must have flood coverage in place:

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

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

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

344 a. Policies that do not provide coverage for the peril of
345 wind.

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

348 (I) Insured under a master policy that provides flood

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349 coverage for personal property within the unit; or

350 (II) Located within an area designated by the Federal
 351 Emergency Management Agency:

352 (A) As a V-zone special flood hazard area, and the risk is
 353 on the fifth floor or above;

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

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

358
 359 The flood insurance required under this paragraph must meet, at
 360 a minimum, the coverage available from the National Flood
 361 Insurance Program or the requirements of subparagraphs s.
 362 627.715(1)(a)1., 2., and 3.

363 Section 4. Present subsections (1) through (31) of section
 364 718.103, Florida Statutes, are redesignated as subsections (2)
 365 through (32), respectively, a new subsection (1) is added to
 366 that section, and present subsection (25) of that section is
 367 amended, to read:

368 718.103 Definitions.—As used in this chapter, the term:

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

375 (26)-(25) "Structural integrity reserve study" means a study
 376 of the reserve funds required for future major repairs and
 377 replacement of the condominium property performed as required

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378 ~~under s. 718.112(2)(g) common areas based on a visual inspection~~
379 ~~of the common areas. A structural integrity reserve study may be~~
380 ~~performed by any person qualified to perform such study.~~
381 ~~However, the visual inspection portion of the structural~~
382 ~~integrity reserve study must be performed by an engineer~~
383 ~~licensed under chapter 471 or an architect licensed under~~
384 ~~chapter 481. At a minimum, a structural integrity reserve study~~
385 ~~must identify the common areas being visually inspected, state~~
386 ~~the estimated remaining useful life and the estimated~~
387 ~~replacement cost or deferred maintenance expense of the common~~
388 ~~areas being visually inspected, and provide a recommended annual~~
389 ~~reserve amount that achieves the estimated replacement cost or~~
390 ~~deferred maintenance expense of each common area being visually~~
391 ~~inspected by the end of the estimated remaining useful life of~~
392 ~~each common area.~~

393 Section 5. Paragraph (c) of subsection (12) of section
394 718.111, Florida Statutes, is amended to read:

395 718.111 The association.—

396 (12) OFFICIAL RECORDS.—

397 (c)1. The official records of the association are open to
398 inspection by any association member and any person authorized
399 by an association member as a ~~or the authorized~~ representative
400 of such member at all reasonable times. The right to inspect the
401 records includes the right to make or obtain copies, at the
402 reasonable expense, if any, of the member and of the person
403 authorized by the association member as a ~~or authorized~~
404 representative of such member. A renter of a unit has a right to
405 inspect and copy only the declaration of condominium, the
406 association's bylaws and rules, and the inspection reports

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407 described in ss. 553.899 and 718.301(4) (p). The association may
408 adopt reasonable rules regarding the frequency, time, location,
409 notice, and manner of record inspections and copying but may not
410 require a member to demonstrate any purpose or state any reason
411 for the inspection. The failure of an association to provide the
412 records within 10 working days after receipt of a written
413 request creates a rebuttable presumption that the association
414 willfully failed to comply with this paragraph. A unit owner who
415 is denied access to official records is entitled to the actual
416 damages or minimum damages for the association's willful failure
417 to comply. Minimum damages are \$50 per calendar day for up to 10
418 days, beginning on the 11th working day after receipt of the
419 written request. The failure to permit inspection entitles any
420 person prevailing in an enforcement action to recover reasonable
421 attorney fees from the person in control of the records who,
422 directly or indirectly, knowingly denied access to the records.

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

431 3. The association shall maintain an adequate number of
432 copies of the declaration, articles of incorporation, bylaws,
433 and rules, and all amendments to each of the foregoing, as well
434 as the question and answer sheet as described in s. 718.504 and
435 year-end financial information required under this section, on

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436 the condominium property to ensure their availability to unit
437 owners and prospective purchasers, and may charge its actual
438 costs for preparing and furnishing these documents to those
439 requesting the documents. An association shall allow a member or
440 his or her authorized representative to use a portable device,
441 including a smartphone, tablet, portable scanner, or any other
442 technology capable of scanning or taking photographs, to make an
443 electronic copy of the official records in lieu of the
444 association's providing the member or his or her authorized
445 representative with a copy of such records. The association may
446 not charge a member or his or her authorized representative for
447 the use of a portable device. Notwithstanding this paragraph,
448 the following records are not accessible to unit owners:

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

459 b. Information obtained by an association in connection
460 with the approval of the lease, sale, or other transfer of a
461 unit.

462 c. Personnel records of association or management company
463 employees, including, but not limited to, disciplinary, payroll,
464 health, and insurance records. For purposes of this sub-

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465 subparagraph, the term "personnel records" does not include
466 written employment agreements with an association employee or
467 management company, or budgetary or financial records that
468 indicate the compensation paid to an association employee.

469 d. Medical records of unit owners.

470 e. Social security numbers, driver license numbers, credit
471 card numbers, e-mail addresses, telephone numbers, facsimile
472 numbers, emergency contact information, addresses of a unit
473 owner other than as provided to fulfill the association's notice
474 requirements, and other personal identifying information of any
475 person, excluding the person's name, unit designation, mailing
476 address, property address, and any address, e-mail address, or
477 facsimile number provided to the association to fulfill the
478 association's notice requirements. Notwithstanding the
479 restrictions in this sub-subparagraph, an association may print
480 and distribute to unit owners a directory containing the name,
481 unit address, and all telephone numbers of each unit owner.
482 However, an owner may exclude his or her telephone numbers from
483 the directory by so requesting in writing to the association. An
484 owner may consent in writing to the disclosure of other contact
485 information described in this sub-subparagraph. The association
486 is not liable for the inadvertent disclosure of information that
487 is protected under this sub-subparagraph if the information is
488 included in an official record of the association and is
489 voluntarily provided by an owner and not requested by the
490 association.

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

493 g. The software and operating system used by the

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494 association which allow the manipulation of data, even if the
495 owner owns a copy of the same software used by the association.
496 The data is part of the official records of the association.

497 h. All affirmative acknowledgments made pursuant to s.
498 718.121(4)(c).

