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

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30 inspection reports within a specified timeframe and in  
31 a specified manner; authorizing municipal governing  
32 bodies to adopt certain ordinances relating to  
33 association repairs; requiring the Florida Building  
34 Commission to adopt rules by a specified date;  
35 providing requirements for such rules; conforming  
36 provisions; amending s. 627.351, F.S.; revising  
37 requirements relating to the purchase of flood  
38 insurance as a condition for maintaining certain  
39 policies issued by the Citizens Property Insurance  
40 Corporation; amending s. 718.103, F.S.; defining the  
41 term "alternative funding method"; revising the  
42 definition of the term "structural integrity reserve  
43 study"; amending s. 718.111, F.S.; making a technical  
44 change; amending s. 718.112, F.S.; revising  
45 requirements relating to budget meetings; revising  
46 condominium association reserve account requirements;  
47 revising requirements relating to waiving reserve  
48 requirements or providing less reserves than required  
49 by law; revising requirements relating to using  
50 reserve funds or interest accrued on reserve funds for  
51 certain purposes; revising requirements for structural  
52 integrity reserve studies and mandatory milestone  
53 inspections; providing applicability; conforming  
54 provisions to changes made by the act; amending s.  
55 718.1255, F.S.; revising the definition of the term  
56 "dispute"; specifying that certain disputes are not  
57 subject to nonbinding arbitration and must be  
58 submitted to presuit mediation; amending s. 718.113,

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59 F.S.; revising requirements relating to maintenance,  
60 repair, and replacement of common elements and  
61 condominium property; amending s. 718.301, F.S.;  
62 revising items that developers are required to deliver  
63 to an association upon relinquishing control of the  
64 association; amending s. 718.503, F.S.; revising the  
65 documents developers are required to provide to  
66 prospective buyers or lessees; revising the documents  
67 that prospective purchasers are entitled to when  
68 purchasing a condominium unit from a unit owner;  
69 requiring specified disclosures relating to milestone  
70 inspections, turnover inspection reports, and  
71 structural integrity reserve studies for certain  
72 contracts entered into after a specified date;  
73 amending s. 718.504, F.S.; revising requirements for  
74 prospectuses and offering circulars; amending s.  
75 719.103, F.S.; revising the definition of the term  
76 "structural integrity reserve study"; amending s.  
77 719.104, F.S.; revising rights relating to the  
78 official records of a cooperative association;  
79 providing maintenance requirements for cooperative  
80 associations; amending s. 719.106, F.S.; revising  
81 requirements relating to budget procedures; revising  
82 cooperative association reserve account requirements;  
83 revising requirements relating to waiving reserve  
84 requirements or providing less reserves than required  
85 by law; revising a prohibition on using reserve funds  
86 or interest accrued on reserve funds for certain  
87 purposes; revising requirements for structural

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88 integrity reserve studies and mandatory milestone  
89 inspections; providing applicability; conforming  
90 provisions to changes made by the act; amending s.  
91 719.301, F.S.; revising items that developers are  
92 required to deliver to an association upon  
93 relinquishing control of the association; amending s.  
94 719.503, F.S.; revising the types of documents  
95 developers are required to provide to prospective  
96 buyers and lessees; revising the documents that a  
97 prospective purchaser is entitled to when purchasing  
98 an interest in cooperative from a unit owner;  
99 requiring specified disclosures relating to milestone  
100 inspections, turnover inspection reports, and  
101 structural integrity reserve studies for certain  
102 contracts entered into after a specified date;  
103 amending s. 719.504, F.S.; revising requirements for  
104 prospectuses and offering circulars; amending ss.  
105 558.002, 718.116, and 720.3085, F.S.; conforming  
106 cross-references; reenacting s. 719.1255, F.S.,  
107 relating to alternative resolution of disputes, to  
108 incorporate amendments made to s. 718.1255, F.S., in a  
109 reference thereto; reenacting ss. 718.501(1)(f) and  
110 719.501(1)(f), F.S., relating to the rulemaking  
111 authority of the Division of Florida Condominiums,  
112 Timeshares, and Mobile Homes of the Department of  
113 Business and Professional Regulation; providing  
114 appropriations; providing effective dates.

115  
116 Be It Enacted by the Legislature of the State of Florida:

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117

118 Section 1. Paragraph (b) of subsection (1) of section  
119 468.4334, Florida Statutes, is amended to read:

120 468.4334 Professional practice standards; liability.—

121 (1)

122 (b) If a community association manager or a community  
123 association management firm has a contract with a community  
124 association that ~~has a building on the association's property~~  
125 ~~that~~ is subject to s. 553.899, the community association manager  
126 or the community association management firm must comply with  
127 that section as directed by the board.

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

131 553.899 Mandatory structural inspections for condominium  
132 and cooperative buildings.—

133 (1) The Legislature finds that maintaining the structural  
134 integrity of a building throughout the life of the building ~~its~~  
135 ~~service life~~ is of paramount importance in order to ensure that  
136 buildings are structurally sound so as to not pose a threat to  
137 the public health, safety, or welfare. As such, the Legislature  
138 finds that the imposition of a statewide structural inspection  
139 program for aging condominium and cooperative buildings in this  
140 state is necessary to ensure that such buildings are safe for  
141 continued use.

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

143 (a) "Milestone inspection" means a structural inspection of  
144 a building, including an inspection of load-bearing elements  
145 ~~walls~~ and the primary structural members and primary structural

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146 systems as those terms are defined in s. 627.706, by an a  
147 ~~licensed~~ architect licensed under chapter 481 or engineer  
148 licensed under chapter 471 authorized to practice in this state  
149 for the purposes of attesting to the life safety and adequacy of  
150 the structural components of the building and, to the extent  
151 reasonably possible, determining the general structural  
152 condition of the building as it affects the safety of such  
153 building, including a determination of any necessary  
154 maintenance, repair, or replacement of any structural component  
155 of the building. The purpose of such inspection is not to  
156 determine if the condition of an existing building is in  
157 compliance with the Florida Building Code or the firesafety  
158 code. The milestone inspection services may be provided by a  
159 team of professionals with an architect or engineer acting as a  
160 registered design professional in responsible charge with all  
161 work and reports signed and sealed by the appropriate qualified  
162 team member.

163 (b) "Substantial structural deterioration" means  
164 substantial structural distress or substantial structural  
165 weakness that negatively affects a building's general structural  
166 condition and integrity. The term does not include surface  
167 imperfections such as cracks, distortion, sagging, deflections,  
168 misalignment, signs of leakage, or peeling of finishes unless  
169 the licensed engineer or architect performing the phase one or  
170 phase two inspection determines that such surface imperfections  
171 are a sign of substantial structural deterioration.

172 (3) (a) An owner or owners of a building that is three  
173 stories or more in height as determined by the Florida Building  
174 Code and that is subject, in whole or in part, to the

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175 condominium or cooperative form of ownership as a residential  
176 condominium association under chapter 718 ~~or and~~ a residential  
177 cooperative association under chapter 719 must have a milestone  
178 inspection performed ~~for each building that is three stories or~~  
179 ~~more in height~~ by December 31 of the year in which the building  
180 reaches 30 years of age, based on the date the certificate of  
181 occupancy for the building was issued, and every 10 years  
182 thereafter. If a building reached 30 years of age before July 1,  
183 2022, the building's initial milestone inspection must be  
184 performed before December 31, 2024. If a building reaches 30  
185 years of age on or after July 1, 2022, and before December 31,  
186 2024, the building's initial milestone inspection must be  
187 performed before December 31, 2025. If the date of issuance for  
188 the certificate of occupancy is not available, the date of  
189 issuance of the building's certificate of occupancy shall be the  
190 date of occupancy evidenced in any record of the local building  
191 official.

192 (b) The local enforcement agency may determine that local  
193 circumstances, including environmental conditions such as  
194 proximity to salt water as defined in s. 379.101, require that  
195 ~~If the building is located within 3 miles of a coastline as~~  
196 ~~defined in s. 376.031, the condominium association or~~  
197 ~~cooperative association must have a milestone inspection~~ must be  
198 performed by December 31 of the year in which the building  
199 reaches 25 years of age, based on the date the certificate of  
200 occupancy for the building was issued, and every 10 years  
201 thereafter.

202 (c) The local enforcement agency may extend the date by  
203 which a building's initial milestone inspection must be

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204 completed upon a showing of good cause by the owner or owners of  
205 the building that the inspection cannot be timely completed if  
206 the owner or owners have entered into a contract with an  
207 architect or engineer to perform the milestone inspection and  
208 the inspection cannot reasonably be completed before the  
209 deadline or other circumstance to justify an extension.

210 (d) The local enforcement agency may accept an inspection  
211 report prepared by a licensed engineer or architect for a  
212 structural integrity and condition inspection of a building  
213 performed before July 1, 2022, if the inspection and report  
214 substantially comply with the requirements of this section.  
215 Notwithstanding when such inspection was completed, the  
216 condominium or cooperative association must comply with the unit  
217 owner notice requirements in subsection (9). The inspection for  
218 which an inspection report is accepted by the local enforcement  
219 agency under this paragraph is deemed a milestone inspection for  
220 the applicable requirements in chapters 718 and 719. If a  
221 previous inspection and report is accepted by the local  
222 enforcement agency under this paragraph, the deadline for the  
223 building's subsequent 10-year milestone inspection is based on  
224 the date of the accepted previous inspection.

225 (4) The milestone inspection report must be arranged by a  
226 condominium or cooperative association and any owner of any  
227 portion of the building which is not subject to the condominium  
228 or cooperative form of ownership. The condominium association or  
229 cooperative association and any owner of any portion of the  
230 building which is not subject to the condominium or cooperative  
231 form of ownership are each ~~must arrange for the milestone~~  
232 ~~inspection to be performed and is~~ responsible for ensuring



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233 compliance with the requirements of this section. The  
234 condominium association or cooperative association is  
235 responsible for all costs associated with the milestone  
236 inspection attributable to the portions of a building which the  
237 association is responsible to maintain under the governing  
238 documents of the association. This section ~~subsection~~ does not  
239 apply to a single-family, two-family, or three-family dwelling  
240 with three or fewer habitable stories above ground.

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

249 (5) Upon determining that a building must have a milestone  
250 inspection, the local enforcement agency must provide written  
251 notice of such required inspection to the condominium  
252 association or cooperative association and any owner of any  
253 portion of the building which is not subject to the condominium  
254 or cooperative form of ownership, as applicable, by certified  
255 mail, return receipt requested. The condominium or cooperative  
256 association must notify the unit owners of the required  
257 milestone inspection within 14 days after receipt of the written  
258 notice from the local enforcement agency and provide the date  
259 that the milestone inspection must be completed. Such notice may  
260 be given by electronic submission to unit owners who consent to  
261 receive notice by electronic submission or by posting on the

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262 association's website.

263 (6) Phase one of the milestone inspection must be completed  
264 within 180 days after the owner or owners of the building  
265 receive ~~receiving~~ the written notice under subsection (5), ~~the~~  
266 ~~condominium association or cooperative association must complete~~  
267 ~~phase one of the milestone inspection.~~ For purposes of this  
268 section, completion of phase one of the milestone inspection  
269 means the licensed engineer or architect who performed the phase  
270 one inspection submitted the inspection report by e-mail, United  
271 States Postal Service, or commercial delivery service to the  
272 local enforcement agency.

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

274 (b) A phase two of the milestone inspection must be  
275 performed if any substantial structural deterioration is  
276 identified during phase one. A phase two inspection may involve  
277 destructive or nondestructive testing at the inspector's  
278 direction. The inspection may be as extensive or as limited as  
279 necessary to fully assess areas of structural distress in order  
280 to confirm that the building is structurally sound and safe for  
281 its intended use and to recommend a program for fully assessing  
282 and repairing distressed and damaged portions of the building.  
283 When determining testing locations, the inspector must give  
284 preference to locations that are the least disruptive and most  
285 easily repairable while still being representative of the  
286 structure. If a phase two inspection is required, within 180  
287 days after submitting a phase one inspection report the  
288 architect or engineer performing the phase two inspection must  
289 submit a phase two progress report to the local enforcement  
290 agency with a timeline for completion of the phase two

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291 inspection. An inspector who completes a phase two milestone  
292 inspection shall prepare and submit an inspection report  
293 pursuant to subsection (8).

294 (8) Upon completion of a phase one or phase two milestone  
295 inspection, the architect or engineer who performed the  
296 inspection must submit a sealed copy of the inspection report  
297 with a separate summary of, at minimum, the material findings  
298 and recommendations in the inspection report to the condominium  
299 association or cooperative association, to any other owner of  
300 any portion of the building which is not subject to the  
301 condominium or cooperative form of ownership, and to the  
302 building official of the local government which has  
303 jurisdiction. The inspection report must, at a minimum, meet all  
304 of the following criteria:

305 (a) Bear the seal and signature, or the electronic  
306 signature, of the licensed engineer or architect who performed  
307 the inspection.

308 (b) Indicate the manner and type of inspection forming the  
309 basis for the inspection report.

