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

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

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

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

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

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

147

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

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

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

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

167 468.4334 Professional practice standards; liability.—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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291 pursuant to subsection (8).

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

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

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

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

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

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

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

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

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

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

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

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

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349 December 31, 2022.

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

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

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

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

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

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

384 718.111 The association.—

385 (7) TITLE TO PROPERTY.—

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

392 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

545 d. Medical records of unit owners.

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

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

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

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

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

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

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

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

613 d. The rules of the association.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

680 718.112 Bylaws.—

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

684 (d) *Unit owner meetings.*—

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

953 (f) *Annual budget.*—

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

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

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

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

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

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

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

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

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

1050 (g) Structural integrity reserve study.-

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

1057 a. Roof.

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

1059 c. Floor.

1060 d. Foundation.

1061 e. Fireproofing and fire protection systems.

1062 f. Plumbing.

1063 g. Electrical systems.

1064 h. Waterproofing and exterior painting.

1065 i. Windows.

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

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

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

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

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

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

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

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

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

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

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

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

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

1138 718.117 Termination of condominium.—

1139 (8) REPORTS AND REPLACEMENT OF RECEIVER.—

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

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

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

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

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

1160 (p) Notwithstanding when the certificate of occupancy was



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

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

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

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

1189 718.501 Authority, responsibility, and duties of Division

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

1191 (1) The division may enforce and ensure compliance with  
1192 this chapter and rules relating to the development,  
1193 construction, sale, lease, ownership, operation, and management  
1194 of residential condominium units and complaints related to the  
1195 procedural completion of milestone inspections under s. 553.899.

1196 In performing its duties, the division has complete jurisdiction  
1197 to investigate complaints and enforce compliance with respect to  
1198 associations that are still under developer control or the  
1199 control of a bulk assignee or bulk buyer pursuant to part VII of  
1200 this chapter and complaints against developers, bulk assignees,  
1201 or bulk buyers involving improper turnover or failure to  
1202 turnover, pursuant to s. 718.301. However, after turnover has  
1203 occurred, the division has jurisdiction to investigate  
1204 complaints related only to financial issues, elections, and the  
1205 maintenance of and unit owner access to association records  
1206 under s. 718.111(12), and the procedural completion of  
1207 structural integrity reserve studies under s. 718.112(2)(g).

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

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

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

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

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

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

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1248 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

1466 (o) The division may:

- 1467 1. Contract with agencies in this state or other  
1468 jurisdictions to perform investigative functions; or  
1469 2. Accept grants-in-aid from any source.

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

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

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

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

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

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

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

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

1505 3. The addresses of all such buildings.

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

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

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

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

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

1516 3. The addresses of all such buildings.

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

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

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

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

1529 (1) DEVELOPER DISCLOSURE.—

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

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

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

1560         2. The documents creating the association.

1561         3. The bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1596 in the foregoing.

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

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

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

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

1612 (2) NONDEVELOPER DISCLOSURE.—

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

1619 1. The declaration of condominium.┘

1620 2. Articles of incorporation of the association.┘

1621 3. Bylaws and rules of the association.┘

1622 4. Financial information required by s. 718.111.┘

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



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

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

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

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

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

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

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

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

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

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

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

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1654 authority.

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

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

1662 10. The voting rights of owners.

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

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

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

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

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

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

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

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

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

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

1731 719.103 Definitions.—As used in this chapter:

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

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

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

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

1753 (2) OFFICIAL RECORDS.—

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

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

1760 2. A photocopy of the cooperative documents.

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

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

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

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

1777 6. All current insurance policies of the association.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1890 4. Medical records of unit owners.

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

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

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

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

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

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

1924 719.106 Bylaws; cooperative ownership.—

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

1928 (j) *Annual budget*.—

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

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

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

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

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

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

1997 (k) Structural integrity reserve study.—

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

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2002 related to the structural integrity and safety of the building:  
2003 a. Roof.  
2004 b. Load-bearing walls or other primary structural members.  
2005 c. Floor.  
2006 d. Foundation.  
2007 e. Fireproofing and fire protection systems.  
2008 f. Plumbing.  
2009 g. Electrical systems.  
2010 h. Waterproofing and exterior painting.  
2011 i. Windows.  
2012 j. Any other item that has a deferred maintenance expense  
2013 or replacement cost that exceeds \$10,000 and the failure to  
2014 replace or maintain such item negatively affects the items  
2015 listed in subparagraphs a.-i., as determined by the licensed  
2016 engineer or architect performing the visual inspection portion  
2017 of the structural integrity reserve study.  
2018 2. Before a developer turns over control of an association  
2019 to unit owners other than the developer, the developer must have  
2020 a structural integrity reserve study completed for each building  
2021 on the cooperative property that is three stories or higher in  
2022 height.  
2023 3. Associations existing on or before July 1, 2022, which  
2024 are controlled by unit owners other than the developer, must  
2025 have a structural integrity reserve study completed by December  
2026 31, 2024, for each building on the cooperative property that is  
2027 three stories or higher in height.  
2028 4. If an association fails to complete a structural  
2029 integrity reserve study pursuant to this paragraph, such failure  
2030 is a breach of an officer's and director's fiduciary