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

501 718.112 Bylaws.—

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

505 (f) *Annual budget*.—

506 1. The proposed annual budget of estimated revenues and
507 expenses must be detailed and must show the amounts budgeted by
508 accounts and expense classifications, including, at a minimum,
509 any applicable expenses listed in s. 718.504(21). The board
510 shall adopt the annual budget at least 14 days before the start
511 of the association's fiscal year. In the event that the board
512 fails to timely adopt the annual budget a second time, it is
513 deemed a minor violation and the prior year's budget shall
514 continue in effect until a new budget is adopted. A
515 multicondominium association must adopt a separate budget of
516 common expenses for each condominium the association operates
517 and must adopt a separate budget of common expenses for the
518 association. In addition, if the association maintains limited
519 common elements with the cost to be shared only by those
520 entitled to use the limited common elements as provided for in
521 s. 718.113(1), the budget or a schedule attached to it must show
522 the amount budgeted for this maintenance. If, after turnover of

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523 control of the association to the unit owners, any of the
524 expenses listed in s. 718.504(21) are not applicable, they do
525 not need to be listed.

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

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552 assessments annually to take into account an inflation
553 adjustment and any changes in estimates or extension of the
554 useful life of a reserve item caused by deferred maintenance.
555 The members of a unit-owner-controlled association may
556 determine, by a majority vote of all the voting interests of the
557 association, voting in person or by proxy at a duly called
558 meeting of the association, to provide no reserves or less
559 reserves than required by this subsection. For a budget adopted
560 on or after ~~Effective~~ December 31, 2024, the members of a unit-
561 owner-controlled association that must obtain a structural
562 integrity reserve study may not determine to provide no reserves
563 or less reserves than required by this subsection for items
564 listed in paragraph (g), except that members of an association
565 operating a multicondominium may determine to provide no
566 reserves or less reserves than required by this subsection if an
567 alternative funding method has been approved by the division.

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

578 3. Reserve funds and any interest accruing thereon shall
579 remain in the reserve account or accounts, and may be used only
580 for authorized reserve expenditures unless their use for other

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581 purposes is approved in advance by a majority vote of all the
582 voting interests of the association, voting in person or by
583 proxy at a duly called meeting of the association. Before
584 turnover of control of an association by a developer to unit
585 owners other than the developer pursuant to s. 718.301, the
586 developer-controlled association may not vote to use reserves
587 for purposes other than those for which they were intended. For
588 a budget adopted on or after ~~Effective~~ December 31, 2024,
589 members of a unit-owner-controlled association that must obtain
590 a structural integrity reserve study may not vote to use reserve
591 funds, or any interest accruing thereon, ~~that are reserved for~~
592 ~~items listed in paragraph (g)~~ for any other purpose other than
593 the replacement or deferred maintenance costs of the components
594 listed in paragraph (g) their intended purpose.

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

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

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- 610 1. A residential condominium ~~An~~ association must have a
611 structural integrity reserve study completed at least every 10
612 years after the condominium's creation for each building on the
613 condominium property that is three stories or higher in height
614 which includes, at a minimum, a study of the following items as
615 related to the structural integrity and safety of the building:
- 616 a. Roof.
 - 617 b. Load-bearing walls or other primary structural members.
 - 618 c. ~~Floor.~~
 - 619 ~~d.~~ Foundation.
 - 620 ~~d.e.~~ Fireproofing and fire protection systems.
 - 621 ~~e.f.~~ Plumbing.
 - 622 ~~f.g.~~ Electrical systems.
 - 623 ~~g.h.~~ Waterproofing and exterior painting.
 - 624 ~~h.i.~~ Windows.
 - 625 ~~i.j.~~ Any other item that has a deferred maintenance expense
626 or replacement cost that exceeds \$10,000 and the failure to
627 replace or maintain such item negatively affects the items
628 listed in sub-subparagraphs a.-h. ~~sub-subparagraphs a.-i.~~, as
629 determined by the ~~licensed engineer or architect performing the~~
630 visual inspection portion of the structural integrity reserve
631 study.
- 632 2. A structural integrity reserve study is based on a
633 visual inspection of the condominium property. A structural
634 integrity reserve study may be performed by any person qualified
635 to perform such study. However, the visual inspection portion of
636 the structural integrity reserve study must be performed or
637 verified by an engineer licensed under chapter 471, an architect
638 licensed under chapter 481, or a person who is certified as a

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

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

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668 ~~4.3.~~ Associations existing on or before July 1, 2022, which
669 are controlled by unit owners other than the developer, must
670 have a structural integrity reserve study completed by December
671 31, 2024, for each building on the condominium property that is
672 three stories or higher in height.

673 ~~5.4.~~ If an association fails to complete a structural
674 integrity reserve study pursuant to this paragraph, such failure
675 is a breach of an officer's and director's fiduciary
676 relationship to the unit owners under s. 718.111(1).

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

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697 delivery at the mailing address, property address, or any other
698 address of the owner provided to fulfill the association's
699 notice requirements under this chapter and by electronic
700 transmission to the e-mail address or facsimile number provided
701 to fulfill the association's notice requirements to unit owners
702 who previously consented to receive notice by electronic
703 transmission; must post a copy of the inspector-prepared summary
704 in a conspicuous place on the condominium property; and must
705 publish the full report and inspector-prepared summary on the
706 association's website, if the association is required to have a
707 website.

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

711 718.1255 Alternative dispute resolution; mediation;
712 nonbinding arbitration; applicability.—

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

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

718 1. Obtain the milestone inspection required under s.
719 553.899.

720 2. Obtain a structural integrity reserve study required
721 under s. 718.112(2)(g).

722 3. Fund reserves as required for an item identified in s.
723 718.112(2)(g).

724 4. Make or provide necessary maintenance or repairs of
725 condominium property recommended by a milestone inspection or a

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726 structural integrity reserve study.

727

728 "Dispute" does not include any disagreement that primarily
729 involves: title to any unit or common element; the
730 interpretation or enforcement of any warranty; the levy of a fee
731 or assessment, or the collection of an assessment levied against
732 a party; the eviction or other removal of a tenant from a unit;
733 alleged breaches of fiduciary duty by one or more directors; or
734 claims for damages to a unit based upon the alleged failure of
735 the association to maintain the common elements or condominium
736 property.