310 (c) Identify any substantial structural deterioration,  
311 within a reasonable professional probability based on the scope  
312 of the inspection, describe the extent of such deterioration,  
313 and identify any recommended repairs for such deterioration.

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

316 (e) Recommend any remedial or preventive repair for any  
317 items that are damaged but are not substantial structural  
318 deterioration.

319 (f) Identify and describe any items requiring further

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320 inspection.

321 (9) Within 45 days after receiving the applicable  
322 inspection report, the condominium or cooperative association  
323 must distribute a copy of the inspector-prepared summary of the  
324 inspection report to each condominium unit owner or cooperative  
325 unit owner, regardless of the findings or recommendations in the  
326 report, by United States mail or personal delivery at the  
327 mailing address, property address, or any other address of the  
328 owner provided to fulfill the association's notice requirements  
329 under chapter 718 or chapter 719, as applicable, and by  
330 electronic transmission to the e-mail address or facsimile  
331 number provided to fulfill the association's notice requirements  
332 to unit owners who previously consented to receive notice by  
333 electronic transmission; must post a copy of the inspector-  
334 prepared summary in a conspicuous place on the condominium or  
335 cooperative property; and must publish the full report and  
336 inspector-prepared summary on the association's website, if the  
337 association is required to have a website.

338 (11) A board of county commissioners or municipal governing  
339 body may adopt an ordinance requiring that a condominium or  
340 cooperative association and any other owner that is subject to  
341 this section schedule or commence repairs for substantial  
342 structural deterioration within a specified timeframe after the  
343 local enforcement agency receives a phase two inspection report;  
344 however, such repairs must be commenced within 365 days after  
345 receiving such report. If an owner of the building association  
346 fails to submit proof to the local enforcement agency that  
347 repairs have been scheduled or have commenced for substantial  
348 structural deterioration identified in a phase two inspection

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349 report within the required timeframe, the local enforcement  
350 agency must review and determine if the building is unsafe for  
351 human occupancy.

352 (12) By December 31, 2024, the Florida Building Commission  
353 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to  
354 establish a building safety program for the implementation of  
355 this section within the Florida Building Code: Existing  
356 Building. The building inspection program must, at minimum,  
357 include inspection criteria, testing protocols, standardized  
358 inspection and reporting forms that are adaptable to an  
359 electronic format, and record maintenance requirements for the  
360 local authority ~~review the milestone inspection requirements~~  
361 ~~under this section and make recommendations, if any, to the~~  
362 ~~Legislature to ensure inspections are sufficient to determine~~  
363 ~~the structural integrity of a building. The commission must~~  
364 ~~provide a written report of any recommendations to the Governor,~~  
365 ~~the President of the Senate, and the Speaker of the House of~~  
366 ~~Representatives by December 31, 2022.~~

367 Section 3. Paragraph (aa) of subsection (6) of section  
368 627.351, Florida Statutes, is amended to read:

369 627.351 Insurance risk apportionment plans.—

370 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

371 (aa) Except as otherwise provided in this paragraph, the  
372 corporation shall require the securing and maintaining of flood  
373 insurance as a condition of coverage of a personal lines  
374 residential risk. The insured or applicant must execute a form  
375 approved by the office affirming that flood insurance is not  
376 provided by the corporation and that if flood insurance is not  
377 secured by the applicant or insured from an insurer other than

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378 the corporation and in addition to coverage by the corporation,  
379 the risk will not be eligible for coverage by the corporation.  
380 The corporation may deny coverage of a personal lines  
381 residential risk to an applicant or insured who refuses to  
382 secure and maintain flood insurance. The requirement to purchase  
383 flood insurance shall be implemented as follows:

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

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

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

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

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

395 2. All personal lines residential policyholders whose  
396 property insured by the corporation is located within the  
397 special flood hazard area defined by the Federal Emergency  
398 Management Agency must have flood coverage in place:

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

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

404 3. Policyholders ~~whose policies issued by the corporation~~  
405 ~~do not provide coverage for the peril of wind~~ are not required  
406 to purchase flood insurance as a condition for maintaining the

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407 following ~~their~~ policies issued by ~~with~~ the corporation:

408 a. Policies that do not provide coverage for the peril of  
409 wind.

410 b. Policies that provide coverage under a condominium unit  
411 owners form.

412

413 The flood insurance required under this paragraph must meet, at  
414 a minimum, the coverage available from the National Flood  
415 Insurance Program or the requirements of subparagraphs s.  
416 627.715(1)(a)1., 2., and 3.

417 Section 4. Present subsections (1) through (31) of section  
418 718.103, Florida Statutes, are redesignated as subsections (2)  
419 through (32), respectively, a new subsection (1) is added to  
420 that section, and present subsection (25) of that section is  
421 amended, to read:

422 718.103 Definitions.—As used in this chapter, the term:

423 (1) "Alternative funding method" means a method approved by  
424 the division for funding the capital expenditures and deferred  
425 maintenance obligations for a multicondominium association  
426 operating at least 25 condominiums which may reasonably be  
427 expected to fully satisfy the association's reserve funding  
428 obligations by the allocation of funds in the annual operating  
429 budget.

430 ~~(26)(25)~~ "Structural integrity reserve study" means a study  
431 of the reserve funds required for future major repairs and  
432 replacement of the condominium property performed as required  
433 under s. 718.112(2)(g) common areas based on a visual inspection  
434 ~~of the common areas. A structural integrity reserve study may be~~  
435 ~~performed by any person qualified to perform such study.~~

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436 ~~However, the visual inspection portion of the structural~~  
437 ~~integrity reserve study must be performed by an engineer~~  
438 ~~licensed under chapter 471 or an architect licensed under~~  
439 ~~chapter 481. At a minimum, a structural integrity reserve study~~  
440 ~~must identify the common areas being visually inspected, state~~  
441 ~~the estimated remaining useful life and the estimated~~  
442 ~~replacement cost or deferred maintenance expense of the common~~  
443 ~~areas being visually inspected, and provide a recommended annual~~  
444 ~~reserve amount that achieves the estimated replacement cost or~~  
445 ~~deferred maintenance expense of each common area being visually~~  
446 ~~inspected by the end of the estimated remaining useful life of~~  
447 ~~each common area.~~

448 Section 5. Paragraph (c) of subsection (12) of section  
449 718.111, Florida Statutes, is amended to read:

450 718.111 The association.—

451 (12) OFFICIAL RECORDS.—

452 (c)1. The official records of the association are open to  
453 inspection by any association member and any person authorized  
454 by an association member as a ~~or the authorized~~ representative  
455 of such member at all reasonable times. The right to inspect the  
456 records includes the right to make or obtain copies, at the  
457 reasonable expense, if any, of the member and of the person  
458 authorized by the association member as a ~~or authorized~~  
459 representative of such member. A renter of a unit has a right to  
460 inspect and copy only the declaration of condominium, the  
461 association's bylaws and rules, and the inspection reports  
462 described in ss. 553.899 and 718.301(4) (p). The association may  
463 adopt reasonable rules regarding the frequency, time, location,  
464 notice, and manner of record inspections and copying but may not



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465 require a member to demonstrate any purpose or state any reason  
466 for the inspection. The failure of an association to provide the  
467 records within 10 working days after receipt of a written  
468 request creates a rebuttable presumption that the association  
469 willfully failed to comply with this paragraph. A unit owner who  
470 is denied access to official records is entitled to the actual  
471 damages or minimum damages for the association's willful failure  
472 to comply. Minimum damages are \$50 per calendar day for up to 10  
473 days, beginning on the 11th working day after receipt of the  
474 written request. The failure to permit inspection entitles any  
475 person prevailing in an enforcement action to recover reasonable  
476 attorney fees from the person in control of the records who,  
477 directly or indirectly, knowingly denied access to the records.

478 2. Any person who knowingly or intentionally defaces or  
479 destroys accounting records that are required by this chapter to  
480 be maintained during the period for which such records are  
481 required to be maintained, or who knowingly or intentionally  
482 fails to create or maintain accounting records that are required  
483 to be created or maintained, with the intent of causing harm to  
484 the association or one or more of its members, is personally  
485 subject to a civil penalty pursuant to s. 718.501(1)(d).

486 3. The association shall maintain an adequate number of  
487 copies of the declaration, articles of incorporation, bylaws,  
488 and rules, and all amendments to each of the foregoing, as well  
489 as the question and answer sheet as described in s. 718.504 and  
490 year-end financial information required under this section, on  
491 the condominium property to ensure their availability to unit  
492 owners and prospective purchasers, and may charge its actual  
493 costs for preparing and furnishing these documents to those

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494 requesting the documents. An association shall allow a member or  
495 his or her authorized representative to use a portable device,  
496 including a smartphone, tablet, portable scanner, or any other  
497 technology capable of scanning or taking photographs, to make an  
498 electronic copy of the official records in lieu of the  
499 association's providing the member or his or her authorized  
500 representative with a copy of such records. The association may  
501 not charge a member or his or her authorized representative for  
502 the use of a portable device. Notwithstanding this paragraph,  
503 the following records are not accessible to unit owners:

504 a. Any record protected by the lawyer-client privilege as  
505 described in s. 90.502 and any record protected by the work-  
506 product privilege, including a record prepared by an association  
507 attorney or prepared at the attorney's express direction, which  
508 reflects a mental impression, conclusion, litigation strategy,  
509 or legal theory of the attorney or the association, and which  
510 was prepared exclusively for civil or criminal litigation or for  
511 adversarial administrative proceedings, or which was prepared in  
512 anticipation of such litigation or proceedings until the  
513 conclusion of the litigation or proceedings.

514 b. Information obtained by an association in connection  
515 with the approval of the lease, sale, or other transfer of a  
516 unit.

517 c. Personnel records of association or management company  
518 employees, including, but not limited to, disciplinary, payroll,  
519 health, and insurance records. For purposes of this sub-  
520 subparagraph, the term "personnel records" does not include  
521 written employment agreements with an association employee or  
522 management company, or budgetary or financial records that

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523 indicate the compensation paid to an association employee.

524 d. Medical records of unit owners.

525 e. Social security numbers, driver license numbers, credit  
526 card numbers, e-mail addresses, telephone numbers, facsimile  
527 numbers, emergency contact information, addresses of a unit  
528 owner other than as provided to fulfill the association's notice  
529 requirements, and other personal identifying information of any  
530 person, excluding the person's name, unit designation, mailing  
531 address, property address, and any address, e-mail address, or  
532 facsimile number provided to the association to fulfill the  
533 association's notice requirements. Notwithstanding the  
534 restrictions in this sub-subparagraph, an association may print  
535 and distribute to unit owners a directory containing the name,  
536 unit address, and all telephone numbers of each unit owner.  
537 However, an owner may exclude his or her telephone numbers from  
538 the directory by so requesting in writing to the association. An  
539 owner may consent in writing to the disclosure of other contact  
540 information described in this sub-subparagraph. The association  
541 is not liable for the inadvertent disclosure of information that  
542 is protected under this sub-subparagraph if the information is  
543 included in an official record of the association and is  
544 voluntarily provided by an owner and not requested by the  
545 association.

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

548 g. The software and operating system used by the  
549 association which allow the manipulation of data, even if the  
550 owner owns a copy of the same software used by the association.  
551 The data is part of the official records of the association.

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552 h. All affirmative acknowledgments made pursuant to s.  
553 718.121(4) (c).

554 Section 6. Paragraphs (e), (f), (g), and (h) of subsection  
555 (2) of section 718.112, Florida Statutes, are amended to read:  
556 718.112 Bylaws.—

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

560 (e) *Budget meeting*.—

561 1. Any meeting at which a proposed annual budget of an  
562 association will be considered by the board or unit owners shall  
563 be open to all unit owners. At least 14 days prior to such a  
564 meeting, the board shall hand deliver to each unit owner, mail  
565 to each unit owner at the address last furnished to the  
566 association by the unit owner, or electronically transmit to the  
567 location furnished by the unit owner for that purpose a notice  
568 of such meeting and a copy of the proposed annual budget. An  
569 officer or manager of the association, or other person providing  
570 notice of such meeting, shall execute an affidavit evidencing  
571 compliance with such notice requirement, and such affidavit  
572 shall be filed among the official records of the association.

573 2.a. If a board adopts in any fiscal year an annual budget  
574 which requires assessments against unit owners which exceed 115  
575 percent of assessments for the preceding fiscal year, the board  
576 shall conduct a special meeting of the unit owners to consider a  
577 substitute budget if the board receives, within 21 days after  
578 adoption of the annual budget, a written request for a special  
579 meeting from at least 10 percent of all voting interests. The  
580 special meeting shall be conducted within 60 days after adoption

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581 of the annual budget. At least 14 days prior to such special  
582 meeting, the board shall hand deliver to each unit owner, or  
583 mail to each unit owner at the address last furnished to the  
584 association, a notice of the meeting. An officer or manager of  
585 the association, or other person providing notice of such  
586 meeting shall execute an affidavit evidencing compliance with  
587 this notice requirement, and such affidavit shall be filed among  
588 the official records of the association. Unit owners may  
589 consider and adopt a substitute budget at the special meeting. A  
590 substitute budget is adopted if approved by a majority of all  
591 voting interests unless the bylaws require adoption by a greater  
592 percentage of voting interests. If there is not a quorum at the  
593 special meeting or a substitute budget is not adopted, the  
594 annual budget previously adopted by the board shall take effect  
595 as scheduled.

