

1                   A bill to be entitled  
2           An act relating to condominium and cooperative  
3           associations; amending s. 468.4334, F.S.; requiring  
4           community association managers and community  
5           association management firms to comply with a  
6           specified provision under certain circumstances;  
7           creating s. 553.899, F.S.; providing legislative  
8           findings; defining the terms "milestone inspection"  
9           and "substantial structural deterioration"; specifying  
10          that the purpose of a milestone inspection is not to  
11          determine compliance with the Florida Building Code or  
12          the firesafety code; requiring condominium  
13          associations and cooperative associations to have  
14          milestone inspections performed on certain buildings  
15          at specified times; specifying that such associations  
16          are responsible for costs relating to milestone  
17          inspections; providing applicability; requiring that  
18          initial milestone inspections for certain buildings be  
19          performed before a specified date; requiring local  
20          enforcement agencies to provide certain written notice  
21          to condominium associations and cooperative  
22          associations; requiring condominium associations and  
23          cooperative associations to complete phase one of a  
24          milestone inspection within a specified timeframe;  
25          specifying that milestone inspections consist of two

26 | phases; providing requirements for each phase of a  
27 | milestone inspection; requiring architects and  
28 | engineers performing a milestone inspection to submit  
29 | a sealed copy of the inspection report and a summary  
30 | that includes specified findings and recommendations  
31 | to certain entities; providing requirements for such  
32 | inspection reports; requiring condominium associations  
33 | and cooperative associations to distribute and post a  
34 | copy of each inspection report and summary in a  
35 | specified manner; authorizing local enforcement  
36 | agencies to prescribe timelines and penalties relating  
37 | to milestone inspections; authorizing boards of county  
38 | commissioners to adopt certain ordinances relating to  
39 | repairs for substantial structural deterioration;  
40 | requiring local enforcement agencies to review and  
41 | determine if a building is unsafe for human occupancy  
42 | under certain circumstances; requiring the Florida  
43 | Building Commission to review milestone inspection  
44 | requirements and make any recommendations to the  
45 | Governor and the Legislature by a specified date;  
46 | requiring the commission to consult with the State  
47 | Fire Marshal to provide certain recommendations to the  
48 | Governor and the Legislature by a specified date;  
49 | amending s. 718.103, F.S.; providing a definition;  
50 | amending s. 718.111, F.S.; revising the types of

51 records that constitute the official records of a  
52 condominium association; requiring associations to  
53 maintain specified records for a certain timeframe;  
54 specifying that renters of a unit have the right to  
55 inspect and copy certain reports; requiring  
56 associations to post a copy of certain reports and  
57 reserve studies on the association's website; amending  
58 s. 718.112, F.S.; specifying the method for  
59 determining reserve amounts; prohibiting certain  
60 members and associations from waiving or reducing  
61 reserves for certain items after a specified date;  
62 requiring certain associations to receive approval  
63 before waiving or reducing reserves for certain items;  
64 prohibiting certain associations from using reserve  
65 funds, or any interest accruing thereon, for certain  
66 purposes after a specified date; requiring certain  
67 associations to have a structural integrity reserve  
68 study completed at specified intervals and for certain  
69 buildings by a specified date; providing requirements  
70 for such study; conforming provisions to changes made  
71 by the act; restating requirements for associations  
72 relating to milestone inspections; specifying that if  
73 the officers or directors of a condominium association  
74 fail to have a milestone inspection performed, such  
75 failure is a breach of their fiduciary relationship to

76 the unit owners; amending ss. 718.116 and 718.117,  
77 F.S.; conforming cross-references; amending s.  
78 718.301, F.S.; revising reporting requirements  
79 relating to the transfer of association control;  
80 amending s. 718.501, F.S.; revising the Division of  
81 Florida Condominiums, Timeshares, and Mobile Homes'  
82 authority relating to enforcement and compliance;  
83 requiring certain associations to provide certain  
84 information and updates to the division by a specified  
85 date and within a specified timeframe; requiring the  
86 division to compile a list with certain information  
87 and post such list on its website; amending s.  
88 718.503, F.S.; revising the documents that must be  
89 delivered to a prospective buyer or lessee of a  
90 residential unit; revising requirements for  
91 nondeveloper disclosures; amending s. 718.504, F.S.;  
92 revising requirements for prospectuses and offering  
93 circulars; amending s. 719.103, F.S.; providing  
94 definitions; amending s. 719.104, F.S.; revising the  
95 types of records that constitute the official records  
96 of a cooperative association; requiring associations  
97 to maintain specified records for a certain timeframe;  
98 specifying that renters of a unit have the right to  
99 inspect and copy certain reports; amending s. 719.106,  
100 F.S.; specifying the method for determining reserve

101 amounts; prohibiting certain members and associations  
102 from waiving or reducing reserves for certain items  
103 after a specified date; requiring certain associations  
104 to receive approval before waiving or reducing  
105 reserves for certain items; prohibiting certain  
106 associations from using reserve funds, or any interest  
107 accruing thereon, for certain purposes after a  
108 specified date; requiring certain associations to have  
109 a structural integrity reserve study completed at  
110 specified intervals and for certain buildings by a  
111 specified date; providing requirements for such study;  
112 conforming provisions to changes made by the act;  
113 restating requirements for associations relating to  
114 milestone inspections; specifying that if the officers  
115 or directors of a cooperative association fail to have  
116 a milestone inspection performed, such failure is a  
117 breach of their fiduciary relationship to the unit  
118 owners; amending s. 719.301, F.S.; requiring  
119 developers to deliver a turnover inspection report  
120 relating to cooperative property under certain  
121 circumstances; amending s. 719.501, F.S.; revising the  
122 division's authority relating to enforcement and  
123 compliance; requiring certain associations to provide  
124 certain information and updates to the division by a  
125 specified date and within a specified time; requiring

126 the division to compile a list with certain  
 127 information and post such list on its website;  
 128 amending s. 719.503, F.S.; revising the documents that  
 129 must be delivered to a prospective buyer or lessee of  
 130 a residential unit; revising nondeveloper disclosure  
 131 requirements; amending s. 719.504, F.S.; revising  
 132 requirements for prospectuses and offering circulars;  
 133 amending ss. 720.303, 720.311, and 721.15, F.S.;  
 134 conforming cross-references; providing an effective  
 135 date.