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

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

748 718.113 Maintenance; limitation upon improvement; display
749 of flag; hurricane shutters and protection; display of religious
750 decorations.—

751 (1) Maintenance of the common elements is the
752 responsibility of the association, except for any maintenance
753 responsibility for limited common elements assigned to the unit
754 owner by the declaration. The association shall provide for the

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

774 Section 9. Paragraph (b) of subsection (1) of section
775 718.503, Florida Statutes, is amended, and paragraph (d) is
776 added to that subsection and paragraph (e) is added to
777 subsection (2) of that section, to read:

778 718.503 Developer disclosure prior to sale; nondeveloper
779 unit owner disclosure prior to sale; voidability.—

780 (1) DEVELOPER DISCLOSURE.—

781 (b) *Copies of documents to be furnished to prospective*
782 *buyer or lessee.*—Until such time as the developer has furnished
783 the documents listed below to a person who has entered into a

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784 contract to purchase a residential unit or lease it for more
785 than 5 years, the contract may be voided by that person,
786 entitling the person to a refund of any deposit together with
787 interest thereon as provided in s. 718.202. The contract may be
788 terminated by written notice from the proposed buyer or lessee
789 delivered to the developer within 15 days after the buyer or
790 lessee receives all of the documents required by this section.
791 The developer may not close for 15 days after the execution of
792 the agreement and delivery of the documents to the buyer as
793 evidenced by a signed receipt for documents unless the buyer is
794 informed in the 15-day voidability period and agrees to close
795 before the expiration of the 15 days. The developer shall retain
796 in his or her records a separate agreement signed by the buyer
797 as proof of the buyer's agreement to close before the expiration
798 of the voidability period. The developer must retain such proof
799 for a period of 5 years after the date of the closing of the
800 transaction. The documents to be delivered to the prospective
801 buyer are the prospectus or disclosure statement with all
802 exhibits, if the development is subject to s. 718.504, or, if
803 not, then copies of the following which are applicable:

804 1. The question and answer sheet described in s. 718.504,
805 and declaration of condominium, or the proposed declaration if
806 the declaration has not been recorded, which shall include the
807 certificate of a surveyor approximately representing the
808 locations required by s. 718.104.

809 2. The documents creating the association.

810 3. The bylaws.

811 4. The ground lease or other underlying lease of the
812 condominium.

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813 5. The management contract, maintenance contract, and other
814 contracts for management of the association and operation of the
815 condominium and facilities used by the unit owners having a
816 service term in excess of 1 year, and any management contracts
817 that are renewable.

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

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

825 8. The lease of recreational and other common facilities
826 that will be used by unit owners in common with unit owners of
827 other condominiums.

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

829 10. Any declaration of servitude of properties serving the
830 condominium but not owned by unit owners or leased to them or
831 the association.

832 11. If the development is to be built in phases or if the
833 association is to manage more than one condominium, a
834 description of the plan of phase development or the arrangements
835 for the association to manage two or more condominiums.

836 12. If the condominium is a conversion of existing
837 improvements, the statements and disclosure required by s.
838 718.616.

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

840 14. A copy of the floor plan of the unit and the plot plan
841 showing the location of the residential buildings and the

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842 recreation and other common areas.

843 15. A copy of all covenants and restrictions that will
844 affect the use of the property and are not contained in the
845 foregoing.

846 16. If the developer is required by state or local
847 authorities to obtain acceptance or approval of any dock or
848 marina facilities intended to serve the condominium, a copy of
849 any such acceptance or approval acquired by the time of filing
850 with the division under s. 718.502(1), or a statement that such
851 acceptance or approval has not been acquired or received.

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

855 18. A copy of the inspector-prepared summary of the
856 milestone inspection report as described in ss. 553.899 and
857 718.301(4)(p) or a statement in conspicuous type indicating that
858 the association has not completed the milestone inspection
859 described in ss. 553.899 and 718.301(4)(p) or that the
860 association is not required to perform a milestone inspection,
861 as applicable.

862 19. A copy of the association's most recent structural
863 integrity reserve study or a statement in conspicuous type
864 indicating that the association has not completed a structural
865 integrity reserve study or that the association is not required
866 to perform a structural integrity reserve study, as applicable.

867 (d) Milestone inspection or structural integrity reserve
868 study.—If the association is required to have completed a
869 milestone inspection as described in ss. 553.899 and
870 718.301(4)(p) or a structural integrity reserve study, and the

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871 association has failed to complete the milestone inspection or
872 the structural integrity reserve study, each contract entered
873 into after December 31, 2024, for the sale of a residential unit
874 shall contain in conspicuous type a statement indicating that
875 the association is required to have a milestone inspection or a
876 structural integrity reserve study and has failed to complete
877 such inspection or study, as appropriate. If the association is
878 not required to have a milestone inspection as described in ss.
879 553.899 and 718.301(4) (p) or a structural integrity reserve
880 study, each contract entered into after December 31, 2024, for
881 the sale of a residential unit shall contain in conspicuous type
882 a statement indicating that the association is not required to
883 have a milestone inspection or a structural integrity reserve
884 study, as appropriate. If the association is required to have
885 completed a milestone inspection as described in ss. 553.899 and
886 718.301(4) (p) or a structural integrity reserve study, each
887 contract entered into after December 31, 2024, for the sale of a
888 residential unit shall contain in conspicuous type:

889 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
890 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
891 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
892 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
893 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
894 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
895 718.112(2) (g), FLORIDA STATUTES, MORE THAN 15 DAYS, EXCLUDING
896 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF
897 THIS CONTRACT; and

898 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
899 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO

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900 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
901 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
902 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
903 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
904 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
905 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
906 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
907 718.112(2) (g), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
908 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
909 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS,
910 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE
911 BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY
912 OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS
913 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE
914 ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY
915 DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2) (g), FLORIDA
916 STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS
917 AGREEMENT SHALL TERMINATE AT CLOSING.

918
919 A contract that does not conform to the requirements of this
920 paragraph is voidable at the option of the purchaser prior to
921 closing.

922 (2) NONDEVELOPER DISCLOSURE.—

923 (e) If the association is required to have completed a
924 milestone inspection as described in ss. 553.899 and
925 718.301(4) (p) or a structural integrity reserve study, and the
926 association has failed to complete the milestone inspection or
927 the structural integrity reserve study, each contract entered
928 into after December 31, 2024, for the sale of a residential unit

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929 shall contain in conspicuous type a statement indicating that
930 the association is required to have a milestone inspection or a
931 structural integrity reserve study and has failed to complete
932 such inspection or study, as appropriate. If the association is
933 not required to have a milestone inspection as described in ss.
934 553.899 and 718.301(4) (p) or a structural integrity reserve
935 study, each contract entered into after December 31, 2024, for
936 the sale of a residential unit shall contain in conspicuous type
937 a statement indicating that the association is not required to
938 have a milestone inspection or a structural integrity reserve
939 study, as appropriate. If the association is required to have
940 completed a milestone inspection as described in ss. 553.899 and
941 718.301(4) (p) or a structural integrity reserve study, each
942 contract entered into after December 31, 2024, for the resale of
943 a residential unit shall contain in conspicuous type:

944 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
945 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
946 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
947 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
948 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
949 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
950 718.112(2) (g), FLORIDA STATUTES, MORE THAN 3 DAYS, EXCLUDING
951 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF
952 THIS CONTRACT; and

953 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
954 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
955 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
956 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
957 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-

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958 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 959 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A
 960 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 961 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 962 718.112(2) (g), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
 963 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
 964 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING
 965 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES
 966 A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE
 967 MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS 553.899 AND
 968 718.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE ASSOCIATION'S
 969 MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN
 970 SECTIONS 718.103(26) AND 718.112(2) (g) FLORIDA STATUTES, IF
 971 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
 972 TERMINATE AT CLOSING.