596 b. Any determination of whether assessments exceed 115  
597 percent of assessments for the prior fiscal year shall exclude  
598 any authorized provision for reasonable reserves for repair or  
599 replacement of the condominium property, anticipated expenses of  
600 the association which the board does not expect to be incurred  
601 on a regular or annual basis, insurance premiums, or assessments  
602 for betterments to the condominium property.

603 c. If the developer controls the board, assessments shall  
604 not exceed 115 percent of assessments for the prior fiscal year  
605 unless approved by a majority of all voting interests.

606 (f) *Annual budget.*—

607 1. The proposed annual budget of estimated revenues and  
608 expenses must be detailed and must show the amounts budgeted by  
609 accounts and expense classifications, including, at a minimum,

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610 any applicable expenses listed in s. 718.504(21). The board  
611 shall adopt the annual budget at least 14 days before the start  
612 of the association's fiscal year. In the event that the board  
613 fails to timely adopt the annual budget a second time, it is  
614 deemed a minor violation and the prior year's budget shall  
615 continue in effect until a new budget is adopted. A  
616 multicondominium association must adopt a separate budget of  
617 common expenses for each condominium the association operates  
618 and must adopt a separate budget of common expenses for the  
619 association. In addition, if the association maintains limited  
620 common elements with the cost to be shared only by those  
621 entitled to use the limited common elements as provided for in  
622 s. 718.113(1), the budget or a schedule attached to it must show  
623 the amount budgeted for this maintenance. If, after turnover of  
624 control of the association to the unit owners, any of the  
625 expenses listed in s. 718.504(21) are not applicable, they do  
626 not need to be listed.

627 2.a. In addition to annual operating expenses, the budget  
628 must include reserve accounts for capital expenditures and  
629 deferred maintenance. These accounts must include, but are not  
630 limited to, roof replacement, building painting, and pavement  
631 resurfacing, regardless of the amount of deferred maintenance  
632 expense or replacement cost, and any other item that has a  
633 deferred maintenance expense or replacement cost that exceeds  
634 \$10,000. The amount to be reserved ~~for an item is determined by~~  
635 ~~the association's most recent structural integrity reserve study~~  
636 ~~that must be completed by December 31, 2024. If the amount to be~~  
637 ~~reserved for an item is not in the association's initial or most~~  
638 ~~recent structural integrity reserve study or the association has~~

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639 ~~not completed a structural integrity reserve study, the amount~~  
640 must be computed using a formula based upon estimated remaining  
641 useful life and estimated replacement cost or deferred  
642 maintenance expense of the reserve item. In a budget adopted by  
643 an association that is required to obtain a structural integrity  
644 reserve study, reserves must be maintained for the items  
645 identified in paragraph (g) for which the association is  
646 responsible pursuant to the declaration of condominium, and the  
647 reserve amount for such items must be based on the findings and  
648 recommendations of the association's most recent structural  
649 integrity reserve study. With respect to items for which an  
650 estimate of useful life is not readily ascertainable or with an  
651 estimated remaining useful life of greater than 25 years, an  
652 association is not required to reserve replacement costs for  
653 such items, but an association must reserve the amount of  
654 deferred maintenance expense, if any, which is recommended by  
655 the structural integrity reserve study for such items. The  
656 association may adjust replacement reserve assessments annually  
657 to take into account an inflation adjustment and any changes in  
658 estimates or extension of the useful life of a reserve item  
659 caused by deferred maintenance. The members of a unit-owner-  
660 controlled association may determine, by a majority vote of the  
661 total voting interests ~~at a duly called meeting~~ of the  
662 association, to provide no reserves or less reserves than  
663 required by this subsection. For a budget adopted on or after  
664 ~~Effective~~ December 31, 2024, the members of a unit-owner-  
665 controlled association that must obtain a structural integrity  
666 reserve study may not determine to provide no reserves or less  
667 reserves than required by this subsection for items listed in

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668 paragraph (g), except that members of an association operating a  
669 multicondominium may determine to provide no reserves or less  
670 reserves than required by this subsection if an alternative  
671 funding method has been approved by the division.

672 b. Before turnover of control of an association by a  
673 developer to unit owners other than a developer under s.  
674 718.301, the developer-controlled association may not vote to  
675 waive the reserves or reduce funding of the reserves. If a  
676 meeting of the unit owners has been called to determine whether  
677 to waive or reduce the funding of reserves and no such result is  
678 achieved or a quorum is not attained, the reserves included in  
679 the budget shall go into effect. After the turnover, the  
680 developer may vote its voting interest to waive or reduce the  
681 funding of reserves.

682 3. Reserve funds and any interest accruing thereon shall  
683 remain in the reserve account or accounts, and may be used only  
684 for authorized reserve expenditures unless their use for other  
685 purposes is approved in advance by a majority vote of all the  
686 total voting interests ~~at a duly called meeting~~ of the  
687 association. Before turnover of control of an association by a  
688 developer to unit owners other than the developer pursuant to s.  
689 718.301, the developer-controlled association may not vote to  
690 use reserves for purposes other than those for which they were  
691 intended. For a budget adopted on or after ~~Effective~~ December  
692 31, 2024, members of a unit-owner-controlled association that  
693 must obtain a structural integrity reserve study may not vote to  
694 use reserve funds, or any interest accruing thereon, ~~that are~~  
695 ~~reserved for items listed in paragraph (g)~~ for any other purpose  
696 other than the replacement or deferred maintenance costs of the



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697 components listed in paragraph (g) ~~their intended purpose.~~

698 4. The only voting interests that are eligible to vote on  
699 questions that involve waiving or reducing the funding of  
700 reserves, or using existing reserve funds for purposes other  
701 than purposes for which the reserves were intended, are the  
702 voting interests of the units subject to assessment to fund the  
703 reserves in question. Proxy questions relating to waiving or  
704 reducing the funding of reserves or using existing reserve funds  
705 for purposes other than purposes for which the reserves were  
706 intended must contain the following statement in capitalized,  
707 bold letters in a font size larger than any other used on the  
708 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
709 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
710 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
711 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

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

713 1. A residential condominium ~~An~~ association must have a  
714 structural integrity reserve study completed at least every 10  
715 years after the condominium's creation for each building on the  
716 condominium property that is three stories or higher in height  
717 as determined by the Florida Building Code which includes, at a  
718 minimum, a study of the following items as related to the  
719 structural integrity and safety of the building:

720 a. Roof.

721 b. Structure, including load-bearing walls and ~~or~~ other  
722 primary structural members and primary structural systems as  
723 those terms are defined in s. 627.706.

724 c. ~~Floor.~~

725 d. ~~Foundation.~~

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726 ~~e.~~ Fireproofing and fire protection systems.  
727 ~~d.f.~~ Plumbing.  
728 ~~e.g.~~ Electrical systems.  
729 ~~f.h.~~ Waterproofing and exterior painting.  
730 ~~g.i.~~ Windows and exterior doors.  
731 ~~h.j.~~ Any other item that has a deferred maintenance expense  
732 or replacement cost that exceeds \$10,000 and the failure to  
733 replace or maintain such item negatively affects the items  
734 listed in sub-subparagraphs a.-g. ~~sub-subparagraphs a.-i.~~, as  
735 determined by the ~~licensed engineer or architect performing the~~  
736 visual inspection portion of the structural integrity reserve  
737 study.

738 2. A structural integrity reserve study is based on a  
739 visual inspection of the condominium property. A structural  
740 integrity reserve study may be performed by any person qualified  
741 to perform such study. However, the visual inspection portion of  
742 the structural integrity reserve study must be performed or  
743 verified by an engineer licensed under chapter 471, an architect  
744 licensed under chapter 481, or a person certified as a reserve  
745 specialist or professional reserve analyst by the Community  
746 Associations Institute or the Association of Professional  
747 Reserve Analysts.

748 3. At a minimum, a structural integrity reserve study must  
749 identify each item of the condominium property being visually  
750 inspected, state the estimated remaining useful life and the  
751 estimated replacement cost or deferred maintenance expense of  
752 each item of the condominium property being visually inspected,  
753 and provide a reserve funding schedule with a recommended annual  
754 reserve amount that achieves the estimated replacement cost or

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755 deferred maintenance expense of each item of condominium  
756 property being visually inspected by the end of the estimated  
757 remaining useful life of the item. The structural integrity  
758 reserve study may recommend that reserves do not need to be  
759 maintained for any item for which an estimate of useful life and  
760 an estimate of replacement cost cannot be determined, or the  
761 study may recommend a deferred maintenance expense amount for  
762 such item. The structural integrity reserve study may recommend  
763 that reserves for replacement costs do not need to be maintained  
764 for any item with an estimated remaining useful life of greater  
765 than 25 years, but the study may recommend a deferred  
766 maintenance expense amount for such item.

767 4. This paragraph does not apply to buildings less than  
768 three stories in height; single-family, two-family, or three-  
769 family dwellings with three or fewer habitable stories above  
770 ground; any portion or component of a building that has not been  
771 submitted to the condominium form of ownership; or any portion  
772 or component of a building that is maintained by a party other  
773 than the association.

774 5. Before a developer turns over control of an association  
775 to unit owners other than the developer, the developer must have  
776 a structural integrity reserve study completed for each building  
777 on the condominium property that is three stories or higher in  
778 height.

779 ~~6.3.~~ Associations existing on or before July 1, 2022, which  
780 are controlled by unit owners other than the developer, must  
781 have a structural integrity reserve study completed by December  
782 31, 2024, for each building on the condominium property that is  
783 three stories or higher in height. An association that is

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784 required to complete a milestone inspection in accordance with  
785 s. 553.899 on or before December 31, 2026, may complete the  
786 structural integrity reserve study simultaneously with the  
787 milestone inspection. In no event may the structural integrity  
788 reserve study be completed after December 31, 2026.

789 7. If the milestone inspection required by s. 553.899, or  
790 an inspection completed for a similar local requirement, was  
791 performed within the past 5 years and meets the requirements of  
792 this paragraph, such inspection may be used in place of the  
793 visual inspection portion of the structural integrity reserve  
794 study.

795 8.4. If the officers or directors of an association  
796 willfully and knowingly fail ~~fails~~ to complete a structural  
797 integrity reserve study pursuant to this paragraph, such failure  
798 is a breach of an officer's and director's fiduciary  
799 relationship to the unit owners under s. 718.111(1).

800 (h) Mandatory milestone inspections.—If an association is  
801 required to have a milestone inspection performed pursuant to s.  
802 553.899, the association must arrange for the milestone  
803 inspection to be performed and is responsible for ensuring  
804 compliance with the requirements of s. 553.899. The association  
805 is responsible for all costs associated with the milestone  
806 inspection attributable to the portions of the building which  
807 the association is responsible for maintaining under the  
808 governing documents of the association. If the officers or  
809 directors of an association willfully and knowingly fail to have  
810 a milestone inspection performed pursuant to s. 553.899, such  
811 failure is a breach of the officers' and directors' fiduciary  
812 relationship to the unit owners under s. 718.111(1) (a). Within

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813 14 days after receipt of a written notice from the local  
814 enforcement agency that a milestone inspection is required, the  
815 association must notify the unit owners of the required  
816 milestone inspection and provide the date by which the milestone  
817 inspection must be completed. Such notice may be given by  
818 electronic submission to unit owners who consent to receive  
819 notice by electronic submission or by posting on the  
820 association's website. Within 45 days after receiving ~~Upon~~  
821 ~~completion of a phase one or phase two milestone inspection and~~  
822 ~~receipt of the inspector-prepared summary of the inspection~~  
823 report from the architect or engineer who performed the  
824 inspection, the association must distribute a copy of the  
825 inspector-prepared summary of the inspection report to each unit  
826 owner, regardless of the findings or recommendations in the  
827 report, by United States mail or personal delivery at the  
828 mailing address, property address, or any other address of the  
829 owner provided to fulfill the association's notice requirements  
830 under this chapter and by electronic transmission to the e-mail  
831 address or facsimile number provided to fulfill the  
832 association's notice requirements to unit owners who previously  
833 consented to receive notice by electronic transmission; must  
834 post a copy of the inspector-prepared summary in a conspicuous  
835 place on the condominium property; and must publish the full  
836 report and inspector-prepared summary on the association's  
837 website, if the association is required to have a website.

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

841 718.1255 Alternative dispute resolution; mediation;

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842 nonbinding arbitration; applicability.-

843 (1) DEFINITIONS.-As used in this section, the term  
844 "dispute" means any disagreement between two or more parties  
845 that involves:

846 (d) The failure of a board of administration, when required  
847 by this chapter or an association document, to:

848 1. Obtain the milestone inspection required under s.  
849 553.899.

850 2. Obtain a structural integrity reserve study required  
851 under s. 718.112(2) (g) .