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

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

2056 Section 16. Paragraphs (p) and (q) are added to subsection  
2057 (4) of section 719.301, Florida Statutes, to read:

2058 719.301 Transfer of association control.—

2059 (4) When unit owners other than the developer elect a

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2060 majority of the members of the board of administration of an  
2061 association, the developer shall relinquish control of the  
2062 association, and the unit owners shall accept control.  
2063 Simultaneously, or for the purpose of paragraph (c) not more  
2064 than 90 days thereafter, the developer shall deliver to the  
2065 association, at the developer's expense, all property of the  
2066 unit owners and of the association held or controlled by the  
2067 developer, including, but not limited to, the following items,  
2068 if applicable, as to each cooperative operated by the  
2069 association:

2070 (p) Notwithstanding when the certificate of occupancy was  
2071 issued or the height of the building, a milestone inspection  
2072 report in compliance with s. 553.899 included in the official  
2073 records, under seal of an architect or engineer authorized to  
2074 practice in this state, attesting to required maintenance,  
2075 condition, useful life, and replacement costs of the following  
2076 applicable cooperative property comprising a turnover inspection  
2077 report:

2078 1. Roof.

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

2082 3. Fireproofing and fire protection systems.

2083 4. Elevators.

2084 5. Heating and cooling systems.

2085 6. Plumbing.

2086 7. Electrical systems.

2087 8. Swimming pool or spa and equipment.

2088 9. Seawalls.



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2089           10. Pavement and parking areas.

2090           11. Drainage systems.

2091           12. Painting.

2092           13. Irrigation systems.

2093           14. Waterproofing.

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

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

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

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

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

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2118 in the adoption of rules or forms hereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2305 3. The addresses of all such buildings.

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

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

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

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

2316 3. The addresses of all such buildings.

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

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



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2321 Section 18. Paragraph (b) of subsection (1) and paragraph  
2322 (a) of subsection (2) of section 719.503, Florida Statutes, are  
2323 amended to read:  
2324 719.503 Disclosure prior to sale.—  
2325 (1) DEVELOPER DISCLOSURE.—  
2326 (b) *Copies of documents to be furnished to prospective*  
2327 *buyer or lessee.*—Until such time as the developer has furnished  
2328 the documents listed below to a person who has entered into a  
2329 contract to purchase a unit or lease it for more than 5 years,  
2330 the contract may be voided by that person, entitling the person  
2331 to a refund of any deposit together with interest thereon as  
2332 provided in s. 719.202. The contract may be terminated by  
2333 written notice from the proposed buyer or lessee delivered to  
2334 the developer within 15 days after the buyer or lessee receives  
2335 all of the documents required by this section. The developer may  
2336 ~~shall~~ not close for 15 days after ~~following~~ the execution of the  
2337 agreement and delivery of the documents to the buyer as  
2338 evidenced by a receipt for documents signed by the buyer unless  
2339 the buyer is informed in the 15-day voidability period and  
2340 agrees to close before ~~prior to~~ the expiration of the 15 days.  
2341 The developer shall retain in his or her records a separate  
2342 signed agreement as proof of the buyer's agreement to close  
2343 before ~~prior to~~ the expiration of the ~~said~~ voidability period.  
2344 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for  
2345 a period of 5 years after the date of the closing transaction.  
2346 The documents to be delivered to the prospective buyer are the  
2347 prospectus or disclosure statement with all exhibits, if the  
2348 development is subject to ~~the provisions of~~ s. 719.504, or, if  
2349 not, then copies of the following which are applicable:

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

2355           2. The documents creating the association.

2356           3. The bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2407 (2) NONDEVELOPER DISCLOSURE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2476 (10) RECALL OF DIRECTORS.—

2477 (d) If the board determines not to certify the written  
2478 agreement or written ballots to recall a director or directors  
2479 of the board or does not certify the recall by a vote at a  
2480 meeting, the board shall, within 5 full business days after the  
2481 meeting, file an action with a court of competent jurisdiction  
2482 or file with the department a petition for binding arbitration  
2483 under the applicable procedures in ss. 718.112(2)(1) ~~ss.~~

2484 ~~718.112(2)(j)~~ and 718.1255 and the rules adopted thereunder. For  
2485 the purposes of this section, the members who voted at the  
2486 meeting or who executed the agreement in writing shall  
2487 constitute one party under the petition for arbitration or in a  
2488 court action. If the arbitrator or court certifies the recall as  
2489 to any director or directors of the board, the recall will be  
2490 effective upon the final order of the court or the mailing of  
2491 the final order of arbitration to the association. The director  
2492 or directors so recalled shall deliver to the board any and all  
2493 records of the association in their possession within 5 full  
2494 business days after the effective date of the recall.

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

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

2504 720.311 Dispute resolution.—

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

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

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

2533 721.15 Assessments for common expenses.—

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

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