973
 974 A contract that does not conform to the requirements of this
 975 paragraph is voidable at the option of the purchaser prior to
 976 closing.

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

979 719.103 Definitions.—As used in this chapter:

980 (24) "Structural integrity reserve study" means a study of
 981 the reserve funds required for future major repairs and
 982 replacement of the cooperative property performed as required
 983 under s. 719.106(1) (k) common areas based on a visual inspection
 984 of the common areas. A structural integrity reserve study may be
 985 performed by any person qualified to perform such study.
 986 ~~However, the visual inspection portion of the structural~~

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987 ~~integrity reserve study must be performed by an engineer~~
988 ~~licensed under chapter 471 or an architect licensed under~~
989 ~~chapter 481. At a minimum, a structural integrity reserve study~~
990 ~~must identify the common areas being visually inspected, state~~
991 ~~the estimated remaining useful life and the estimated~~
992 ~~replacement cost or deferred maintenance expense of the common~~
993 ~~areas being visually inspected, and provide a recommended annual~~
994 ~~reserve amount that achieves the estimated replacement cost or~~
995 ~~deferred maintenance expense of each common area being visually~~
996 ~~inspected by the end of the estimated remaining useful life of~~
997 ~~each common area.~~

998 Section 11. Present subsections (5) through (11) of section
999 719.104, Florida Statutes, are redesignated as subsections (6)
1000 through (12), respectively, a new subsection (5) is added to
1001 that section, and paragraph (c) of subsection (2) of that
1002 section is amended, to read:

1003 719.104 Cooperatives; access to units; records; financial
1004 reports; assessments; purchase of leases.—

1005 (2) OFFICIAL RECORDS.—

1006 (c) The official records of the association are open to
1007 inspection by any association member and any person authorized
1008 by an association member as a ~~or the authorized~~ representative
1009 of such member at all reasonable times. The right to inspect the
1010 records includes the right to make or obtain copies, at the
1011 reasonable expense, if any, of the association member and of the
1012 person authorized by the association member as a representative
1013 of such member. A renter of a unit has a right to inspect and
1014 copy only the association's bylaws and rules and the inspection
1015 reports described in ss. 553.899 and 719.301(4) (p). The

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1016 association may adopt reasonable rules regarding the frequency,
1017 time, location, notice, and manner of record inspections and
1018 copying, but may not require a member to demonstrate any purpose
1019 or state any reason for the inspection. The failure of an
1020 association to provide the records within 10 working days after
1021 receipt of a written request creates a rebuttable presumption
1022 that the association willfully failed to comply with this
1023 paragraph. A member who is denied access to official records is
1024 entitled to the actual damages or minimum damages for the
1025 association's willful failure to comply. The minimum damages are
1026 \$50 per calendar day for up to 10 days, beginning on the 11th
1027 working day after receipt of the written request. The failure to
1028 permit inspection entitles any person prevailing in an
1029 enforcement action to recover reasonable attorney fees from the
1030 person in control of the records who, directly or indirectly,
1031 knowingly denied access to the records. Any person who knowingly
1032 or intentionally defaces or destroys accounting records that are
1033 required by this chapter to be maintained during the period for
1034 which such records are required to be maintained, or who
1035 knowingly or intentionally fails to create or maintain
1036 accounting records that are required to be created or
1037 maintained, with the intent of causing harm to the association
1038 or one or more of its members, is personally subject to a civil
1039 penalty under s. 719.501(1)(d). The association shall maintain
1040 an adequate number of copies of the declaration, articles of
1041 incorporation, bylaws, and rules, and all amendments to each of
1042 the foregoing, as well as the question and answer sheet as
1043 described in s. 719.504 and year-end financial information
1044 required by the department, on the cooperative property to

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1045 ensure their availability to members and prospective purchasers,
1046 and may charge its actual costs for preparing and furnishing
1047 these documents to those requesting the same. An association
1048 shall allow a member or his or her authorized representative to
1049 use a portable device, including a smartphone, tablet, portable
1050 scanner, or any other technology capable of scanning or taking
1051 photographs, to make an electronic copy of the official records
1052 in lieu of the association providing the member or his or her
1053 authorized representative with a copy of such records. The
1054 association may not charge a member or his or her authorized
1055 representative for the use of a portable device. Notwithstanding
1056 this paragraph, the following records shall not be accessible to
1057 members:

1058 1. Any record protected by the lawyer-client privilege as
1059 described in s. 90.502 and any record protected by the work-
1060 product privilege, including any record prepared by an
1061 association attorney or prepared at the attorney's express
1062 direction which reflects a mental impression, conclusion,
1063 litigation strategy, or legal theory of the attorney or the
1064 association, and which was prepared exclusively for civil or
1065 criminal litigation or for adversarial administrative
1066 proceedings, or which was prepared in anticipation of such
1067 litigation or proceedings until the conclusion of the litigation
1068 or proceedings.

1069 2. Information obtained by an association in connection
1070 with the approval of the lease, sale, or other transfer of a
1071 unit.

1072 3. Personnel records of association or management company
1073 employees, including, but not limited to, disciplinary, payroll,

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1074 health, and insurance records. For purposes of this
1075 subparagraph, the term "personnel records" does not include
1076 written employment agreements with an association employee or
1077 management company, or budgetary or financial records that
1078 indicate the compensation paid to an association employee.

1079 4. Medical records of unit owners.