852 3. Fund reserves as required for an item identified in s.  
853 718.112(2) (g) .

854 4. Make or provide necessary maintenance or repairs of  
855 condominium property recommended by a milestone inspection or a  
856 structural integrity reserve study.

857  
858 "Dispute" does not include any disagreement that primarily  
859 involves: title to any unit or common element; the  
860 interpretation or enforcement of any warranty; the levy of a fee  
861 or assessment, or the collection of an assessment levied against  
862 a party; the eviction or other removal of a tenant from a unit;  
863 alleged breaches of fiduciary duty by one or more directors; or  
864 claims for damages to a unit based upon the alleged failure of  
865 the association to maintain the common elements or condominium  
866 property.

867 (5) PRESUIT MEDIATION.-In lieu of the initiation of  
868 nonbinding arbitration as provided in subsections (1)-(4), a  
869 party may submit a dispute to presuit mediation in accordance  
870 with s. 720.311; however, election and recall disputes are not

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871 eligible for mediation and such disputes must be arbitrated by  
872 the division or filed in a court of competent jurisdiction.  
873 Disputes identified in paragraph (1)(d) are not subject to  
874 nonbinding arbitration under subsection (4) and must be  
875 submitted to presuit mediation in accordance with s. 720.311.

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

878 718.113 Maintenance; limitation upon improvement; display  
879 of flag; hurricane shutters and protection; display of religious  
880 decorations.-

881 (1) Maintenance of the common elements is the  
882 responsibility of the association, except for any maintenance  
883 responsibility for limited common elements assigned to the unit  
884 owner by the declaration. The association shall provide for the  
885 maintenance, repair, and replacement of the condominium property  
886 for which it bears responsibility pursuant to the declaration of  
887 condominium. After turnover of control of the association to the  
888 unit owners, the association must perform any required  
889 maintenance identified by the developer pursuant to s.  
890 718.301(4)(p) and (q) until the association obtains new  
891 maintenance protocols from a licensed professional engineer or  
892 architect or a person certified as a reserve specialist or  
893 professional reserve analyst by the Community Associations  
894 Institute or the Association of Professional Reserve Analysts.  
895 The declaration may provide that certain limited common elements  
896 shall be maintained by those entitled to use the limited common  
897 elements or that the association shall provide the maintenance,  
898 either as a common expense or with the cost shared only by those  
899 entitled to use the limited common elements. If the maintenance

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900 is to be by the association at the expense of only those  
901 entitled to use the limited common elements, the declaration  
902 shall describe in detail the method of apportioning such costs  
903 among those entitled to use the limited common elements, and the  
904 association may use the provisions of s. 718.116 to enforce  
905 payment of the shares of such costs by the unit owners entitled  
906 to use the limited common elements.

907 Section 9. Present paragraphs (q) and (r) of subsection (4)  
908 of section 718.301, Florida Statutes, are redesignated as  
909 paragraphs (r) and (s), respectively, a new paragraph (q) is  
910 added to that subsection, and paragraph (p) of that subsection  
911 is amended, to read:

912 718.301 Transfer of association control; claims of defect  
913 by association.—

914 (4) At the time that unit owners other than the developer  
915 elect a majority of the members of the board of administration  
916 of an association, the developer shall relinquish control of the  
917 association, and the unit owners shall accept control.  
918 Simultaneously, or for the purposes of paragraph (c) not more  
919 than 90 days thereafter, the developer shall deliver to the  
920 association, at the developer's expense, all property of the  
921 unit owners and of the association which is held or controlled  
922 by the developer, including, but not limited to, the following  
923 items, if applicable, as to each condominium operated by the  
924 association:

925 (p) Notwithstanding when the certificate of occupancy was  
926 issued or the height of the building, a structural integrity  
927 reserve study ~~a milestone inspection report~~ in compliance with  
928 s. 718.112(2)(g) ~~s. 553.899~~ included in the official records,



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929 under seal of an architect or engineer authorized to practice in  
930 this state or a person certified as a reserve specialist or  
931 professional reserve analyst by the Community Associations  
932 Institute or the Association of Professional Reserve Analysts,  
933 and attesting to required maintenance, condition, useful life,  
934 and replacement costs of the following applicable condominium  
935 property comprising a turnover inspection report:

- 936 1. Roof.
- 937 2. Structure, including load-bearing walls and primary  
938 structural members and primary structural systems as those terms  
939 are defined in s. 627.706.
- 940 3. Fireproofing and fire protection systems.
- 941 4. Plumbing Elevators.
- 942 5. Electrical systems ~~Heating and cooling systems.~~
- 943 6. Waterproofing and exterior painting ~~Plumbing.~~
- 944 7. Windows and exterior doors ~~Electrical systems.~~
- 945 8. ~~Swimming pool or spa and equipment.~~
- 946 9. ~~Seawalls.~~
- 947 10. ~~Pavement and parking areas.~~
- 948 11. ~~Drainage systems.~~
- 949 12. ~~Painting.~~
- 950 13. ~~Irrigation systems.~~
- 951 14. ~~Waterproofing.~~

952 (q) Notwithstanding when the certificate of occupancy was  
953 issued or the height of the building, a turnover inspection  
954 report included in the official records, under seal of an  
955 architect or engineer authorized to practice in this state or a  
956 person certified as a reserve specialist or professional reserve  
957 analyst by the Community Associations Institute or the

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958 Association of Professional Reserve Analysts, and attesting to  
959 required maintenance, condition, useful life, and replacement  
960 costs of the following applicable condominium property  
961 comprising a turnover inspection report:

- 962 1. Elevators.
- 963 2. Heating and cooling systems.
- 964 3. Swimming pool or spa and equipment.
- 965 4. Seawalls.
- 966 5. Pavement and parking areas.
- 967 6. Drainage systems.
- 968 7. Irrigation systems.

969 Section 10. Paragraph (b) of subsection (1) and paragraph  
970 (a) of subsection (2) of section 718.503, Florida Statutes, are  
971 amended, and paragraph (d) is added to subsection (1) and  
972 paragraph (e) is added to subsection (2) of that section, to  
973 read:

974 718.503 Developer disclosure prior to sale; nondeveloper  
975 unit owner disclosure prior to sale; voidability.—

976 (1) DEVELOPER DISCLOSURE.—

977 (b) *Copies of documents to be furnished to prospective*  
978 *buyer or lessee.*—Until such time as the developer has furnished  
979 the documents listed below to a person who has entered into a  
980 contract to purchase a residential unit or lease it for more  
981 than 5 years, the contract may be voided by that person,  
982 entitling the person to a refund of any deposit together with  
983 interest thereon as provided in s. 718.202. The contract may be  
984 terminated by written notice from the proposed buyer or lessee  
985 delivered to the developer within 15 days after the buyer or  
986 lessee receives all of the documents required by this section.

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987 The developer may not close for 15 days after the execution of  
988 the agreement and delivery of the documents to the buyer as  
989 evidenced by a signed receipt for documents unless the buyer is  
990 informed in the 15-day voidability period and agrees to close  
991 before the expiration of the 15 days. The developer shall retain  
992 in his or her records a separate agreement signed by the buyer  
993 as proof of the buyer's agreement to close before the expiration  
994 of the voidability period. The developer must retain such proof  
995 for a period of 5 years after the date of the closing of the  
996 transaction. The documents to be delivered to the prospective  
997 buyer are the prospectus or disclosure statement with all  
998 exhibits, if the development is subject to s. 718.504, or, if  
999 not, then copies of the following which are applicable:

1000 1. The question and answer sheet described in s. 718.504,  
1001 and declaration of condominium, or the proposed declaration if  
1002 the declaration has not been recorded, which shall include the  
1003 certificate of a surveyor approximately representing the  
1004 locations required by s. 718.104.

1005 2. The documents creating the association.

1006 3. The bylaws.

1007 4. The ground lease or other underlying lease of the  
1008 condominium.

1009 5. The management contract, maintenance contract, and other  
1010 contracts for management of the association and operation of the  
1011 condominium and facilities used by the unit owners having a  
1012 service term in excess of 1 year, and any management contracts  
1013 that are renewable.

1014 6. The estimated operating budget for the condominium and a  
1015 schedule of expenses for each type of unit, including fees

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1016 assessed pursuant to s. 718.113(1) for the maintenance of  
1017 limited common elements where such costs are shared only by  
1018 those entitled to use the limited common elements.

1019 7. The lease of recreational and other facilities that will  
1020 be used only by unit owners of the subject condominium.

1021 8. The lease of recreational and other common facilities  
1022 that will be used by unit owners in common with unit owners of  
1023 other condominiums.

1024 9. The form of unit lease if the offer is of a leasehold.

1025 10. Any declaration of servitude of properties serving the  
1026 condominium but not owned by unit owners or leased to them or  
1027 the association.

1028 11. If the development is to be built in phases or if the  
1029 association is to manage more than one condominium, a  
1030 description of the plan of phase development or the arrangements  
1031 for the association to manage two or more condominiums.

1032 12. If the condominium is a conversion of existing  
1033 improvements, the statements and disclosure required by s.  
1034 718.616.

1035 13. The form of agreement for sale or lease of units.

1036 14. A copy of the floor plan of the unit and the plot plan  
1037 showing the location of the residential buildings and the  
1038 recreation and other common areas.

1039 15. A copy of all covenants and restrictions that will  
1040 affect the use of the property and are not contained in the  
1041 foregoing.

1042 16. If the developer is required by state or local  
1043 authorities to obtain acceptance or approval of any dock or  
1044 marina facilities intended to serve the condominium, a copy of

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1045 any such acceptance or approval acquired by the time of filing  
1046 with the division under s. 718.502(1), or a statement that such  
1047 acceptance or approval has not been acquired or received.

1048 17. Evidence demonstrating that the developer has an  
1049 ownership, leasehold, or contractual interest in the land upon  
1050 which the condominium is to be developed.

1051 18. A copy of the inspector-prepared summary of the  
1052 milestone inspection report as described in s. 553.899, or a  
1053 statement in conspicuous type indicating that the required  
1054 milestone inspection described in s. 553.899 has not been  
1055 completed or that a milestone inspection is not required, as  
1056 applicable ~~ss. 553.899 and 718.301(4) (p).~~

1057 19. A copy of the ~~association's~~ most recent structural  
1058 integrity reserve study, or a statement in conspicuous type  
1059 indicating that the association has not completed a required  
1060 structural integrity reserve study has not been completed or  
1061 that a structural integrity reserve study is not required, as  
1062 applicable.

1063 20. A copy of the turnover inspection report described in  
1064 s. 718.301(4) (p) and (q) or a statement in conspicuous type  
1065 indicating that a turnover inspection report has not been  
1066 completed, as applicable.

1067 (d) Milestone inspection, turnover inspection report, or  
1068 structural integrity reserve study.—If the association is  
1069 required to have completed a milestone inspection as described  
1070 in s. 553.899, a turnover inspection report for a turnover  
1071 inspection performed on or after July 1, 2023, or a structural  
1072 integrity reserve study, and the association has not completed  
1073 the milestone inspection, the turnover inspection report, or the

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1074 structural integrity reserve study, each contract entered into  
1075 after December 31, 2024, for the sale of a residential unit  
1076 shall contain in conspicuous type a statement indicating that  
1077 the association is required to have a milestone inspection, a  
1078 turnover inspection report, or a structural integrity reserve  
1079 study and has not completed such inspection, report, or study,  
1080 as appropriate. If the association is not required to have a  
1081 milestone inspection as described in s. 553.899 or a structural  
1082 integrity reserve study, each contract entered into after  
1083 December 31, 2024, for the sale of a residential unit shall  
1084 contain in conspicuous type a statement indicating that the  
1085 association is not required to have a milestone inspection or a  
1086 structural integrity reserve study, as appropriate. If the  
1087 association has completed a milestone inspection as described in  
1088 s. 553.899, a turnover inspection report for a turnover  
1089 inspection performed on or after July 1, 2023, or a structural  
1090 integrity reserve study, each contract entered into after  
1091 December 31, 2024, for the sale of a residential unit shall  
1092 contain in conspicuous type:

1093 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1094 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1095 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1096 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1097 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1098 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1099 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1100 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
1101 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15  
1102 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO

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1103 EXECUTION OF THIS CONTRACT; and

1104 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1105 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1106 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1107 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1108 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1109 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1110 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1111 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1112 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1113 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1114 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
1115 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1116 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1117 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15  
1118 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1119 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
1120 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
1121 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
1122 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),  
1123 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
1124 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
1125 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN  
1126 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT  
1127 CLOSING.

1128  
1129 A contract that does not conform to the requirements of this  
1130 paragraph is voidable at the option of the purchaser prior to  
1131 closing.

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1132 (2) NONDEVELOPER DISCLOSURE.—

1133 (a) Each unit owner who is not a developer as defined by  
1134 this chapter must comply with this subsection before the sale of  
1135 his or her unit. Each prospective purchaser who has entered into  
1136 a contract for the purchase of a condominium unit is entitled,  
1137 at the seller's expense, to a current copy of all of the  
1138 following:

1139 1. The declaration of condominium.