136  
 137 Be It Enacted by the Legislature of the State of Florida:

138  
 139 Section 1. Subsection (1) of section 468.4334, Florida  
 140 Statutes, is amended to read:

141 468.4334 Professional practice standards; liability.—

142 (1) (a) A community association manager or a community  
 143 association management firm is deemed to act as agent on behalf  
 144 of a community association as principal within the scope of  
 145 authority authorized by a written contract or under this  
 146 chapter. A community association manager and a community  
 147 association management firm shall discharge duties performed on  
 148 behalf of the association as authorized by this chapter loyally,  
 149 skillfully, and diligently; dealing honestly and fairly; in good  
 150 faith; with care and full disclosure to the community

151 association; accounting for all funds; and not charging  
 152 unreasonable or excessive fees.

153 (b) If a community association manager or a community  
 154 association management firm has a contract with a community  
 155 association that has a building on the association's property  
 156 that is subject to s. 553.899, the community association manager  
 157 or the community association management firm must comply with  
 158 that section as directed by the board.

159 Section 2. Section 553.899, Florida Statutes, is created  
 160 to read:

161 553.899 Mandatory structural inspections for condominium  
 162 and cooperative buildings.-

163 (1) The Legislature finds that maintaining the structural  
 164 integrity of a building throughout its service life is of  
 165 paramount importance in order to ensure that buildings are  
 166 structurally sound so as to not pose a threat to the public  
 167 health, safety, or welfare. As such, the Legislature finds that  
 168 the imposition of a statewide structural inspection program for  
 169 aging condominium and cooperative buildings in this state is  
 170 necessary to ensure that such buildings are safe for continued  
 171 use.

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

173 (a) "Milestone inspection" means a structural inspection  
 174 of a building, including an inspection of load-bearing walls and  
 175 the primary structural members and primary structural systems as

HB 5D

2022D

176 those terms are defined in s. 627.706, by a licensed architect  
177 or engineer authorized to practice in this state for the  
178 purposes of attesting to the life safety and adequacy of the  
179 structural components of the building and, to the extent  
180 reasonably possible, determining the general structural  
181 condition of the building as it affects the safety of such  
182 building, including a determination of any necessary  
183 maintenance, repair, or replacement of any structural component  
184 of the building. The purpose of such inspection is not to  
185 determine if the condition of an existing building is in  
186 compliance with the Florida Building Code or the firesafety  
187 code.

188 (b) "Substantial structural deterioration" means  
189 substantial structural distress that negatively affects a  
190 building's general structural condition and integrity. The term  
191 does not include surface imperfections such as cracks,  
192 distortion, sagging, deflections, misalignment, signs of  
193 leakage, or peeling of finishes unless the licensed engineer or  
194 architect performing the phase one or phase two inspection  
195 determines that such surface imperfections are a sign of  
196 substantial structural deterioration.

197 (3) A condominium association under chapter 718 and a  
198 cooperative association under chapter 719 must have a milestone  
199 inspection performed for each building that is three stories or  
200 more in height by December 31 of the year in which the building



HB 5D

2022D

201 reaches 30 years of age, based on the date the certificate of  
202 occupancy for the building was issued, and every 10 years  
203 thereafter. If the building is located within 3 miles of a  
204 coastline as defined in s. 376.031, the condominium association  
205 or cooperative association must have a milestone inspection  
206 performed by December 31 of the year in which the building  
207 reaches 25 years of age, based on the date the certificate of  
208 occupancy for the building was issued, and every 10 years  
209 thereafter. The condominium association or cooperative  
210 association must arrange for the milestone inspection to be  
211 performed and is responsible for ensuring compliance with the  
212 requirements of this section. The condominium association or  
213 cooperative association is responsible for all costs associated  
214 with the inspection. This subsection does not apply to a two-  
215 family or three-family dwelling with three or fewer habitable  
216 stories above ground.

217 (4) If a milestone inspection is required under this  
218 section and the building's certificate of occupancy was issued  
219 on or before July 1, 1992, the building's initial milestone  
220 inspection must be performed before December 31, 2024. If the  
221 date of issuance for the certificate of occupancy is not  
222 available, the date of issuance of the building's certificate of  
223 occupancy shall be the date of occupancy evidenced in any record  
224 of the local building official.

225 (5) Upon determining that a building must have a milestone

HB 5D

2022D

226 inspection, the local enforcement agency must provide written  
227 notice of such required inspection to the condominium  
228 association or cooperative association by certified mail, return  
229 receipt requested.

230 (6) Within 180 days after receiving the written notice  
231 under subsection (5), the condominium association or cooperative  
232 association must complete phase one of the milestone inspection.  
233 For purposes of this section, completion of phase one of the  
234 milestone inspection means the licensed engineer or architect  
235 who performed the phase one inspection submitted the inspection  
236 report by e-mail, United States Postal Service, or commercial  
237 delivery service to the local enforcement agency.

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

239 (a) For phase one of the milestone inspection, a licensed  
240 architect or engineer authorized to practice in this state shall  
241 perform a visual examination of habitable and nonhabitable areas  
242 of a building, including the major structural components of a  
243 building, and provide a qualitative assessment of the structural  
244 conditions of the building. If the architect or engineer finds  
245 no signs of substantial structural deterioration to any building  
246 components under visual examination, phase two of the  
247 inspection, as provided in paragraph (b), is not required. An  
248 architect or engineer who completes a phase one milestone  
249 inspection shall prepare and submit an inspection report  
250 pursuant to subsection (8).