1080 5. Social security numbers, driver license numbers, credit
1081 card numbers, e-mail addresses, telephone numbers, facsimile
1082 numbers, emergency contact information, addresses of a unit
1083 owner other than as provided to fulfill the association's notice
1084 requirements, and other personal identifying information of any
1085 person, excluding the person's name, unit designation, mailing
1086 address, property address, and any address, e-mail address, or
1087 facsimile number provided to the association to fulfill the
1088 association's notice requirements. Notwithstanding the
1089 restrictions in this subparagraph, an association may print and
1090 distribute to unit owners a directory containing the name, unit
1091 address, and all telephone numbers of each unit owner. However,
1092 an owner may exclude his or her telephone numbers from the
1093 directory by so requesting in writing to the association. An
1094 owner may consent in writing to the disclosure of other contact
1095 information described in this subparagraph. The association is
1096 not liable for the inadvertent disclosure of information that is
1097 protected under this subparagraph if the information is included
1098 in an official record of the association and is voluntarily
1099 provided by an owner and not requested by the association.

1100 6. Electronic security measures that are used by the
1101 association to safeguard data, including passwords.

1102 7. The software and operating system used by the

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1103 association which allow the manipulation of data, even if the
1104 owner owns a copy of the same software used by the association.
1105 The data is part of the official records of the association.

1106 8. All affirmative acknowledgments made pursuant to s.
1107 719.108(3)(b)3.

1108 (5) MAINTENANCE.—Maintenance of the common elements is the
1109 responsibility of the association, except for any maintenance
1110 responsibility for limited common elements assigned to the unit
1111 owner by the declaration. The association shall provide for the
1112 maintenance, repair, and replacement of the cooperative property
1113 for which it bears responsibility pursuant to the declaration of
1114 cooperative. After turnover of control of the association to the
1115 unit owners, the association must perform any required
1116 maintenance identified by the developer pursuant to s.
1117 719.301(4)(p) until the association obtains new maintenance
1118 protocols from a licensed professional engineer or architect.
1119 The declaration may provide that certain limited common elements
1120 shall be maintained by those entitled to use the limited common
1121 elements or that the association shall provide the maintenance,
1122 either as a common expense or with the cost shared only by those
1123 entitled to use the limited common elements. If the maintenance
1124 is to be by the association at the expense of only those
1125 entitled to use the limited common elements, the declaration
1126 shall describe in detail the method of apportioning such costs
1127 among those entitled to use the limited common elements, and the
1128 association may use the provisions of s. 719.108 to enforce
1129 payment of the shares of such costs by the unit owners entitled
1130 to use the limited common elements.

1131 Section 12. Paragraphs (j), (k), and (l) of subsection (1)

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1132 of section 719.106, Florida Statutes, are amended to read:

1133 719.106 Bylaws; cooperative ownership.—

1134 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1135 documents shall provide for the following, and if they do not,
1136 they shall be deemed to include the following:

1137 (j) *Annual budget*.—

1138 1. The proposed annual budget of common expenses must be
1139 detailed and must show the amounts budgeted by accounts and
1140 expense classifications, including, if applicable, but not
1141 limited to, those expenses listed in s. 719.504(20). The board
1142 of administration shall adopt the annual budget at least 14 days
1143 before the start of the association's fiscal year. In the event
1144 that the board fails to timely adopt the annual budget a second
1145 time, it is deemed a minor violation and the prior year's budget
1146 shall continue in effect until a new budget is adopted.

1147 2. In addition to annual operating expenses, the budget
1148 must include reserve accounts for capital expenditures and
1149 deferred maintenance. These accounts must include, but not be
1150 limited to, roof replacement, building painting, and pavement
1151 resurfacing, regardless of the amount of deferred maintenance
1152 expense or replacement cost, and for any other items for which
1153 the deferred maintenance expense or replacement cost exceeds
1154 \$10,000. The amount to be reserved ~~for an item is determined by~~
1155 ~~the association's most recent structural integrity reserve study~~
1156 ~~that must be completed by December 31, 2024. If the amount to be~~
1157 ~~reserved for an item is not in the association's initial or most~~
1158 ~~recent structural integrity reserve study or the association has~~
1159 ~~not completed a structural integrity reserve study, the amount~~
1160 must be computed by means of a formula which is based upon

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1161 estimated remaining useful life and estimated replacement cost
1162 or deferred maintenance expense of the reserve item. In a budget
1163 adopted by an association that is required to obtain a
1164 structural integrity reserve study, reserves must be maintained
1165 for the items identified in paragraph (k) and the reserve amount
1166 for such items must be based on the findings and recommendations
1167 of the association's most recent structural integrity reserve
1168 study. With respect to items for which an estimate of useful
1169 life is not readily ascertainable, an association must reserve
1170 the amount of deferred maintenance expense, if any, which is
1171 recommended by the structural integrity reserve study for such
1172 items. The association may adjust replacement reserve
1173 assessments annually to take into account an inflation
1174 adjustment and any changes in estimates or extension of the
1175 useful life of a reserve item caused by deferred maintenance.
1176 The members of a unit-owner-controlled association may
1177 determine, by a majority vote of all the voting interests of the
1178 association, voting in person or by proxy at a duly called
1179 meeting of the association, for a fiscal year to provide no
1180 reserves or reserves less adequate than required by this
1181 subsection. Before turnover of control of an association by a
1182 developer to unit owners other than a developer under s.
1183 719.301, the developer-controlled association may not vote to
1184 waive the reserves or reduce funding of the reserves. For a
1185 budget adopted on or after ~~Effective~~ December 31, 2024, a unit-
1186 owner-controlled association that must obtain a structural
1187 integrity reserve study may not determine to provide no reserves
1188 or reserves less adequate than required by this paragraph for
1189 items listed in paragraph (k). If a meeting of the unit owners

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1190 has been called to determine to provide no reserves, or reserves
1191 less adequate than required, and such result is not attained or
1192 a quorum is not attained, the reserves as included in the budget
1193 shall go into effect.

1194 3. Reserve funds and any interest accruing thereon shall
1195 remain in the reserve account or accounts, and shall be used
1196 only for authorized reserve expenditures unless their use for
1197 other purposes is approved in advance by a vote of the majority
1198 of the voting interests, voting in person or by limited proxy at
1199 a duly called meeting of the association. Before turnover of
1200 control of an association by a developer to unit owners other
1201 than the developer under s. 719.301, the developer may not vote
1202 to use reserves for purposes other than that for which they were
1203 intended. For a budget adopted on or after ~~Effective~~ December
1204 31, 2024, members of a unit-owner-controlled association that
1205 must obtain a structural integrity reserve study may not vote to
1206 use reserve funds, or any interest accruing thereon, ~~that are~~
1207 ~~reserved for items listed in paragraph (k)~~ for purposes other
1208 than the replacement or deferred maintenance costs of the
1209 components listed in paragraph (k) ~~their intended purpose~~.