1140 2. Articles of incorporation of the association.

1141 3. Bylaws and rules of the association.

1142 4. Financial information required by s. 718.111.

1143 5. A copy of the inspector-prepared summary of the  
1144 milestone inspection report as described in s. 553.899 ~~ss.~~  
1145 ~~553.899 and 718.301(4)(p)~~, if applicable.

1146 6. The association's most recent structural integrity  
1147 reserve study or a statement that the association has not  
1148 completed a structural integrity reserve study.

1149 7. A copy of the inspection report described in s.  
1150 718.301(4)(p) and (q) for a turnover inspection performed on or  
1151 after July 1, 2023.

1152 8. The document entitled "Frequently Asked Questions and  
1153 Answers" required by s. 718.504.

1154 (e) If the association is required to have completed a  
1155 milestone inspection as described in s. 553.899, a turnover  
1156 inspection report for a turnover inspection performed on or  
1157 after July 1, 2023, or a structural integrity reserve study, and  
1158 the association has not completed the milestone inspection, the  
1159 turnover inspection report, or the structural integrity reserve  
1160 study, each contract entered into after December 31, 2024, for



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1161 the sale of a residential unit shall contain in conspicuous type  
1162 a statement indicating that the association is required to have  
1163 a milestone inspection, a turnover inspection report, or a  
1164 structural integrity reserve study and has not completed such  
1165 inspection, report, or study, as appropriate. If the association  
1166 is not required to have a milestone inspection as described in  
1167 s. 553.899 or a structural integrity reserve study, each  
1168 contract entered into after December 31, 2024, for the sale of a  
1169 residential unit shall contain in conspicuous type a statement  
1170 indicating that the association is not required to have a  
1171 milestone inspection or a structural integrity reserve study, as  
1172 appropriate. If the association has completed a milestone  
1173 inspection as described in s. 553.899, a turnover inspection  
1174 report for a turnover inspection performed on or after July 1,  
1175 2023, or a structural integrity reserve study, each contract  
1176 entered into after December 31, 2024, for the resale of a  
1177 residential unit shall contain in conspicuous type:

1178 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1179 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1180 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1181 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1182 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1183 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1184 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1185 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
1186 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3  
1187 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO  
1188 EXECUTION OF THIS CONTRACT; and

1189 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY

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1190 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1191 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1192 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1193 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1194 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1195 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1196 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1197 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1198 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1199 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
1200 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1201 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1202 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3  
1203 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1204 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
1205 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
1206 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
1207 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),  
1208 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
1209 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
1210 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN  
1211 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT  
1212 CLOSING.

1213  
1214 A contract that does not conform to the requirements of this  
1215 paragraph is voidable at the option of the purchaser prior to  
1216 closing.

1217 Section 11. Paragraph (a) of subsection (7) and paragraph  
1218 (c) of subsection (21) of section 718.504, Florida Statutes, are

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1219 amended to read:

1220       718.504 Prospectus or offering circular.—Every developer of  
1221 a residential condominium which contains more than 20  
1222 residential units, or which is part of a group of residential  
1223 condominiums which will be served by property to be used in  
1224 common by unit owners of more than 20 residential units, shall  
1225 prepare a prospectus or offering circular and file it with the  
1226 Division of Florida Condominiums, Timeshares, and Mobile Homes  
1227 prior to entering into an enforceable contract of purchase and  
1228 sale of any unit or lease of a unit for more than 5 years and  
1229 shall furnish a copy of the prospectus or offering circular to  
1230 each buyer. In addition to the prospectus or offering circular,  
1231 each buyer shall be furnished a separate page entitled  
1232 “Frequently Asked Questions and Answers,” which shall be in  
1233 accordance with a format approved by the division and a copy of  
1234 the financial information required by s. 718.111. This page  
1235 shall, in readable language, inform prospective purchasers  
1236 regarding their voting rights and unit use restrictions,  
1237 including restrictions on the leasing of a unit; shall indicate  
1238 whether and in what amount the unit owners or the association is  
1239 obligated to pay rent or land use fees for recreational or other  
1240 commonly used facilities; shall contain a statement identifying  
1241 that amount of assessment which, pursuant to the budget, would  
1242 be levied upon each unit type, exclusive of any special  
1243 assessments, and which shall further identify the basis upon  
1244 which assessments are levied, whether monthly, quarterly, or  
1245 otherwise; shall state and identify any court cases in which the  
1246 association is currently a party of record in which the  
1247 association may face liability in excess of \$100,000; and which

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1248 shall further state whether membership in a recreational  
1249 facilities association is mandatory, and if so, shall identify  
1250 the fees currently charged per unit type. The division shall by  
1251 rule require such other disclosure as in its judgment will  
1252 assist prospective purchasers. The prospectus or offering  
1253 circular may include more than one condominium, although not all  
1254 such units are being offered for sale as of the date of the  
1255 prospectus or offering circular. The prospectus or offering  
1256 circular must contain the following information:

1257 (7) A description of the recreational and other facilities  
1258 that will be used in common with other condominiums, community  
1259 associations, or planned developments which require the payment  
1260 of the maintenance and expenses of such facilities, directly or  
1261 indirectly, by the unit owners. The description shall include,  
1262 but not be limited to, the following:

1263 (a) Each building and facility committed to be built and a  
1264 summary description of the structural integrity of each building  
1265 for which reserves are required pursuant to s. 718.112(2)(g).  
1266

1267 Descriptions shall include location, areas, capacities, numbers,  
1268 volumes, or sizes and may be stated as approximations or  
1269 minimums.

1270 (21) An estimated operating budget for the condominium and  
1271 the association, and a schedule of the unit owner's expenses  
1272 shall be attached as an exhibit and shall contain the following  
1273 information:

1274 (c) The estimated items of expenses of the condominium and  
1275 the association, except as excluded under paragraph (b),  
1276 including, but not limited to, the following items, which shall

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1277 be stated as an association expense collectible by assessments  
1278 or as unit owners' expenses payable to persons other than the  
1279 association:

1280 1. Expenses for the association and condominium:

1281 a. Administration of the association.

1282 b. Management fees.

1283 c. Maintenance.

1284 d. Rent for recreational and other commonly used  
1285 facilities.

1286 e. Taxes upon association property.

1287 f. Taxes upon leased areas.

1288 g. Insurance.

1289 h. Security provisions.

1290 i. Other expenses.

1291 j. Operating capital.

1292 k. Reserves for all applicable items referenced in s.  
1293 718.112(2)(g).

1294 1. Fees payable to the division.

1295 2. Expenses for a unit owner:

1296 a. Rent for the unit, if subject to a lease.

1297 b. Rent payable by the unit owner directly to the lessor or  
1298 agent under any recreational lease or lease for the use of  
1299 commonly used facilities, which use and payment is a mandatory  
1300 condition of ownership and is not included in the common expense  
1301 or assessments for common maintenance paid by the unit owners to  
1302 the association.

1303 Section 12. Subsection (24) of section 719.103, Florida  
1304 Statutes, is amended to read:

1305 719.103 Definitions.—As used in this chapter:

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1306 (24) "Structural integrity reserve study" means a study of  
1307 the reserve funds required for future major repairs and  
1308 replacement of the cooperative property performed as required  
1309 under s. 719.106(1) (k) ~~common areas based on a visual inspection~~  
1310 ~~of the common areas. A structural integrity reserve study may be~~  
1311 ~~performed by any person qualified to perform such study.~~  
1312 ~~However, the visual inspection portion of the structural~~  
1313 ~~integrity reserve study must be performed by an engineer~~  
1314 ~~licensed under chapter 471 or an architect licensed under~~  
1315 ~~chapter 481. At a minimum, a structural integrity reserve study~~  
1316 ~~must identify the common areas being visually inspected, state~~  
1317 ~~the estimated remaining useful life and the estimated~~  
1318 ~~replacement cost or deferred maintenance expense of the common~~  
1319 ~~areas being visually inspected, and provide a recommended annual~~  
1320 ~~reserve amount that achieves the estimated replacement cost or~~  
1321 ~~deferred maintenance expense of each common area being visually~~  
1322 ~~inspected by the end of the estimated remaining useful life of~~  
1323 ~~each common area.~~

1324 Section 13. Present subsections (5) through (11) of section  
1325 719.104, Florida Statutes, are redesignated as subsections (6)  
1326 through (12), respectively, a new subsection (5) is added to  
1327 that section, and paragraph (c) of subsection (2) of that  
1328 section is amended, to read:

1329 719.104 Cooperatives; access to units; records; financial  
1330 reports; assessments; purchase of leases.—

1331 (2) OFFICIAL RECORDS.—

1332 (c) The official records of the association are open to  
1333 inspection by any association member and any person authorized  
1334 by an association member as a ~~or the authorized~~ representative

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1335 of such member at all reasonable times. The right to inspect the  
1336 records includes the right to make or obtain copies, at the  
1337 reasonable expense, if any, of the association member and of the  
1338 person authorized by the association member as a representative  
1339 of such member. A renter of a unit has a right to inspect and  
1340 copy only the association's bylaws and rules and the inspection  
1341 reports described in ss. 553.899 and 719.301(4) (p). The  
1342 association may adopt reasonable rules regarding the frequency,  
1343 time, location, notice, and manner of record inspections and  
1344 copying, but may not require a member to demonstrate any purpose  
1345 or state any reason for the inspection. The failure of an  
1346 association to provide the records within 10 working days after  
1347 receipt of a written request creates a rebuttable presumption  
1348 that the association willfully failed to comply with this  
1349 paragraph. A member who is denied access to official records is  
1350 entitled to the actual damages or minimum damages for the  
1351 association's willful failure to comply. The minimum damages are  
1352 \$50 per calendar day for up to 10 days, beginning on the 11th  
1353 working day after receipt of the written request. The failure to  
1354 permit inspection entitles any person prevailing in an  
1355 enforcement action to recover reasonable attorney fees from the  
1356 person in control of the records who, directly or indirectly,  
1357 knowingly denied access to the records. Any person who knowingly  
1358 or intentionally defaces or destroys accounting records that are  
1359 required by this chapter to be maintained during the period for  
1360 which such records are required to be maintained, or who  
1361 knowingly or intentionally fails to create or maintain  
1362 accounting records that are required to be created or  
1363 maintained, with the intent of causing harm to the association

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1364 or one or more of its members, is personally subject to a civil  
1365 penalty under s. 719.501(1)(d). The association shall maintain  
1366 an adequate number of copies of the declaration, articles of  
1367 incorporation, bylaws, and rules, and all amendments to each of  
1368 the foregoing, as well as the question and answer sheet as  
1369 described in s. 719.504 and year-end financial information  
1370 required by the department, on the cooperative property to  
1371 ensure their availability to members and prospective purchasers,  
1372 and may charge its actual costs for preparing and furnishing  
1373 these documents to those requesting the same. An association  
1374 shall allow a member or his or her authorized representative to  
1375 use a portable device, including a smartphone, tablet, portable  
1376 scanner, or any other technology capable of scanning or taking  
1377 photographs, to make an electronic copy of the official records  
1378 in lieu of the association providing the member or his or her  
1379 authorized representative with a copy of such records. The  
1380 association may not charge a member or his or her authorized  
1381 representative for the use of a portable device. Notwithstanding  
1382 this paragraph, the following records shall not be accessible to  
1383 members:

1384 1. Any record protected by the lawyer-client privilege as  
1385 described in s. 90.502 and any record protected by the work-  
1386 product privilege, including any record prepared by an  
1387 association attorney or prepared at the attorney's express  
1388 direction which reflects a mental impression, conclusion,  
1389 litigation strategy, or legal theory of the attorney or the  
1390 association, and which was prepared exclusively for civil or  
1391 criminal litigation or for adversarial administrative  
1392 proceedings, or which was prepared in anticipation of such



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1393 litigation or proceedings until the conclusion of the litigation  
1394 or proceedings.

1395       2. Information obtained by an association in connection  
1396 with the approval of the lease, sale, or other transfer of a  
1397 unit.

1398       3. Personnel records of association or management company  
1399 employees, including, but not limited to, disciplinary, payroll,  
1400 health, and insurance records. For purposes of this  
1401 subparagraph, the term "personnel records" does not include  
1402 written employment agreements with an association employee or  
1403 management company, or budgetary or financial records that  
1404 indicate the compensation paid to an association employee.

1405       4. Medical records of unit owners.

1406       5. Social security numbers, driver license numbers, credit  
1407 card numbers, e-mail addresses, telephone numbers, facsimile  
1408 numbers, emergency contact information, addresses of a unit  
1409 owner other than as provided to fulfill the association's notice  
1410 requirements, and other personal identifying information of any  
1411 person, excluding the person's name, unit designation, mailing  
1412 address, property address, and any address, e-mail address, or  
1413 facsimile number provided to the association to fulfill the  
1414 association's notice requirements. Notwithstanding the  
1415 restrictions in this subparagraph, an association may print and  
1416 distribute to unit owners a directory containing the name, unit  
1417 address, and all telephone numbers of each unit owner. However,  
1418 an owner may exclude his or her telephone numbers from the  
1419 directory by so requesting in writing to the association. An  
1420 owner may consent in writing to the disclosure of other contact  
1421 information described in this subparagraph. The association is

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1422 not liable for the inadvertent disclosure of information that is  
1423 protected under this subparagraph if the information is included  
1424 in an official record of the association and is voluntarily  
1425 provided by an owner and not requested by the association.