HB 5D

2022D

251 (b) A phase two of the milestone inspection must be  
252 performed if any substantial structural deterioration is  
253 identified during phase one. A phase two inspection may involve  
254 destructive or nondestructive testing at the inspector's  
255 direction. The inspection may be as extensive or as limited as  
256 necessary to fully assess areas of structural distress in order  
257 to confirm that the building is structurally sound and safe for  
258 its intended use and to recommend a program for fully assessing  
259 and repairing distressed and damaged portions of the building.  
260 When determining testing locations, the inspector must give  
261 preference to locations that are the least disruptive and most  
262 easily repairable while still being representative of the  
263 structure. An inspector who completes a phase two milestone  
264 inspection shall prepare and submit an inspection report  
265 pursuant to subsection (8).

266 (8) Upon completion of a phase one or phase two milestone  
267 inspection, the architect or engineer who performed the  
268 inspection must submit a sealed copy of the inspection report  
269 with a separate summary of, at minimum, the material findings  
270 and recommendations in the inspection report to the condominium  
271 association or cooperative association, and to the building  
272 official of the local government which has jurisdiction. The  
273 inspection report must, at a minimum, meet all of the following  
274 criteria:

275 (a) Bear the seal and signature, or the electronic

HB 5D

2022D

276 signature, of the licensed engineer or architect who performed  
277 the inspection.

278 (b) Indicate the manner and type of inspection forming the  
279 basis for the inspection report.

280 (c) Identify any substantial structural deterioration,  
281 within a reasonable professional probability based on the scope  
282 of the inspection, describe the extent of such deterioration,  
283 and identify any recommended repairs for such deterioration.

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

286 (e) Recommend any remedial or preventive repair for any  
287 items that are damaged but are not substantial structural  
288 deterioration.

289 (f) Identify and describe any items requiring further  
290 inspection.

291 (9) The association must distribute a copy of the  
292 inspector-prepared summary of the inspection report to each  
293 condominium unit owner or cooperative unit owner, regardless of  
294 the findings or recommendations in the report, by United States  
295 mail or personal delivery and by electronic transmission to unit  
296 owners who previously consented to received notice by electronic  
297 transmission; must post a copy of the inspector-prepared summary  
298 in a conspicuous place on the condominium or cooperative  
299 property; and must publish the full report and inspector-  
300 prepared summary on the association's website, if the

301 association is required to have a website.

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

304 (11) A board of county commissioners may adopt an  
305 ordinance requiring that a condominium or cooperative  
306 association schedule or commence repairs for substantial  
307 structural deterioration within a specified timeframe after the  
308 local enforcement agency receives a phase two inspection report;  
309 however, such repairs must be commenced within 365 days after  
310 receiving such report. If an association fails to submit proof  
311 to the local enforcement agency that repairs have been scheduled  
312 or have commenced for substantial structural deterioration  
313 identified in a phase two inspection report within the required  
314 timeframe, the local enforcement agency must review and  
315 determine if the building is unsafe for human occupancy.

316 (12) The Florida Building Commission shall review the  
317 milestone inspection requirements under this section and make  
318 recommendations, if any, to the Legislature to ensure  
319 inspections are sufficient to determine the structural integrity  
320 of a building. The commission must provide a written report of  
321 any recommendations to the Governor, the President of the  
322 Senate, and the Speaker of the House of Representatives by  
323 December 31, 2022.

324 (13) The Florida Building Commission shall consult with  
325 the State Fire Marshal to provide recommendations to the

326 Legislature for the adoption of comprehensive structural and  
327 life safety standards for maintaining and inspecting all types  
328 of buildings and structures in this state that are three stories  
329 or more in height. The commission shall provide a written report  
330 of its recommendations to the Governor, the President of the  
331 Senate, and the Speaker of the House of Representatives by  
332 December 31, 2023.

333 Section 3. Subsections (25) through (30) of section  
334 718.103, Florida Statutes, are renumbered as subsections (26)  
335 through (31), respectively, and a new subsection (25) is added  
336 to that section to read:

337 718.103 Definitions.—As used in this chapter, the term:  
338 (25) "Structural integrity reserve study" means a study of  
339 the reserve funds required for future major repairs and  
340 replacement of the common areas based on a visual inspection of  
341 the common areas. A structural integrity reserve study may be  
342 performed by any person qualified to perform such study.  
343 However, the visual inspection portion of the structural  
344 integrity reserve study must be performed by an engineer  
345 licensed under chapter 471 or an architect licensed under  
346 chapter 481. At a minimum, a structural integrity reserve study  
347 must identify the common areas being visually inspected, state  
348 the estimated remaining useful life and the estimated  
349 replacement cost or deferred maintenance expense of the common  
350 areas being visually inspected, and provide a recommended annual

351 reserve amount that achieves the estimated replacement cost or  
 352 deferred maintenance expense of each common area being visually  
 353 inspected by the end of the estimated remaining useful life of  
 354 each common area.

355 Section 4. Paragraph (b) of subsection (7) and paragraphs  
 356 (a), (c), and (g) of subsection (12) of section 718.111, Florida  
 357 Statutes, are amended to read:

358 718.111 The association.—

359 (7) TITLE TO PROPERTY.—

360 (b) Subject to s. 718.112(2)(n) ~~the provisions of s.~~  
 361 ~~718.112(2)(m)~~, the association, through its board, has the  
 362 limited power to convey a portion of the common elements to a  
 363 condemning authority for the purposes of providing utility  
 364 easements, right-of-way expansion, or other public purposes,  
 365 whether negotiated or as a result of eminent domain proceedings.

366 (12) OFFICIAL RECORDS.—

367 (a) From the inception of the association, the association  
 368 shall maintain each of the following items, if applicable, which  
 369 constitutes the official records of the association:

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

372 2. A photocopy of the recorded declaration of condominium  
 373 of each condominium operated by the association and each  
 374 amendment to each declaration.