1210 (k) *Structural integrity reserve study.*—

1211 1. A residential cooperative ~~An~~ association must have a
1212 structural integrity reserve study completed at least every 10
1213 years for each building on the cooperative property that is
1214 three stories or higher in height that includes, at a minimum, a
1215 study of the following items as related to the structural
1216 integrity and safety of the building:

1217 a. Roof.

1218 b. Load-bearing walls or other primary structural members.

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1219 c. ~~Floor.~~
 1220 ~~d.~~ Foundation.
 1221 ~~d.e.~~ Fireproofing and fire protection systems.
 1222 ~~e.f.~~ Plumbing.
 1223 ~~f.g.~~ Electrical systems.
 1224 ~~g.h.~~ Waterproofing and exterior painting.
 1225 ~~h.i.~~ Windows.
 1226 ~~i.j.~~ Any other item that has a deferred maintenance expense
 1227 or replacement cost that exceeds \$10,000 and the failure to
 1228 replace or maintain such item negatively affects the items
 1229 listed in sub-subparagraphs a.-h. ~~sub-subparagraphs a.-i.~~, as
 1230 determined by the ~~licensed engineer or architect performing the~~
 1231 visual inspection portion of the structural integrity reserve
 1232 study.

1233 2. A structural integrity reserve study is based on a
 1234 visual inspection of the cooperative property. A structural
 1235 integrity reserve study may be performed by any person qualified
 1236 to perform such study. However, the visual inspection portion of
 1237 the structural integrity reserve study must be performed or
 1238 verified by an engineer licensed under chapter 471, an architect
 1239 licensed under chapter 481, or a person who is certified as a
 1240 reserve specialist or professional reserve analyst by the
 1241 Community Associations Institute or the Association of
 1242 Professional Reserve Analysts. At a minimum, a structural
 1243 integrity reserve study must identify each item of the
 1244 cooperative property being visually inspected, state the
 1245 estimated remaining useful life and the estimated replacement
 1246 cost or deferred maintenance expense of each item of the
 1247 cooperative property being visually inspected, and provide a

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1248 reserve funding schedule with a recommended annual reserve
1249 amount that achieves the estimated replacement cost or deferred
1250 maintenance expense of each item of cooperative property being
1251 visually inspected by the end of the estimated remaining useful
1252 life of the item. The structural integrity reserve study may
1253 recommend that reserves do not need to be maintained for any
1254 item for which an estimate of useful life and an estimate of
1255 replacement cost or deferred maintenance expense cannot be
1256 determined, or the study may recommend a deferred maintenance
1257 expense amount for such item. This paragraph does not apply to
1258 buildings less than three stories in height; single-family, two-
1259 family, or three-family dwellings with three or fewer habitable
1260 stories above ground; any portion or component of a building
1261 that has not been submitted to the cooperative form of
1262 ownership; or any portion or component of a building that is
1263 maintained by a party other than the association.

1264 3. Before a developer turns over control of an association
1265 to unit owners other than the developer, the developer must have
1266 a structural integrity reserve study completed for each building
1267 on the cooperative property that is three stories or higher in
1268 height.

1269 ~~4.3.~~ Associations existing on or before July 1, 2022, which
1270 are controlled by unit owners other than the developer, must
1271 have a structural integrity reserve study completed by December
1272 31, 2024, for each building on the cooperative property that is
1273 three stories or higher in height.

1274 ~~5.4.~~ If an association fails to complete a structural
1275 integrity reserve study pursuant to this paragraph, such failure
1276 is a breach of an officer's and director's fiduciary

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1277 relationship to the unit owners under s. 719.104(9) ~~s.~~
1278 ~~719.104(8)~~.

1279 (1) *Mandatory milestone inspections.*—If an association is
1280 required to have a milestone inspection performed pursuant to s.
1281 553.899, the association must arrange for the milestone
1282 inspection to be performed and is responsible for ensuring
1283 compliance with the requirements of s. 553.899. The association
1284 is responsible for all costs associated with the milestone
1285 inspection attributable to the portions of the building which
1286 the association is responsible to maintain under the governing
1287 documents of the association. If the officers or directors of an
1288 association willfully and knowingly fail to have a milestone
1289 inspection performed pursuant to s. 553.899, such failure is a
1290 breach of the officers' and directors' fiduciary relationship to
1291 the unit owners under s. 719.104(9)(a) ~~s. 719.104(8)(a)~~. Within
1292 30 days after receiving ~~Upon completion of~~ a phase one or phase
1293 two milestone inspection ~~and receipt of the inspector-prepared~~
1294 ~~summary of the inspection~~ report from the architect or engineer
1295 who performed the inspection, the association must distribute a
1296 copy of the inspector-prepared summary of the inspection report
1297 to each unit owner, regardless of the findings or
1298 recommendations in the report, by United States mail or personal
1299 delivery at the mailing address, property address, or any other
1300 address of the owner provided to fulfill the association's
1301 notice requirements under this chapter and by electronic
1302 transmission to the e-mail address or facsimile number provided
1303 to fulfill the association's notice requirements to unit owners
1304 who previously consented to receive notice by electronic
1305 transmission; must post a copy of the inspector-prepared summary

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1306 in a conspicuous place on the cooperative property; and must
1307 publish the full report and inspector-prepared summary on the
1308 association's website, if the association is required to have a
1309 website.

1310 Section 13. Paragraph (b) of subsection (1) of section
1311 719.503, Florida Statutes, is amended, paragraph (d) is added to
1312 that subsection, and paragraph (d) is added to subsection (2) of
1313 that section, to read:

1314 719.503 Disclosure prior to sale.—

1315 (1) DEVELOPER DISCLOSURE.—

1316 (b) *Copies of documents to be furnished to prospective*
1317 *buyer or lessee.*—Until such time as the developer has furnished
1318 the documents listed below to a person who has entered into a
1319 contract to purchase a unit or lease it for more than 5 years,
1320 the contract may be voided by that person, entitling the person
1321 to a refund of any deposit together with interest thereon as
1322 provided in s. 719.202. The contract may be terminated by
1323 written notice from the proposed buyer or lessee delivered to
1324 the developer within 15 days after the buyer or lessee receives
1325 all of the documents required by this section. The developer may
1326 not close for 15 days after the execution of the agreement and
1327 delivery of the documents to the buyer as evidenced by a receipt
1328 for documents signed by the buyer unless the buyer is informed
1329 in the 15-day voidability period and agrees to close before the
1330 expiration of the 15 days. The developer shall retain in his or
1331 her records a separate signed agreement as proof of the buyer's
1332 agreement to close before the expiration of the voidability
1333 period. The developer must retain such proof for a period of 5
1334 years after the date of the closing transaction. The documents

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1335 to be delivered to the prospective buyer are the prospectus or
1336 disclosure statement with all exhibits, if the development is
1337 subject to s. 719.504, or, if not, then copies of the following
1338 which are applicable:

1339 1. The question and answer sheet described in s. 719.504,
1340 and cooperative documents, or the proposed cooperative documents
1341 if the documents have not been recorded, which shall include the
1342 certificate of a surveyor approximately representing the
1343 locations required by s. 719.104.