1426 6. Electronic security measures that are used by the  
1427 association to safeguard data, including passwords.

1428 7. The software and operating system used by the  
1429 association which allow the manipulation of data, even if the  
1430 owner owns a copy of the same software used by the association.  
1431 The data is part of the official records of the association.

1432 8. All affirmative acknowledgments made pursuant to s.  
1433 719.108(3)(b)3.

1434 (5) MAINTENANCE.—Maintenance of the common elements is the  
1435 responsibility of the association, except for any maintenance  
1436 responsibility for limited common elements assigned to the unit  
1437 owner by the declaration. The association shall provide for the  
1438 maintenance, repair, and replacement of the cooperative property  
1439 for which it bears responsibility pursuant to the declaration of  
1440 cooperative. After turnover of control of the association to the  
1441 unit owners, the association must perform any required  
1442 maintenance identified by the developer pursuant to s.  
1443 719.301(4)(p) and (q) until the association obtains new  
1444 maintenance protocols from a licensed professional engineer or  
1445 architect or a person certified as a reserve specialist or  
1446 professional reserve analyst by the Community Associations  
1447 Institute or the Association of Professional Reserve Analysts.  
1448 The declaration may provide that certain limited common elements  
1449 shall be maintained by those entitled to use the limited common  
1450 elements or that the association shall provide the maintenance,

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1451 either as a common expense or with the cost shared only by those  
1452 entitled to use the limited common elements. If the maintenance  
1453 is to be by the association at the expense of only those  
1454 entitled to use the limited common elements, the declaration  
1455 shall describe in detail the method of apportioning such costs  
1456 among those entitled to use the limited common elements, and the  
1457 association may use the provisions of s. 719.108 to enforce  
1458 payment of the shares of such costs by the unit owners entitled  
1459 to use the limited common elements.

1460 Section 14. Paragraphs (e), (j), (k), and (l) of subsection  
1461 (1) of section 719.106, Florida Statutes, are amended to read:

1462 719.106 Bylaws; cooperative ownership.—

1463 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1464 documents shall provide for the following, and if they do not,  
1465 they shall be deemed to include the following:

1466 (e) *Budget procedures.*—

1467 1. The board of administration shall mail, hand deliver, or  
1468 electronically transmit to each unit owner at the address last  
1469 furnished to the association, a meeting notice and copies of the  
1470 proposed annual budget of common expenses to the unit owners not  
1471 less than 14 days prior to the meeting at which the budget will  
1472 be considered. Evidence of compliance with this 14-day notice  
1473 must be made by an affidavit executed by an officer of the  
1474 association or the manager or other person providing notice of  
1475 the meeting and filed among the official records of the  
1476 association. The meeting must be open to the unit owners.

1477 2. If an adopted budget requires assessment against the  
1478 unit owners in any fiscal or calendar year which exceeds 115  
1479 percent of the assessments for the preceding year, the board

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1480 upon written application of 10 percent of the voting interests  
1481 to the board, shall call a special meeting of the unit owners  
1482 within 30 days, upon not less than 10 days' written notice to  
1483 each unit owner. At the special meeting, unit owners shall  
1484 consider and enact a budget. Unless the bylaws require a larger  
1485 vote, the adoption of the budget requires a vote of not less  
1486 than a majority of all the voting interests.

1487 3. The board of administration may, in any event, propose a  
1488 budget to the unit owners at a meeting of members or by writing,  
1489 and if the budget or proposed budget is approved by the unit  
1490 owners at the meeting or by a majority of all voting interests  
1491 in writing, the budget is adopted. If a meeting of the unit  
1492 owners has been called and a quorum is not attained or a  
1493 substitute budget is not adopted by the unit owners, the budget  
1494 adopted by the board of directors goes into effect as scheduled.

1495 4. In determining whether assessments exceed 115 percent of  
1496 similar assessments for prior years, any authorized provisions  
1497 for reasonable reserves for repair or replacement of cooperative  
1498 property, anticipated expenses by the association which are not  
1499 anticipated to be incurred on a regular or annual basis,  
1500 insurance premiums, or assessments for betterments to the  
1501 cooperative property must be excluded from computation. However,  
1502 as long as the developer is in control of the board of  
1503 administration, the board may not impose an assessment for any  
1504 year greater than 115 percent of the prior fiscal or calendar  
1505 year's assessment without approval of a majority of all voting  
1506 interests.

1507 (j) *Annual budget.*—

1508 1. The proposed annual budget of common expenses must be

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1509 detailed and must show the amounts budgeted by accounts and  
1510 expense classifications, including, if applicable, but not  
1511 limited to, those expenses listed in s. 719.504(20). The board  
1512 of administration shall adopt the annual budget at least 14 days  
1513 before the start of the association's fiscal year. In the event  
1514 that the board fails to timely adopt the annual budget a second  
1515 time, it is deemed a minor violation and the prior year's budget  
1516 shall continue in effect until a new budget is adopted.

1517 2. In addition to annual operating expenses, the budget  
1518 must include reserve accounts for capital expenditures and  
1519 deferred maintenance. These accounts must include, but not be  
1520 limited to, roof replacement, building painting, and pavement  
1521 resurfacing, regardless of the amount of deferred maintenance  
1522 expense or replacement cost, and for any other items for which  
1523 the deferred maintenance expense or replacement cost exceeds  
1524 \$10,000. ~~The amount to be reserved for an item is determined by~~  
1525 ~~the association's most recent structural integrity reserve study~~  
1526 ~~that must be completed by December 31, 2024. If the amount to be~~  
1527 ~~reserved for an item is not in the association's initial or most~~  
1528 ~~recent structural integrity reserve study or the association has~~  
1529 ~~not completed a structural integrity reserve study, the amount~~  
1530 must be computed by means of a formula which is based upon  
1531 estimated remaining useful life and estimated replacement cost  
1532 or deferred maintenance expense of the reserve item. In a budget  
1533 adopted by an association that is required to obtain a  
1534 structural integrity reserve study, reserves must be maintained  
1535 for the items identified in paragraph (k) for which the  
1536 association is responsible pursuant to the declaration, and the  
1537 reserve amount for such items must be based on the findings and

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1538 recommendations of the association's most recent structural  
1539 integrity reserve study. With respect to items for which an  
1540 estimate of useful life is not readily ascertainable or with an  
1541 estimated remaining useful life of greater than 25 years, an  
1542 association is not required to reserve replacement costs for  
1543 such items, but an association must reserve the amount of  
1544 deferred maintenance expense, if any, which is recommended by  
1545 the structural integrity reserve study for such items. The  
1546 association may adjust replacement reserve assessments annually  
1547 to take into account an inflation adjustment and any changes in  
1548 estimates or extension of the useful life of a reserve item  
1549 caused by deferred maintenance. The members of a unit-owner-  
1550 controlled association may determine, by a majority vote of the  
1551 total voting interests ~~at a duly called meeting~~ of the  
1552 association, for a fiscal year to provide no reserves or  
1553 reserves less adequate than required by this subsection. Before  
1554 turnover of control of an association by a developer to unit  
1555 owners other than a developer under s. 719.301, the developer-  
1556 controlled association may not vote to waive the reserves or  
1557 reduce funding of the reserves. For a budget adopted on or after  
1558 ~~Effective~~ December 31, 2024, a unit-owner-controlled association  
1559 that must obtain a structural integrity reserve study may not  
1560 determine to provide no reserves or reserves less adequate than  
1561 required by this paragraph for items listed in paragraph (k). If  
1562 a meeting of the unit owners has been called to determine to  
1563 provide no reserves, or reserves less adequate than required,  
1564 and such result is not attained or a quorum is not attained, the  
1565 reserves as included in the budget shall go into effect.

1566 3. Reserve funds and any interest accruing thereon shall

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1567 remain in the reserve account or accounts, and shall be used  
1568 only for authorized reserve expenditures unless their use for  
1569 other purposes is approved in advance by a vote of the majority  
1570 of the total voting interests, ~~voting in person or by limited~~  
1571 ~~proxy at a duly called meeting~~ of the association. Before  
1572 turnover of control of an association by a developer to unit  
1573 owners other than the developer under s. 719.301, the developer  
1574 may not vote to use reserves for purposes other than that for  
1575 which they were intended. For a budget adopted on or after  
1576 ~~Effective~~ December 31, 2024, members of a unit-owner-controlled  
1577 association that must obtain a structural integrity reserve  
1578 study may not vote to use reserve funds, or any interest  
1579 accruing thereon, ~~that are reserved for items listed in~~  
1580 ~~paragraph (k)~~ for purposes other than the replacement or  
1581 deferred maintenance costs of the components listed in paragraph  
1582 (k) their intended purpose.

1583 (k) *Structural integrity reserve study.*—

1584 1. A residential cooperative ~~An~~ association must have a  
1585 structural integrity reserve study completed at least every 10  
1586 years for each building on the cooperative property that is  
1587 three stories or higher in height as determined by the Florida  
1588 Building Code that includes, at a minimum, a study of the  
1589 following items as related to the structural integrity and  
1590 safety of the building:

1591 a. Roof.

1592 b. Structure, including load-bearing walls and ~~or~~ other  
1593 primary structural members and primary structural systems as  
1594 those terms are defined in s. 627.706.

1595 c. ~~Floor.~~

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1596 ~~d. Foundation.~~

1597 ~~e. Fireproofing and fire protection systems.~~

1598 ~~d.f. Plumbing.~~

1599 ~~e.g. Electrical systems.~~

1600 ~~f.h. Waterproofing and exterior painting.~~

1601 ~~g.i. Windows and exterior doors.~~

1602 ~~h.j. Any other item that has a deferred maintenance expense~~  
1603 ~~or replacement cost that exceeds \$10,000 and the failure to~~  
1604 ~~replace or maintain such item negatively affects the items~~  
1605 ~~listed in sub-subparagraphs a.-g. ~~sub-subparagraphs a.-i.~~, as~~  
1606 ~~determined by the licensed engineer or architect performing the~~  
1607 ~~visual inspection portion of the structural integrity reserve~~  
1608 ~~study.~~

1609 2. A structural integrity reserve study is based on a  
1610 visual inspection of the cooperative property. A structural  
1611 integrity reserve study may be performed by any person qualified  
1612 to perform such study. However, the visual inspection portion of  
1613 the structural integrity reserve study must be performed or  
1614 verified by an engineer licensed under chapter 471, an architect  
1615 licensed under chapter 481, or a person certified as a reserve  
1616 specialist or professional reserve analyst by the Community  
1617 Associations Institute or the Association of Professional  
1618 Reserve Analysts.

1619 3. At a minimum, a structural integrity reserve study must  
1620 identify each item of the cooperative property being visually  
1621 inspected, state the estimated remaining useful life and the  
1622 estimated replacement cost or deferred maintenance expense of  
1623 each item of the cooperative property being visually inspected,  
1624 and provide a reserve funding schedule with a recommended annual



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1625 reserve amount that achieves the estimated replacement cost or  
1626 deferred maintenance expense of each item of cooperative  
1627 property being visually inspected by the end of the estimated  
1628 remaining useful life of the item. The structural integrity  
1629 reserve study may recommend that reserves do not need to be  
1630 maintained for any item for which an estimate of useful life and  
1631 an estimate of replacement cost cannot be determined, or the  
1632 study may recommend a deferred maintenance expense amount for  
1633 such item. The structural integrity reserve study may recommend  
1634 that reserves for replacement costs do not need to be maintained  
1635 for any item with an estimated remaining useful life of greater  
1636 than 25 years, but the study may recommend a deferred  
1637 maintenance expense amount for such item.

1638 4. This paragraph does not apply to buildings less than  
1639 three stories in height; single-family, two-family, or three-  
1640 family dwellings with three or fewer habitable stories above  
1641 ground; any portion or component of a building that has not been  
1642 submitted to the cooperative form of ownership; or any portion  
1643 or component of a building that is maintained by a party other  
1644 than the association.

1645 5. Before a developer turns over control of an association  
1646 to unit owners other than the developer, the developer must have  
1647 a structural integrity reserve study completed for each building  
1648 on the cooperative property that is three stories or higher in  
1649 height.

1650 ~~6.3.~~ Associations existing on or before July 1, 2022, which  
1651 are controlled by unit owners other than the developer, must  
1652 have a structural integrity reserve study completed by December  
1653 31, 2024, for each building on the cooperative property that is

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1654 three stories or higher in height. An association that is  
1655 required to complete a milestone inspection on or before  
1656 December 31, 2026, in accordance with s. 553.899 may complete  
1657 the structural integrity reserve study simultaneously with the  
1658 milestone inspection. In no event may the structural integrity  
1659 reserve study be completed after December 31, 2026.