375 3. A photocopy of the recorded bylaws of the association

376 and each amendment to the bylaws.

377 4. A certified copy of the articles of incorporation of  
378 the association, or other documents creating the association,  
379 and each amendment thereto.

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

381 6. A book or books that contain the minutes of all  
382 meetings of the association, the board of administration, and  
383 the unit owners.

384 7. A current roster of all unit owners and their mailing  
385 addresses, unit identifications, voting certifications, and, if  
386 known, telephone numbers. The association shall also maintain  
387 the e-mail addresses and facsimile numbers of unit owners  
388 consenting to receive notice by electronic transmission. The e-  
389 mail addresses and facsimile numbers are not accessible to unit  
390 owners if consent to receive notice by electronic transmission  
391 is not provided in accordance with sub-subparagraph (c)3.e.  
392 However, the association is not liable for an inadvertent  
393 disclosure of the e-mail address or facsimile number for  
394 receiving electronic transmission of notices.

395 8. All current insurance policies of the association and  
396 condominiums operated by the association.

397 9. A current copy of any management agreement, lease, or  
398 other contract to which the association is a party or under  
399 which the association or the unit owners have an obligation or  
400 responsibility.



401           10. Bills of sale or transfer for all property owned by  
402 the association.

403           11. Accounting records for the association and separate  
404 accounting records for each condominium that the association  
405 operates. Any person who knowingly or intentionally defaces or  
406 destroys such records, or who knowingly or intentionally fails  
407 to create or maintain such records, with the intent of causing  
408 harm to the association or one or more of its members, is  
409 personally subject to a civil penalty pursuant to s.  
410 718.501(1)(d). The accounting records must include, but are not  
411 limited to:

412           a. Accurate, itemized, and detailed records of all  
413 receipts and expenditures.

414           b. A current account and a monthly, bimonthly, or  
415 quarterly statement of the account for each unit designating the  
416 name of the unit owner, the due date and amount of each  
417 assessment, the amount paid on the account, and the balance due.

418           c. All audits, reviews, accounting statements, structural  
419 integrity reserve studies, and financial reports of the  
420 association or condominium. Structural integrity reserve studies  
421 must be maintained for at least 15 years after the study is  
422 completed.

423           d. All contracts for work to be performed. Bids for work  
424 to be performed are also considered official records and must be  
425 maintained by the association for at least 1 year after receipt

426 | of the bid.

427 |       12. Ballots, sign-in sheets, voting proxies, and all other  
 428 | papers and electronic records relating to voting by unit owners,  
 429 | which must be maintained for 1 year from the date of the  
 430 | election, vote, or meeting to which the document relates,  
 431 | notwithstanding paragraph (b).

432 |       13. All rental records if the association is acting as  
 433 | agent for the rental of condominium units.

434 |       14. A copy of the current question and answer sheet as  
 435 | described in s. 718.504.

436 |       15. A copy of the inspection reports ~~report as~~ described  
 437 | in ss. 553.899 and 718.301(4)(p) and any other inspection report  
 438 | relating to a structural or life safety inspection of  
 439 | condominium property. Such record must be maintained by the  
 440 | association for 15 years after receipt of the report s-  
 441 | 718.301(4)(p).

442 |       16. Bids for materials, equipment, or services.

443 |       17. All affirmative acknowledgments made pursuant to s.  
 444 | 718.121(4)(c).

445 |       18. All other written records of the association not  
 446 | specifically included in the foregoing which are related to the  
 447 | operation of the association.

448 |       (c)1. The official records of the association are open to  
 449 | inspection by any association member or the authorized  
 450 | representative of such member at all reasonable times. The right

HB 5D

2022D

451 to inspect the records includes the right to make or obtain  
452 copies, at the reasonable expense, if any, of the member or  
453 authorized representative of such member. A renter of a unit has  
454 a right to inspect and copy only the declaration of condominium,  
455 ~~and~~ the association's bylaws and rules, and the inspection  
456 reports described in ss. 553.899 and 718.301(4) (p). The  
457 association may adopt reasonable rules regarding the frequency,  
458 time, location, notice, and manner of record inspections and  
459 copying but may not require a member to demonstrate any purpose  
460 or state any reason for the inspection. The failure of an  
461 association to provide the records within 10 working days after  
462 receipt of a written request creates a rebuttable presumption  
463 that the association willfully failed to comply with this  
464 paragraph. A unit owner who is denied access to official records  
465 is entitled to the actual damages or minimum damages for the  
466 association's willful failure to comply. Minimum damages are \$50  
467 per calendar day for up to 10 days, beginning on the 11th  
468 working day after receipt of the written request. The failure to  
469 permit inspection entitles any person prevailing in an  
470 enforcement action to recover reasonable attorney fees from the  
471 person in control of the records who, directly or indirectly,  
472 knowingly denied access to the records.

473 2. Any person who knowingly or intentionally defaces or  
474 destroys accounting records that are required by this chapter to  
475 be maintained during the period for which such records are

HB 5D

2022D

476 required to be maintained, or who knowingly or intentionally  
477 fails to create or maintain accounting records that are required  
478 to be created or maintained, with the intent of causing harm to  
479 the association or one or more of its members, is personally  
480 subject to a civil penalty pursuant to s. 718.501(1)(d).