1344 2. The documents creating the association.

1345 3. The bylaws.

1346 4. The ground lease or other underlying lease of the
1347 cooperative.

1348 5. The management contract, maintenance contract, and other
1349 contracts for management of the association and operation of the
1350 cooperative and facilities used by the unit owners having a
1351 service term in excess of 1 year, and any management contracts
1352 that are renewable.

1353 6. The estimated operating budget for the cooperative and a
1354 schedule of expenses for each type of unit, including fees
1355 assessed to a shareholder who has exclusive use of limited
1356 common areas, where such costs are shared only by those entitled
1357 to use such limited common areas.

1358 7. The lease of recreational and other facilities that will
1359 be used only by unit owners of the subject cooperative.

1360 8. The lease of recreational and other common areas that
1361 will be used by unit owners in common with unit owners of other
1362 cooperatives.

1363 9. The form of unit lease if the offer is of a leasehold.

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1364 10. Any declaration of servitude of properties serving the
1365 cooperative but not owned by unit owners or leased to them or
1366 the association.

1367 11. If the development is to be built in phases or if the
1368 association is to manage more than one cooperative, a
1369 description of the plan of phase development or the arrangements
1370 for the association to manage two or more cooperatives.

1371 12. If the cooperative is a conversion of existing
1372 improvements, the statements and disclosure required by s.
1373 719.616.

1374 13. The form of agreement for sale or lease of units.

1375 14. A copy of the floor plan of the unit and the plot plan
1376 showing the location of the residential buildings and the
1377 recreation and other common areas.

1378 15. A copy of all covenants and restrictions that will
1379 affect the use of the property and are not contained in the
1380 foregoing.

1381 16. If the developer is required by state or local
1382 authorities to obtain acceptance or approval of any dock or
1383 marina facilities intended to serve the cooperative, a copy of
1384 any such acceptance or approval acquired by the time of filing
1385 with the division pursuant to s. 719.502(1) or a statement that
1386 such acceptance or approval has not been acquired or received.

1387 17. Evidence demonstrating that the developer has an
1388 ownership, leasehold, or contractual interest in the land upon
1389 which the cooperative is to be developed.

1390 18. A copy of the inspector-prepared summary of the
1391 milestone inspection report as described in ss. 553.899 and
1392 719.301(4) (p), or a statement in conspicuous type indicating

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1393 that the association has not completed the milestone inspection
1394 described in ss. 553.899 and 719.301(4) (p) or that the
1395 association is not required to perform a milestone inspection,
1396 as ~~if~~ applicable.

1397 19. A copy of the association's most recent structural
1398 integrity reserve study or a statement in conspicuous type
1399 indicating that the association has not completed a structural
1400 integrity reserve study or that the association is not required
1401 to perform a structural integrity reserve study, as applicable.

1402 (d) Milestone inspection or structural integrity reserve
1403 study.—If the association is required to have completed a
1404 milestone inspection as described in ss. 553.899 and
1405 719.301(4) (p) or a structural integrity reserve study, and the
1406 association has failed to complete the milestone inspection or
1407 the structural integrity reserve study, each contract entered
1408 into after December 31, 2024, for the sale of a residential unit
1409 shall contain in conspicuous type a statement indicating that
1410 the association is required to have a milestone inspection or a
1411 structural integrity reserve study and has failed to complete
1412 such inspection or study, as appropriate. If the association is
1413 not required to have a milestone inspection as described in ss.
1414 553.899 and 719.301(4) (p) or a structural integrity reserve
1415 study, each contract entered into after December 31, 2024, for
1416 the sale of a residential unit shall contain in conspicuous type
1417 a statement indicating that the association is not required to
1418 have a milestone inspection or a structural integrity reserve
1419 study, as appropriate. If the association is required to have
1420 completed a milestone inspection as described in ss. 553.899 and
1421 719.301(4) (p) or a structural integrity reserve study, each

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1422 contract entered into after December 31, 2024, for the sale of a
1423 residential unit shall contain in conspicuous type:

1424 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
1425 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1426 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1427 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A
1428 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1429 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
1430 719.106(1) (k), FLORIDA STATUTES, MORE THAN 15 DAYS, EXCLUDING
1431 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF
1432 THIS CONTRACT; and

1433 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
1434 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
1435 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1436 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
1437 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
1438 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1439 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A
1440 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1441 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
1442 719.106(1) (k), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
1443 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
1444 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS,
1445 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE
1446 BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY
1447 OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS
1448 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE
1449 ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY
1450 DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA

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1451 STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS
1452 AGREEMENT SHALL TERMINATE AT CLOSING.

1453
1454 A contract that does not conform to the requirements of this
1455 paragraph is voidable at the option of the purchaser prior to
1456 closing.

1457 (2) NONDEVELOPER DISCLOSURE.—

1458 (d) If the association is required to have completed a
1459 milestone inspection as described in ss. 553.899 and
1460 719.301(4) (p) or a structural integrity reserve study, and the
1461 association has failed to complete the milestone inspection or
1462 the structural integrity reserve study, each contract entered
1463 into after December 31, 2024, for the sale of a residential unit
1464 shall contain in conspicuous type a statement indicating that
1465 the association is required to have a milestone inspection or a
1466 structural integrity reserve study and has failed to complete
1467 such inspection or study, as appropriate. If the association is
1468 not required to have a milestone inspection as described in ss.
1469 553.899 and 719.301(4) (p) or a structural integrity reserve
1470 study, each contract entered into after December 31, 2024, for
1471 the sale of a residential unit shall contain in conspicuous type
1472 a statement indicating that the association is not required to
1473 have a milestone inspection or a structural integrity reserve
1474 study, as appropriate. If the association is required to have
1475 completed a milestone inspection as described in ss. 553.899 and
1476 719.301(4) (p) or a structural integrity reserve study, each
1477 contract entered into after December 31, 2024, for the resale of
1478 a residential unit shall contain in conspicuous type:

1479 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES

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1480 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1481 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1482 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A
1483 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1484 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
1485 719.106(1) (k), FLORIDA STATUTES, MORE THAN 3 DAYS, EXCLUDING
1486 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF
1487 THIS CONTRACT; and

1488 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
1489 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
1490 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1491 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
1492 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
1493 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1494 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A
1495 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1496 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
1497 719.106(1) (k), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE
1498 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE
1499 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING
1500 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES
1501 A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE
1502 MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS 553.899 AND
1503 719.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE ASSOCIATION'S
1504 MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN
1505 SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF
1506 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
1507 TERMINATE AT CLOSING.