1660 7. If the milestone inspection required by s. 553.899, or  
1661 an inspection completed for a similar local requirement, was  
1662 performed within the past 5 years and meets the requirements of  
1663 this paragraph, such inspection may be used in place of the  
1664 visual inspection portion of the structural integrity reserve  
1665 study.

1666 8.4. If the officers or directors of an association  
1667 willfully and knowingly fail ~~fails~~ to complete a structural  
1668 integrity reserve study pursuant to this paragraph, such failure  
1669 is a breach of an officer's and director's fiduciary  
1670 relationship to the unit owners under s. 719.104(9) ~~s.~~  
1671 719.104(8).

1672 (1) *Mandatory milestone inspections.*—If an association is  
1673 required to have a milestone inspection performed pursuant to s.  
1674 553.899, the association must arrange for the milestone  
1675 inspection to be performed and is responsible for ensuring  
1676 compliance with the requirements of s. 553.899. The association  
1677 is responsible for all costs associated with the milestone  
1678 inspection attributable to the portions of the building which  
1679 the association is responsible for maintaining under the  
1680 governing documents of the association. If the officers or  
1681 directors of an association willfully and knowingly fail to have  
1682 a milestone inspection performed pursuant to s. 553.899, such

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1683 failure is a breach of the officers' and directors' fiduciary  
1684 relationship to the unit owners under s. 719.104(9) (a) ~~s.~~  
1685 ~~719.104(8) (a)~~. Within 14 days after receipt of a written notice  
1686 from the local enforcement agency that a milestone inspection is  
1687 required, the association must notify the unit owners of the  
1688 required milestone inspection and provide the date by which the  
1689 milestone inspection must be completed. Such notice may be given  
1690 by electronic submission to unit owners who consent to receive  
1691 notice by electronic submission or by posting on the  
1692 association's website. Within 45 days after receiving ~~Upon~~  
1693 ~~completion of a phase one or phase two milestone inspection and~~  
1694 ~~receipt of the inspector-prepared summary of the inspection~~  
1695 report from the architect or engineer who performed the  
1696 inspection, the association must distribute a copy of the  
1697 inspector-prepared summary of the inspection report to each unit  
1698 owner, regardless of the findings or recommendations in the  
1699 report, by United States mail or personal delivery at the  
1700 mailing address, property address, or any other address of the  
1701 owner provided to fulfill the association's notice requirements  
1702 under this chapter and by electronic transmission to the e-mail  
1703 address or facsimile number provided to fulfill the  
1704 association's notice requirements to unit owners who previously  
1705 consented to receive notice by electronic transmission; must  
1706 post a copy of the inspector-prepared summary in a conspicuous  
1707 place on the cooperative property; and must publish the full  
1708 report and inspector-prepared summary on the association's  
1709 website, if the association is required to have a website.

1710 Section 15. Present paragraph (q) of subsection (4) of  
1711 section 719.301, Florida Statutes, is redesignated as paragraph

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1712 (r), a new paragraph (q) is added to that subsection, and  
1713 paragraph (p) of that subsection is amended, to read:

1714 719.301 Transfer of association control.—

1715 (4) When unit owners other than the developer elect a  
1716 majority of the members of the board of administration of an  
1717 association, the developer shall relinquish control of the  
1718 association, and the unit owners shall accept control.  
1719 Simultaneously, or for the purpose of paragraph (c) not more  
1720 than 90 days thereafter, the developer shall deliver to the  
1721 association, at the developer's expense, all property of the  
1722 unit owners and of the association held or controlled by the  
1723 developer, including, but not limited to, the following items,  
1724 if applicable, as to each cooperative operated by the  
1725 association:

1726 (p) Notwithstanding when the certificate of occupancy was  
1727 issued or the height of the building, a structural integrity  
1728 reserve study milestone inspection report in compliance with s.  
1729 719.106(1)(k) ~~s. 553.899~~ included in the official records, under  
1730 seal of an architect or engineer authorized to practice in this  
1731 state or a person certified as a reserve specialist or  
1732 professional reserve analyst by the Community Associations  
1733 Institute or the Association of Professional Reserve Analysts,  
1734 attesting to required maintenance, condition, useful life, and  
1735 replacement costs of the following applicable cooperative  
1736 property comprising a turnover inspection report:

1737 1. Roof.

1738 2. Structure, including load-bearing walls and primary  
1739 structural members and primary structural systems as those terms  
1740 are defined in s. 627.706.

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- 1741 3. Fireproofing and fire protection systems.
- 1742 4. Plumbing Elevators.
- 1743 5. Electrical systems ~~Heating and cooling systems.~~
- 1744 6. Waterproofing and exterior painting ~~Plumbing.~~
- 1745 7. Windows and exterior doors ~~Electrical systems.~~
- 1746 8. ~~Swimming pool or spa and equipment.~~
- 1747 9. ~~Seawalls.~~
- 1748 10. ~~Pavement and parking areas.~~
- 1749 11. ~~Drainage systems.~~
- 1750 12. ~~Painting.~~
- 1751 13. ~~Irrigation systems.~~
- 1752 14. ~~Waterproofing.~~
- 1753 (q) Notwithstanding when the certificate of occupancy was
- 1754 issued or the height of the building, a turnover inspection
- 1755 report included in the official records, under seal of an
- 1756 architect or engineer authorized to practice in this state or a
- 1757 person certified as a reserve specialist or professional reserve
- 1758 analyst by the Community Associations Institute or the
- 1759 Association of Professional Reserve Analysts, and attesting to
- 1760 required maintenance, condition, useful life, and replacement
- 1761 costs of the following applicable cooperative property
- 1762 comprising a turnover inspection report:
- 1763 1. Elevators.
- 1764 2. Heating and cooling systems.
- 1765 3. Swimming pool or spa and equipment.
- 1766 4. Seawalls.
- 1767 5. Pavement and parking areas.
- 1768 6. Drainage systems.
- 1769 7. Irrigation systems.

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1770 Section 16. Paragraph (b) of subsection (1) and paragraph  
1771 (a) of subsection (2) of section 719.503, Florida Statutes, are  
1772 amended, and paragraph (d) is added to subsection (1) and  
1773 paragraph (d) is added to subsection (2) of that section, to  
1774 read:

1775 719.503 Disclosure prior to sale.—

1776 (1) DEVELOPER DISCLOSURE.—

1777 (b) *Copies of documents to be furnished to prospective*  
1778 *buyer or lessee.*—Until such time as the developer has furnished  
1779 the documents listed below to a person who has entered into a  
1780 contract to purchase a unit or lease it for more than 5 years,  
1781 the contract may be voided by that person, entitling the person  
1782 to a refund of any deposit together with interest thereon as  
1783 provided in s. 719.202. The contract may be terminated by  
1784 written notice from the proposed buyer or lessee delivered to  
1785 the developer within 15 days after the buyer or lessee receives  
1786 all of the documents required by this section. The developer may  
1787 not close for 15 days after the execution of the agreement and  
1788 delivery of the documents to the buyer as evidenced by a receipt  
1789 for documents signed by the buyer unless the buyer is informed  
1790 in the 15-day voidability period and agrees to close before the  
1791 expiration of the 15 days. The developer shall retain in his or  
1792 her records a separate signed agreement as proof of the buyer's  
1793 agreement to close before the expiration of the voidability  
1794 period. The developer must retain such proof for a period of 5  
1795 years after the date of the closing transaction. The documents  
1796 to be delivered to the prospective buyer are the prospectus or  
1797 disclosure statement with all exhibits, if the development is  
1798 subject to s. 719.504, or, if not, then copies of the following

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1799 which are applicable:

1800 1. The question and answer sheet described in s. 719.504,  
1801 and cooperative documents, or the proposed cooperative documents  
1802 if the documents have not been recorded, which shall include the  
1803 certificate of a surveyor approximately representing the  
1804 locations required by s. 719.104.

1805 2. The documents creating the association.

1806 3. The bylaws.

1807 4. The ground lease or other underlying lease of the  
1808 cooperative.

1809 5. The management contract, maintenance contract, and other  
1810 contracts for management of the association and operation of the  
1811 cooperative and facilities used by the unit owners having a  
1812 service term in excess of 1 year, and any management contracts  
1813 that are renewable.

1814 6. The estimated operating budget for the cooperative and a  
1815 schedule of expenses for each type of unit, including fees  
1816 assessed to a shareholder who has exclusive use of limited  
1817 common areas, where such costs are shared only by those entitled  
1818 to use such limited common areas.

1819 7. The lease of recreational and other facilities that will  
1820 be used only by unit owners of the subject cooperative.

1821 8. The lease of recreational and other common areas that  
1822 will be used by unit owners in common with unit owners of other  
1823 cooperatives.

1824 9. The form of unit lease if the offer is of a leasehold.

1825 10. Any declaration of servitude of properties serving the  
1826 cooperative but not owned by unit owners or leased to them or  
1827 the association.

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1828 11. If the development is to be built in phases or if the  
1829 association is to manage more than one cooperative, a  
1830 description of the plan of phase development or the arrangements  
1831 for the association to manage two or more cooperatives.

1832 12. If the cooperative is a conversion of existing  
1833 improvements, the statements and disclosure required by s.  
1834 719.616.

1835 13. The form of agreement for sale or lease of units.

1836 14. A copy of the floor plan of the unit and the plot plan  
1837 showing the location of the residential buildings and the  
1838 recreation and other common areas.

1839 15. A copy of all covenants and restrictions that will  
1840 affect the use of the property and are not contained in the  
1841 foregoing.

1842 16. If the developer is required by state or local  
1843 authorities to obtain acceptance or approval of any dock or  
1844 marina facilities intended to serve the cooperative, a copy of  
1845 any such acceptance or approval acquired by the time of filing  
1846 with the division pursuant to s. 719.502(1) or a statement that  
1847 such acceptance or approval has not been acquired or received.

1848 17. Evidence demonstrating that the developer has an  
1849 ownership, leasehold, or contractual interest in the land upon  
1850 which the cooperative is to be developed.

1851 18. A copy of the inspector-prepared summary of the  
1852 milestone inspection report as described in s. 553.899 ~~ss.~~  
1853 ~~553.899 and 719.301(4)(p)~~, or a statement in conspicuous type  
1854 indicating that the required milestone inspection described in  
1855 s. 553.899 has not been completed or that a milestone inspection  
1856 is not required, as ~~if~~ applicable.



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1857 19. A copy of the ~~association's~~ most recent structural  
1858 integrity reserve study or a statement in conspicuous type  
1859 indicating that the association has not completed a required  
1860 structural integrity reserve study has not been completed or  
1861 that a structural integrity reserve study is not required, as  
1862 applicable.

1863 20. A copy of the turnover inspection report described in  
1864 s. 719.301(4)(p) and (q) or a statement in conspicuous type  
1865 indicating that a turnover inspection report has not been  
1866 completed, as applicable.

1867 (d) Milestone inspection, turnover inspection report, or  
1868 structural integrity reserve study.—If the association is  
1869 required to have completed a milestone inspection as described  
1870 in s. 553.899, a turnover inspection report for a turnover  
1871 inspection performed on or after July 1, 2023, or a structural  
1872 integrity reserve study, and the association has not completed  
1873 the milestone inspection, the turnover inspection report, or the  
1874 structural integrity reserve study, each contract entered into  
1875 after December 31, 2024, for the sale of a residential unit  
1876 shall contain in conspicuous type a statement indicating that  
1877 the association is required to have a milestone inspection, a  
1878 turnover inspection report, or a structural integrity reserve  
1879 study and has not completed such inspection, report, or study,  
1880 as appropriate. If the association is not required to have a  
1881 milestone inspection as described in s. 553.899 or a structural  
1882 integrity reserve study, each contract entered into after  
1883 December 31, 2024, for the sale of a residential unit shall  
1884 contain in conspicuous type a statement indicating that the  
1885 association is not required to have a milestone inspection or a

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1886 structural integrity reserve study, as appropriate. If the  
1887 association has completed a milestone inspection as described in  
1888 s. 553.899, a turnover inspection report for a turnover  
1889 inspection performed on or after July 1, 2023, or a structural  
1890 integrity reserve study, each contract entered into after  
1891 December 31, 2024, for the sale of a residential unit shall  
1892 contain in conspicuous type:

1893 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1894 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1895 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1896 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1897 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1898 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1899 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1900 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND  
1901 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15  
1902 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO  
1903 EXECUTION OF THIS CONTRACT; and

1904 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1905 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1906 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1907 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1908 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1909 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1910 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1911 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1912 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1913 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1914 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND

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1915 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1916 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1917 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15  
1918 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1919 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
1920 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
1921 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
1922 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),  
1923 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
1924 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
1925 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN  
1926 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT  
1927 CLOSING.

1928  
1929 A contract that does not conform to the requirements of this  
1930 paragraph is voidable at the option of the purchaser prior to  
1931 closing.