481 3. The association shall maintain an adequate number of  
482 copies of the declaration, articles of incorporation, bylaws,  
483 and rules, and all amendments to each of the foregoing, as well  
484 as the question and answer sheet as described in s. 718.504 and  
485 year-end financial information required under this section, on  
486 the condominium property to ensure their availability to unit  
487 owners and prospective purchasers, and may charge its actual  
488 costs for preparing and furnishing these documents to those  
489 requesting the documents. An association shall allow a member or  
490 his or her authorized representative to use a portable device,  
491 including a smartphone, tablet, portable scanner, or any other  
492 technology capable of scanning or taking photographs, to make an  
493 electronic copy of the official records in lieu of the  
494 association's providing the member or his or her authorized  
495 representative with a copy of such records. The association may  
496 not charge a member or his or her authorized representative for  
497 the use of a portable device. Notwithstanding this paragraph,  
498 the following records are not accessible to unit owners:

499 a. Any record protected by the lawyer-client privilege as  
500 described in s. 90.502 and any record protected by the work-

501 product privilege, including a record prepared by an association  
502 attorney or prepared at the attorney's express direction, which  
503 reflects a mental impression, conclusion, litigation strategy,  
504 or legal theory of the attorney or the association, and which  
505 was prepared exclusively for civil or criminal litigation or for  
506 adversarial administrative proceedings, or which was prepared in  
507 anticipation of such litigation or proceedings until the  
508 conclusion of the litigation or proceedings.

509       b. Information obtained by an association in connection  
510 with the approval of the lease, sale, or other transfer of a  
511 unit.

512       c. Personnel records of association or management company  
513 employees, including, but not limited to, disciplinary, payroll,  
514 health, and insurance records. For purposes of this sub-  
515 subparagraph, the term "personnel records" does not include  
516 written employment agreements with an association employee or  
517 management company, or budgetary or financial records that  
518 indicate the compensation paid to an association employee.

519       d. Medical records of unit owners.

520       e. Social security numbers, driver license numbers, credit  
521 card numbers, e-mail addresses, telephone numbers, facsimile  
522 numbers, emergency contact information, addresses of a unit  
523 owner other than as provided to fulfill the association's notice  
524 requirements, and other personal identifying information of any  
525 person, excluding the person's name, unit designation, mailing

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

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

543 g. The software and operating system used by the  
544 association which allow the manipulation of data, even if the  
545 owner owns a copy of the same software used by the association.  
546 The data is part of the official records of the association.

547 h. All affirmative acknowledgments made pursuant to s.  
548 718.121(4)(c).

549 (g)1. By January 1, 2019, an association managing a  
550 condominium with 150 or more units which does not contain

HB 5D

2022D

551 timeshare units shall post digital copies of the documents  
552 specified in subparagraph 2. on its website or make such  
553 documents available through an application that can be  
554 downloaded on a mobile device.

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

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

558 (II) A website, application, or web portal operated by a  
559 third-party provider with whom the association owns, leases,  
560 rents, or otherwise obtains the right to operate a web page,  
561 subpage, web portal, collection of subpages or web portals, or  
562 an application which is dedicated to the association's  
563 activities and on which required notices, records, and documents  
564 may be posted or made available by the association.

565 b. The association's website or application must be  
566 accessible through the Internet and must contain a subpage, web  
567 portal, or other protected electronic location that is  
568 inaccessible to the general public and accessible only to unit  
569 owners and employees of the association.

570 c. Upon a unit owner's written request, the association  
571 must provide the unit owner with a username and password and  
572 access to the protected sections of the association's website or  
573 application which contain any notices, records, or documents  
574 that must be electronically provided.

575 2. A current copy of the following documents must be

576 | posted in digital format on the association's website or  
577 | application:

578 |       a. The recorded declaration of condominium of each  
579 | condominium operated by the association and each amendment to  
580 | each declaration.

581 |       b. The recorded bylaws of the association and each  
582 | amendment to the bylaws.

583 |       c. The articles of incorporation of the association, or  
584 | other documents creating the association, and each amendment to  
585 | the articles of incorporation or other documents. The copy  
586 | posted pursuant to this sub-subparagraph must be a copy of the  
587 | articles of incorporation filed with the Department of State.

588 |       d. The rules of the association.

589 |       e. A list of all executory contracts or documents to which  
590 | the association is a party or under which the association or the  
591 | unit owners have an obligation or responsibility and, after  
592 | bidding for the related materials, equipment, or services has  
593 | closed, a list of bids received by the association within the  
594 | past year. Summaries of bids for materials, equipment, or  
595 | services which exceed \$500 must be maintained on the website or  
596 | application for 1 year. In lieu of summaries, complete copies of  
597 | the bids may be posted.

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

600 |       g. The financial report required by subsection (13) and



601 any monthly income or expense statement to be considered at a  
602 meeting.

603 h. The certification of each director required by s.  
604 718.112(2)(d)4.b.

605 i. All contracts or transactions between the association  
606 and any director, officer, corporation, firm, or association  
607 that is not an affiliated condominium association or any other  
608 entity in which an association director is also a director or  
609 officer and financially interested.

610 j. Any contract or document regarding a conflict of  
611 interest or possible conflict of interest as provided in ss.  
612 468.436(2)(b)6. and 718.3027(3).

613 k. The notice of any unit owner meeting and the agenda for  
614 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
615 days before the meeting. The notice must be posted in plain view  
616 on the front page of the website or application, or on a  
617 separate subpage of the website or application labeled "Notices"  
618 which is conspicuously visible and linked from the front page.  
619 The association must also post on its website or application any  
620 document to be considered and voted on by the owners during the  
621 meeting or any document listed on the agenda at least 7 days  
622 before the meeting at which the document or the information  
623 within the document will be considered.

624 l. Notice of any board meeting, the agenda, and any other  
625 document required for the meeting as required by s.

HB 5D

2022D

626 718.112(2)(c), which must be posted no later than the date  
627 required for notice under s. 718.112(2)(c).

628 m. The inspection reports described in ss. 553.899 and  
629 718.301(4)(p) and any other inspection report relating to a  
630 structural or life safety inspection of condominium property.

631 n. The association's most recent structural integrity  
632 reserve study, if applicable.

633 3. The association shall ensure that the information and  
634 records described in paragraph (c), which are not allowed to be  
635 accessible to unit owners, are not posted on the association's  
636 website or application. If protected information or information  
637 restricted from being accessible to unit owners is included in  
638 documents that are required to be posted on the association's  
639 website or application, the association shall ensure the  
640 information is redacted before posting the documents.