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1509 A contract that does not conform to the requirements of this
 1510 paragraph is voidable at the option of the purchaser prior to
 1511 closing.

1512 Section 14. Subsection (2) of section 558.002, Florida
 1513 Statutes, is amended to read:

1514 558.002 Definitions.—As used in this chapter, the term:

1515 (2) "Association" has the same meaning as in s. 718.103 ~~s.~~
 1516 ~~718.103(2)~~, s. 719.103(2), s. 720.301(9), or s. 723.075.

1517 Section 15. Paragraph (b) of subsection (1) of section
 1518 718.116, Florida Statutes, is amended to read:

1519 718.116 Assessments; liability; lien and priority;
 1520 interest; collection.—

1521 (1)

1522 (b)1. The liability of a first mortgagee or its successor
 1523 or assignees who acquire title to a unit by foreclosure or by
 1524 deed in lieu of foreclosure for the unpaid assessments that
 1525 became due before the mortgagee's acquisition of title is
 1526 limited to the lesser of:

1527 a. The unit's unpaid common expenses and regular periodic
 1528 assessments which accrued or came due during the 12 months
 1529 immediately preceding the acquisition of title and for which
 1530 payment in full has not been received by the association; or

1531 b. One percent of the original mortgage debt. The
 1532 provisions of this paragraph apply only if the first mortgagee
 1533 joined the association as a defendant in the foreclosure action.
 1534 Joinder of the association is not required if, on the date the
 1535 complaint is filed, the association was dissolved or did not
 1536 maintain an office or agent for service of process at a location
 1537 which was known to or reasonably discoverable by the mortgagee.

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1538 2. An association, or its successor or assignee, that
1539 acquires title to a unit through the foreclosure of its lien for
1540 assessments is not liable for any unpaid assessments, late fees,
1541 interest, or reasonable attorney's fees and costs that came due
1542 before the association's acquisition of title in favor of any
1543 other association, as defined in s. 718.103 ~~s. 718.103(2)~~ or s.
1544 720.301(9), which holds a superior lien interest on the unit.
1545 This subparagraph is intended to clarify existing law.

1546 Section 16. Paragraph (d) of subsection (2) of section
1547 720.3085, Florida Statutes, is amended to read:

1548 720.3085 Payment for assessments; lien claims.—

1549 (2)

1550 (d) An association, or its successor or assignee, that
1551 acquires title to a parcel through the foreclosure of its lien
1552 for assessments is not liable for any unpaid assessments, late
1553 fees, interest, or reasonable attorney's fees and costs that
1554 came due before the association's acquisition of title in favor
1555 of any other association, as defined in s. 718.103 ~~s. 718.103(2)~~
1556 or s. 720.301(9), which holds a superior lien interest on the
1557 parcel. This paragraph is intended to clarify existing law.

1558 Section 17. Effective July 1, 2027, for the purpose of
1559 incorporating the amendments made by this act to section
1560 718.1255, Florida Statutes, in a reference thereto, section
1561 719.1255, Florida Statutes, is reenacted to read:

1562 719.1255 Alternative resolution of disputes.—The Division
1563 of Florida Condominiums, Timeshares, and Mobile Homes of the
1564 Department of Business and Professional Regulation shall provide
1565 for alternative dispute resolution in accordance with s.
1566 718.1255.

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1567 Section 18. Paragraph (f) of subsection (1) of section
1568 718.501, Florida Statutes, is reenacted to read:

1569 718.501 Authority, responsibility, and duties of Division
1570 of Florida Condominiums, Timeshares, and Mobile Homes.—

1571 (1) The division may enforce and ensure compliance with
1572 this chapter and rules relating to the development,
1573 construction, sale, lease, ownership, operation, and management
1574 of residential condominium units and complaints related to the
1575 procedural completion of milestone inspections under s. 553.899.
1576 In performing its duties, the division has complete jurisdiction
1577 to investigate complaints and enforce compliance with respect to
1578 associations that are still under developer control or the
1579 control of a bulk assignee or bulk buyer pursuant to part VII of
1580 this chapter and complaints against developers, bulk assignees,
1581 or bulk buyers involving improper turnover or failure to
1582 turnover, pursuant to s. 718.301. However, after turnover has
1583 occurred, the division has jurisdiction to investigate
1584 complaints related only to financial issues, elections, and the
1585 maintenance of and unit owner access to association records
1586 under s. 718.111(12), and the procedural completion of
1587 structural integrity reserve studies under s. 718.112(2)(g).

1588 (f) The division may adopt rules to administer and enforce
1589 this chapter.

1590 Section 19. Paragraph (f) of subsection (1) of section
1591 719.501, Florida Statutes, is reenacted to read:

1592 719.501 Powers and duties of Division of Florida
1593 Condominiums, Timeshares, and Mobile Homes.—

1594 (1) The Division of Florida Condominiums, Timeshares, and
1595 Mobile Homes of the Department of Business and Professional

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1596 Regulation, referred to as the "division" in this part, in
1597 addition to other powers and duties prescribed by chapter 718,
1598 has the power to enforce and ensure compliance with this chapter
1599 and adopted rules relating to the development, construction,
1600 sale, lease, ownership, operation, and management of residential
1601 cooperative units; complaints related to the procedural
1602 completion of the structural integrity reserve studies under s.
1603 719.106(1)(k); and complaints related to the procedural
1604 completion of milestone inspections under s. 553.899. In
1605 performing its duties, the division shall have the following
1606 powers and duties:

1607 (f) The division has authority to adopt rules pursuant to
1608 ss. 120.536(1) and 120.54 to implement and enforce the
1609 provisions of this chapter.

1610 Section 20. Except as otherwise expressly provided in this
1611 act, this act shall take effect upon becoming a law.