1932 (2) NONDEVELOPER DISCLOSURE.—

1933 (a) Each unit owner who is not a developer as defined by  
1934 this chapter must comply with this subsection before the sale of  
1935 his or her interest in the association. Each prospective  
1936 purchaser who has entered into a contract for the purchase of an  
1937 interest in a cooperative is entitled, at the seller's expense,  
1938 to a current copy of all of the following:

- 1939 1. The articles of incorporation of the association.
- 1940 2. The bylaws and rules of the association.
- 1941 3. A copy of the question and answer sheet as provided in  
1942 s. 719.504.
- 1943 4. A copy of the inspector-prepared summary of the

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1944 milestone inspection report as described in s. 553.899 ~~ss.~~  
1945 ~~553.899 and 719.301(4)(p)~~, if applicable.

1946 5. A copy of the association's most recent structural  
1947 integrity reserve study or a statement that the association has  
1948 not completed a structural integrity reserve study.

1949 6. A copy of the inspection report described in s.  
1950 719.301(4)(p) and (q) for a turnover inspection performed on or  
1951 after July 1, 2023.

1952 (d) If the association is required to have completed a  
1953 milestone inspection as described in s. 553.899, a turnover  
1954 inspection report for a turnover inspection performed on or  
1955 after July 1, 2023, or a structural integrity reserve study, and  
1956 the association has not completed the milestone inspection, the  
1957 turnover inspection report, or the structural integrity reserve  
1958 study, each contract entered into after December 31, 2024, for  
1959 the sale of a residential unit shall contain in conspicuous type  
1960 a statement indicating that the association is required to have  
1961 a milestone inspection, a turnover inspection report, or a  
1962 structural integrity reserve study and has not completed such  
1963 inspection, report, or study, as appropriate. If the association  
1964 is not required to have a milestone inspection as described in  
1965 s. 553.899 or a structural integrity reserve study, each  
1966 contract entered into after December 31, 2024, for the sale of a  
1967 residential unit shall contain in conspicuous type a statement  
1968 indicating that the association is not required to have a  
1969 milestone inspection or a structural integrity reserve study, as  
1970 appropriate. If the association has completed a milestone  
1971 inspection as described in s. 553.899, a turnover inspection  
1972 report for a turnover inspection performed on or after July 1,

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1973 2023, or a structural integrity reserve study, each contract  
1974 entered into after December 31, 2024, for the resale of a  
1975 residential unit shall contain in conspicuous type:

1976 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1977 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1978 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1979 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1980 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1981 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1982 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1983 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND  
1984 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3  
1985 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO  
1986 EXECUTION OF THIS CONTRACT; and

1987 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1988 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1989 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1990 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1991 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1992 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1993 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1994 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1995 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1996 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1997 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND  
1998 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1999 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
2000 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3  
2001 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER

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2002 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
2003 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
2004 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
2005 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q),  
2006 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
2007 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
2008 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF REQUESTED IN  
2009 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT  
2010 CLOSING.

2011  
2012 A contract that does not conform to the requirements of this  
2013 paragraph is voidable at the option of the purchaser prior to  
2014 closing.

2015 Section 17. Paragraph (a) of subsection (7) and paragraph  
2016 (c) of subsection (20) of section 719.504, Florida Statutes, are  
2017 amended to read:

2018 719.504 Prospectus or offering circular.—Every developer of  
2019 a residential cooperative which contains more than 20  
2020 residential units, or which is part of a group of residential  
2021 cooperatives which will be served by property to be used in  
2022 common by unit owners of more than 20 residential units, shall  
2023 prepare a prospectus or offering circular and file it with the  
2024 Division of Florida Condominiums, Timeshares, and Mobile Homes  
2025 prior to entering into an enforceable contract of purchase and  
2026 sale of any unit or lease of a unit for more than 5 years and  
2027 shall furnish a copy of the prospectus or offering circular to  
2028 each buyer. In addition to the prospectus or offering circular,  
2029 each buyer shall be furnished a separate page entitled  
2030 "Frequently Asked Questions and Answers," which must be in

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2031 accordance with a format approved by the division. This page  
2032 must, in readable language: inform prospective purchasers  
2033 regarding their voting rights and unit use restrictions,  
2034 including restrictions on the leasing of a unit; indicate  
2035 whether and in what amount the unit owners or the association is  
2036 obligated to pay rent or land use fees for recreational or other  
2037 commonly used facilities; contain a statement identifying that  
2038 amount of assessment which, pursuant to the budget, would be  
2039 levied upon each unit type, exclusive of any special  
2040 assessments, and which identifies the basis upon which  
2041 assessments are levied, whether monthly, quarterly, or  
2042 otherwise; state and identify any court cases in which the  
2043 association is currently a party of record in which the  
2044 association may face liability in excess of \$100,000; and state  
2045 whether membership in a recreational facilities association is  
2046 mandatory and, if so, identify the fees currently charged per  
2047 unit type. The division shall by rule require such other  
2048 disclosure as in its judgment will assist prospective  
2049 purchasers. The prospectus or offering circular may include more  
2050 than one cooperative, although not all such units are being  
2051 offered for sale as of the date of the prospectus or offering  
2052 circular. The prospectus or offering circular must contain the  
2053 following information:

2054 (7) A description of the recreational and other facilities  
2055 that will be used in common with other cooperatives, community  
2056 associations, or planned developments which require the payment  
2057 of the maintenance and expenses of such facilities, directly or  
2058 indirectly, by the unit owners. The description shall include,  
2059 but not be limited to, the following:

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2060 (a) Each building and facility committed to be built and a  
2061 summary description of the structural integrity of each building  
2062 for which reserves are required pursuant to s. 719.106(1)(k).  
2063

2064 Descriptions shall include location, areas, capacities, numbers,  
2065 volumes, or sizes and may be stated as approximations or  
2066 minimums.

2067 (20) An estimated operating budget for the cooperative and  
2068 the association, and a schedule of the unit owner's expenses  
2069 shall be attached as an exhibit and shall contain the following  
2070 information:

2071 (c) The estimated items of expenses of the cooperative and  
2072 the association, except as excluded under paragraph (b),  
2073 including, but not limited to, the following items, which shall  
2074 be stated as an association expense collectible by assessments  
2075 or as unit owners' expenses payable to persons other than the  
2076 association:

2077 1. Expenses for the association and cooperative:

2078 a. Administration of the association.

2079 b. Management fees.

2080 c. Maintenance.

2081 d. Rent for recreational and other commonly used areas.

2082 e. Taxes upon association property.

2083 f. Taxes upon leased areas.

2084 g. Insurance.

2085 h. Security provisions.

2086 i. Other expenses.

2087 j. Operating capital.

2088 k. Reserves for all applicable items referenced in s.



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2089 719.106(1)(k).

2090 1. Fee payable to the division.

2091 2. Expenses for a unit owner:

2092 a. Rent for the unit, if subject to a lease.

2093 b. Rent payable by the unit owner directly to the lessor or  
2094 agent under any recreational lease or lease for the use of  
2095 commonly used areas, which use and payment are a mandatory  
2096 condition of ownership and are not included in the common  
2097 expense or assessments for common maintenance paid by the unit  
2098 owners to the association.

2099 Section 18. Subsection (2) of section 558.002, Florida  
2100 Statutes, is amended to read:

2101 558.002 Definitions.—As used in this chapter, the term:

2102 (2) "Association" has the same meaning as in s. 718.103 ~~s.~~  
2103 ~~718.103(2)~~, s. 719.103(2), s. 720.301(9), or s. 723.075.

2104 Section 19. Paragraph (b) of subsection (1) of section  
2105 718.116, Florida Statutes, is amended to read:

2106 718.116 Assessments; liability; lien and priority;  
2107 interest; collection.—

2108 (1)

2109 (b)1. The liability of a first mortgagee or its successor  
2110 or assignees who acquire title to a unit by foreclosure or by  
2111 deed in lieu of foreclosure for the unpaid assessments that  
2112 became due before the mortgagee's acquisition of title is  
2113 limited to the lesser of:

2114 a. The unit's unpaid common expenses and regular periodic  
2115 assessments which accrued or came due during the 12 months  
2116 immediately preceding the acquisition of title and for which  
2117 payment in full has not been received by the association; or

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2118           b. One percent of the original mortgage debt. The  
2119 provisions of this paragraph apply only if the first mortgagee  
2120 joined the association as a defendant in the foreclosure action.  
2121 Joinder of the association is not required if, on the date the  
2122 complaint is filed, the association was dissolved or did not  
2123 maintain an office or agent for service of process at a location  
2124 which was known to or reasonably discoverable by the mortgagee.

2125           2. An association, or its successor or assignee, that  
2126 acquires title to a unit through the foreclosure of its lien for  
2127 assessments is not liable for any unpaid assessments, late fees,  
2128 interest, or reasonable attorney's fees and costs that came due  
2129 before the association's acquisition of title in favor of any  
2130 other association, as defined in s. 718.103 ~~s. 718.103(2)~~ or s.  
2131 720.301(9), which holds a superior lien interest on the unit.  
2132 This subparagraph is intended to clarify existing law.

2133           Section 20. Paragraph (d) of subsection (2) of section  
2134 720.3085, Florida Statutes, is amended to read:

2135           720.3085 Payment for assessments; lien claims.—

2136           (2)

2137           (d) An association, or its successor or assignee, that  
2138 acquires title to a parcel through the foreclosure of its lien  
2139 for assessments is not liable for any unpaid assessments, late  
2140 fees, interest, or reasonable attorney's fees and costs that  
2141 came due before the association's acquisition of title in favor  
2142 of any other association, as defined in s. 718.103 ~~s. 718.103(2)~~  
2143 or s. 720.301(9), which holds a superior lien interest on the  
2144 parcel. This paragraph is intended to clarify existing law.

2145           Section 21. Effective July 1, 2027, for the purpose of  
2146 incorporating the amendments made by this act to section

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2147 718.1255, Florida Statutes, in a reference thereto, section  
2148 719.1255, Florida Statutes, is reenacted to read:

2149 719.1255 Alternative resolution of disputes.—The Division  
2150 of Florida Condominiums, Timeshares, and Mobile Homes of the  
2151 Department of Business and Professional Regulation shall provide  
2152 for alternative dispute resolution in accordance with s.  
2153 718.1255.

2154 Section 22. Paragraph (f) of subsection (1) of section  
2155 718.501, Florida Statutes, is reenacted to read:

2156 718.501 Authority, responsibility, and duties of Division  
2157 of Florida Condominiums, Timeshares, and Mobile Homes.—

2158 (1) The division may enforce and ensure compliance with  
2159 this chapter and rules relating to the development,  
2160 construction, sale, lease, ownership, operation, and management  
2161 of residential condominium units and complaints related to the  
2162 procedural completion of milestone inspections under s. 553.899.  
2163 In performing its duties, the division has complete jurisdiction  
2164 to investigate complaints and enforce compliance with respect to  
2165 associations that are still under developer control or the  
2166 control of a bulk assignee or bulk buyer pursuant to part VII of  
2167 this chapter and complaints against developers, bulk assignees,  
2168 or bulk buyers involving improper turnover or failure to  
2169 turnover, pursuant to s. 718.301. However, after turnover has  
2170 occurred, the division has jurisdiction to investigate  
2171 complaints related only to financial issues, elections, and the  
2172 maintenance of and unit owner access to association records  
2173 under s. 718.111(12), and the procedural completion of  
2174 structural integrity reserve studies under s. 718.112(2)(g).

2175 (f) The division may adopt rules to administer and enforce

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2176 this chapter.

2177 Section 23. Paragraph (f) of subsection (1) of section  
2178 719.501, Florida Statutes, is reenacted to read:

2179 719.501 Powers and duties of Division of Florida  
2180 Condominiums, Timeshares, and Mobile Homes.—

2181 (1) The Division of Florida Condominiums, Timeshares, and  
2182 Mobile Homes of the Department of Business and Professional  
2183 Regulation, referred to as the "division" in this part, in  
2184 addition to other powers and duties prescribed by chapter 718,  
2185 has the power to enforce and ensure compliance with this chapter  
2186 and adopted rules relating to the development, construction,  
2187 sale, lease, ownership, operation, and management of residential  
2188 cooperative units; complaints related to the procedural  
2189 completion of the structural integrity reserve studies under s.  
2190 719.106(1)(k); and complaints related to the procedural  
2191 completion of milestone inspections under s. 553.899. In  
2192 performing its duties, the division shall have the following  
2193 powers and duties:

2194 (f) The division has authority to adopt rules pursuant to  
2195 ss. 120.536(1) and 120.54 to implement and enforce the  
2196 provisions of this chapter.

2197 Section 24. For the 2023-2024 fiscal year, the sums of  
2198 \$1,301,928 in recurring funds and \$67,193 in nonrecurring funds  
2199 from the Division of Florida Condominiums, Timeshares, and  
2200 Mobile Homes Trust Fund are appropriated to the Department of  
2201 Business and Professional Regulation, and 10 full-time  
2202 equivalent positions with associated salary rate of 487,264 are  
2203 authorized for the purpose of implementing this act.

2204 Section 25. Except as otherwise expressly provided in this

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2205 | act, this act shall take effect upon becoming a law. |