641 Notwithstanding the foregoing, the association or its agent is  
642 not liable for disclosing information that is protected or  
643 restricted under this paragraph unless such disclosure was made  
644 with a knowing or intentional disregard of the protected or  
645 restricted nature of such information.

646 4. The failure of the association to post information  
647 required under subparagraph 2. is not in and of itself  
648 sufficient to invalidate any action or decision of the  
649 association's board or its committees.

650 Section 5. Paragraphs (g) through (o) of subsection (2) of

HB 5D

2022D

651 section 718.112, Florida Statutes, are redesignated as  
652 paragraphs (i) through (q), respectively, paragraphs (d) and (f)  
653 of that subsection are amended, and new paragraphs (g) and (h)  
654 are added to that subsection, to read:

655 718.112 Bylaws.—

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

659 (d) Unit owner meetings.—

660 1. An annual meeting of the unit owners must be held at  
661 the location provided in the association bylaws and, if the  
662 bylaws are silent as to the location, the meeting must be held  
663 within 45 miles of the condominium property. However, such  
664 distance requirement does not apply to an association governing  
665 a timeshare condominium.

666 2. Unless the bylaws provide otherwise, a vacancy on the  
667 board caused by the expiration of a director's term must be  
668 filled by electing a new board member, and the election must be  
669 by secret ballot. An election is not required if the number of  
670 vacancies equals or exceeds the number of candidates. For  
671 purposes of this paragraph, the term "candidate" means an  
672 eligible person who has timely submitted the written notice, as  
673 described in sub-subparagraph 4.a., of his or her intention to  
674 become a candidate. Except in a timeshare or nonresidential  
675 condominium, or if the staggered term of a board member does not

676 | expire until a later annual meeting, or if all members' terms  
677 | would otherwise expire but there are no candidates, the terms of  
678 | all board members expire at the annual meeting, and such members  
679 | may stand for reelection unless prohibited by the bylaws. Board  
680 | members may serve terms longer than 1 year if permitted by the  
681 | bylaws or articles of incorporation. A board member may not  
682 | serve more than 8 consecutive years unless approved by an  
683 | affirmative vote of unit owners representing two-thirds of all  
684 | votes cast in the election or unless there are not enough  
685 | eligible candidates to fill the vacancies on the board at the  
686 | time of the vacancy. Only board service that occurs on or after  
687 | July 1, 2018, may be used when calculating a board member's term  
688 | limit. If the number of board members whose terms expire at the  
689 | annual meeting equals or exceeds the number of candidates, the  
690 | candidates become members of the board effective upon the  
691 | adjournment of the annual meeting. Unless the bylaws provide  
692 | otherwise, any remaining vacancies shall be filled by the  
693 | affirmative vote of the majority of the directors making up the  
694 | newly constituted board even if the directors constitute less  
695 | than a quorum or there is only one director. In a residential  
696 | condominium association of more than 10 units or in a  
697 | residential condominium association that does not include  
698 | timeshare units or timeshare interests, co-owners of a unit may  
699 | not serve as members of the board of directors at the same time  
700 | unless they own more than one unit or unless there are not

701 enough eligible candidates to fill the vacancies on the board at  
702 the time of the vacancy. A unit owner in a residential  
703 condominium desiring to be a candidate for board membership must  
704 comply with sub-subparagraph 4.a. and must be eligible to be a  
705 candidate to serve on the board of directors at the time of the  
706 deadline for submitting a notice of intent to run in order to  
707 have his or her name listed as a proper candidate on the ballot  
708 or to serve on the board. A person who has been suspended or  
709 removed by the division under this chapter, or who is delinquent  
710 in the payment of any assessment due to the association, is not  
711 eligible to be a candidate for board membership and may not be  
712 listed on the ballot. For purposes of this paragraph, a person  
713 is delinquent if a payment is not made by the due date as  
714 specifically identified in the declaration of condominium,  
715 bylaws, or articles of incorporation. If a due date is not  
716 specifically identified in the declaration of condominium,  
717 bylaws, or articles of incorporation, the due date is the first  
718 day of the assessment period. A person who has been convicted of  
719 any felony in this state or in a United States District or  
720 Territorial Court, or who has been convicted of any offense in  
721 another jurisdiction which would be considered a felony if  
722 committed in this state, is not eligible for board membership  
723 unless such felon's civil rights have been restored for at least  
724 5 years as of the date such person seeks election to the board.  
725 The validity of an action by the board is not affected if it is

726 later determined that a board member is ineligible for board  
727 membership due to having been convicted of a felony. This  
728 subparagraph does not limit the term of a member of the board of  
729 a nonresidential or timeshare condominium.

730 3. The bylaws must provide the method of calling meetings  
731 of unit owners, including annual meetings. Written notice of an  
732 annual meeting must include an agenda; be mailed, hand  
733 delivered, or electronically transmitted to each unit owner at  
734 least 14 days before the annual meeting; and be posted in a  
735 conspicuous place on the condominium property or association  
736 property at least 14 continuous days before the annual meeting.  
737 Written notice of a meeting other than an annual meeting must  
738 include an agenda; be mailed, hand delivered, or electronically  
739 transmitted to each unit owner; and be posted in a conspicuous  
740 place on the condominium property or association property within  
741 the timeframe specified in the bylaws. If the bylaws do not  
742 specify a timeframe for written notice of a meeting other than  
743 an annual meeting, notice must be provided at least 14  
744 continuous days before the meeting. Upon notice to the unit  
745 owners, the board shall, by duly adopted rule, designate a  
746 specific location on the condominium property or association  
747 property where all notices of unit owner meetings must be  
748 posted. This requirement does not apply if there is no  
749 condominium property for posting notices. In lieu of, or in  
750 addition to, the physical posting of meeting notices, the

HB 5D

2022D

751 association may, by reasonable rule, adopt a procedure for  
752 conspicuously posting and repeatedly broadcasting the notice and  
753 the agenda on a closed-circuit cable television system serving  
754 the condominium association. However, if broadcast notice is  
755 used in lieu of a notice posted physically on the condominium  
756 property, the notice and agenda must be broadcast at least four  
757 times every broadcast hour of each day that a posted notice is  
758 otherwise required under this section. If broadcast notice is  
759 provided, the notice and agenda must be broadcast in a manner  
760 and for a sufficient continuous length of time so as to allow an  
761 average reader to observe the notice and read and comprehend the  
762 entire content of the notice and the agenda. In addition to any  
763 of the authorized means of providing notice of a meeting of the  
764 board, the association may, by rule, adopt a procedure for  
765 conspicuously posting the meeting notice and the agenda on a  
766 website serving the condominium association for at least the  
767 minimum period of time for which a notice of a meeting is also  
768 required to be physically posted on the condominium property.  
769 Any rule adopted shall, in addition to other matters, include a  
770 requirement that the association send an electronic notice in  
771 the same manner as a notice for a meeting of the members, which  
772 must include a hyperlink to the website where the notice is  
773 posted, to unit owners whose e-mail addresses are included in  
774 the association's official records. Unless a unit owner waives  
775 in writing the right to receive notice of the annual meeting,

HB 5D

2022D

776 such notice must be hand delivered, mailed, or electronically  
777 transmitted to each unit owner. Notice for meetings and notice  
778 for all other purposes must be mailed to each unit owner at the  
779 address last furnished to the association by the unit owner, or  
780 hand delivered to each unit owner. However, if a unit is owned  
781 by more than one person, the association must provide notice to  
782 the address that the developer identifies for that purpose and  
783 thereafter as one or more of the owners of the unit advise the  
784 association in writing, or if no address is given or the owners  
785 of the unit do not agree, to the address provided on the deed of  
786 record. An officer of the association, or the manager or other  
787 person providing notice of the association meeting, must provide  
788 an affidavit or United States Postal Service certificate of  
789 mailing, to be included in the official records of the  
790 association affirming that the notice was mailed or hand  
791 delivered in accordance with this provision.

792 4. The members of the board of a residential condominium  
793 shall be elected by written ballot or voting machine. Proxies  
794 may not be used in electing the board in general elections or  
795 elections to fill vacancies caused by recall, resignation, or  
796 otherwise, unless otherwise provided in this chapter. This  
797 subparagraph does not apply to an association governing a  
798 timeshare condominium.

799 a. At least 60 days before a scheduled election, the  
800 association shall mail, deliver, or electronically transmit, by



HB 5D

2022D

801 separate association mailing or included in another association  
802 mailing, delivery, or transmission, including regularly  
803 published newsletters, to each unit owner entitled to a vote, a  
804 first notice of the date of the election. A unit owner or other  
805 eligible person desiring to be a candidate for the board must  
806 give written notice of his or her intent to be a candidate to  
807 the association at least 40 days before a scheduled election.  
808 Together with the written notice and agenda as set forth in  
809 subparagraph 3., the association shall mail, deliver, or  
810 electronically transmit a second notice of the election to all  
811 unit owners entitled to vote, together with a ballot that lists  
812 all candidates not less than 14 days or more than 34 days before  
813 the date of the election. Upon request of a candidate, an  
814 information sheet, no larger than 8 1/2 inches by 11 inches,  
815 which must be furnished by the candidate at least 35 days before  
816 the election, must be included with the mailing, delivery, or  
817 transmission of the ballot, with the costs of mailing, delivery,  
818 or electronic transmission and copying to be borne by the  
819 association. The association is not liable for the contents of  
820 the information sheets prepared by the candidates. In order to  
821 reduce costs, the association may print or duplicate the  
822 information sheets on both sides of the paper. The division  
823 shall by rule establish voting procedures consistent with this  
824 sub-subparagraph, including rules establishing procedures for  
825 giving notice by electronic transmission and rules providing for

826 | the secrecy of ballots. Elections shall be decided by a  
827 | plurality of ballots cast. There is no quorum requirement;  
828 | however, at least 20 percent of the eligible voters must cast a  
829 | ballot in order to have a valid election. A unit owner may not  
830 | authorize any other person to vote his or her ballot, and any  
831 | ballots improperly cast are invalid. A unit owner who violates  
832 | this provision may be fined by the association in accordance  
833 | with s. 718.303. A unit owner who needs assistance in casting  
834 | the ballot for the reasons stated in s. 101.051 may obtain such  
835 | assistance. The regular election must occur on the date of the  
836 | annual meeting. Notwithstanding this sub-subparagraph, an  
837 | election is not required unless more candidates file notices of  
838 | intent to run or are nominated than board vacancies exist.

839 |       b. Within 90 days after being elected or appointed to the  
840 | board of an association of a residential condominium, each newly  
841 | elected or appointed director shall certify in writing to the  
842 | secretary of the association that he or she has read the  
843 | association's declaration of condominium, articles of  
844 | incorporation, bylaws, and current written policies; that he or  
845 | she will work to uphold such documents and policies to the best  
846 | of his or her ability; and that he or she will faithfully  
847 | discharge his or her fiduciary responsibility to the  
848 | association's members. In lieu of this written certification,  
849 | within 90 days after being elected or appointed to the board,  
850 | the newly elected or appointed director may submit a certificate

HB 5D

2022D

851 of having satisfactorily completed the educational curriculum  
852 administered by a division-approved condominium education  
853 provider within 1 year before or 90 days after the date of  
854 election or appointment. The written certification or  
855 educational certificate is valid and does not have to be  
856 resubmitted as long as the director serves on the board without  
857 interruption. A director of an association of a residential  
858 condominium who fails to timely file the written certification  
859 or educational certificate is suspended from service on the  
860 board until he or she complies with this sub-subparagraph. The  
861 board may temporarily fill the vacancy during the period of  
862 suspension. The secretary shall cause the association to retain  
863 a director's written certification or educational certificate  
864 for inspection by the members for 5 years after a director's  
865 election or the duration of the director's uninterrupted tenure,  
866 whichever is longer. Failure to have such written certification  
867 or educational certificate on file does not affect the validity  
868 of any board action.

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

871 5. Any approval by unit owners called for by this chapter  
872 or the applicable declaration or bylaws, including, but not  
873 limited to, the approval requirement in s. 718.111(8), must be  
874 made at a duly noticed meeting of unit owners and is subject to  
875 all requirements of this chapter or the applicable condominium

876 documents relating to unit owner decisionmaking, except that  
 877 unit owners may take action by written agreement, without  
 878 meetings, on matters for which action by written agreement  
 879 without meetings is expressly allowed by the applicable bylaws  
 880 or declaration or any law that provides for such action.

881 6. Unit owners may waive notice of specific meetings if  
 882 allowed by the applicable bylaws or declaration or any law.  
 883 Notice of meetings of the board of administration, unit owner  
 884 meetings, except unit owner meetings called to recall board  
 885 members under paragraph (k) ~~(j)~~, and committee meetings may be  
 886 given by electronic transmission to unit owners who consent to  
 887 receive notice by electronic transmission. A unit owner who  
 888 consents to receiving notices by electronic transmission is  
 889 solely responsible for removing or bypassing filters that block  
 890 receipt of mass e-mails sent to members on behalf of the  
 891 association in the course of giving electronic notices.

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

896 8. A unit owner may tape record or videotape a meeting of  
 897 the unit owners subject to reasonable rules adopted by the  
 898 division.

899 9. Unless otherwise provided in the bylaws, any vacancy  
 900 occurring on the board before the expiration of a term may be

901 filled by the affirmative vote of the majority of the remaining  
902 directors, even if the remaining directors constitute less than  
903 a quorum, or by the sole remaining director. In the alternative,  
904 a board may hold an election to fill the vacancy, in which case  
905 the election procedures must conform to sub-subparagraph 4.a.  
906 unless the association governs 10 units or fewer and has opted  
907 out of the statutory election process, in which case the bylaws  
908 of the association control. Unless otherwise provided in the  
909 bylaws, a board member appointed or elected under this section  
910 shall fill the vacancy for the unexpired term of the seat being  
911 filled. Filling vacancies created by recall is governed by  
912 paragraph (k) ~~(j)~~ and rules adopted by the division.

913 10. This chapter does not limit the use of general or  
914 limited proxies, require the use of general or limited proxies,  
915 or require the use of a written ballot or voting machine for any  
916 agenda item or election at any meeting of a timeshare  
917 condominium association or nonresidential condominium  
918 association.

919  
920 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
921 association of 10 or fewer units may, by affirmative vote of a  
922 majority of the total voting interests, provide for different  
923 voting and election procedures in its bylaws, which may be by a  
924 proxy specifically delineating the different voting and election  
925 procedures. The different voting and election procedures may

HB 5D

2022D

926 provide for elections to be conducted by limited or general  
927 proxy.

928 (f) Annual budget.—

929 1. The proposed annual budget of estimated revenues and  
930 expenses must be detailed and must show the amounts budgeted by  
931 accounts and expense classifications, including, at a minimum,  
932 any applicable expenses listed in s. 718.504(21). The board  
933 shall adopt the annual budget at least 14 days before ~~prior to~~  
934 the start of the association's fiscal year. In the event that  
935 the board fails to timely adopt the annual budget a second time,  
936 it is ~~shall be~~ deemed a minor violation and the prior year's  
937 budget shall continue in effect until a new budget is adopted. A  
938 multicondominium association must ~~shall~~ adopt a separate budget  
939 of common expenses for each condominium the association operates  
940 and must ~~shall~~ adopt a separate budget of common expenses for  
941 the association. In addition, if the association maintains  
942 limited common elements with the cost to be shared only by those  
943 entitled to use the limited common elements as provided for in  
944 s. 718.113(1), the budget or a schedule attached to it must show  
945 the amount budgeted for this maintenance. If, after turnover of  
946 control of the association to the unit owners, any of the  
947 expenses listed in s. 718.504(21) are not applicable, they do  
948 ~~need~~ not need to be listed.

949 2.a. In addition to annual operating expenses, the budget  
950 must include reserve accounts for capital expenditures and

HB 5D

2022D

951 deferred maintenance. These accounts must include, but are not  
 952 limited to, roof replacement, building painting, and pavement  
 953 resurfacing, regardless of the amount of deferred maintenance  
 954 expense or replacement cost, and any other item that has a  
 955 deferred maintenance expense or replacement cost that exceeds  
 956 \$10,000. The amount to be reserved for an item is determined by  
 957 the association's most recent structural integrity reserve study  
 958 that must be completed by December 31, 2024. If the amount to be  
 959 reserved for an item is not in the association's initial or most  
 960 recent structural integrity reserve study or the association has  
 961 not completed a structural integrity reserve study, the amount  
 962 must be computed using a formula based upon estimated remaining  
 963 useful life and estimated replacement cost or deferred  
 964 maintenance expense of the ~~each~~ reserve item. The association  
 965 may adjust replacement reserve assessments annually to take into  
 966 account any changes in estimates or extension of the useful life  
 967 of a reserve item caused by deferred maintenance. ~~This~~  
 968 ~~subsection does not apply to an adopted budget in which~~ The  
 969 members of a unit-owner controlled ~~an~~ association may determine  
 970 ~~have determined~~, by a majority vote at a duly called meeting of  
 971 the association, to provide no reserves or less reserves than  
 972 required by this subsection. Effective December 31, 2024, the  
 973 members of a unit-owner controlled association may not determine  
 974 to provide no reserves or less reserves than required by this  
 975 subsection for items listed in paragraph (g).

HB 5D

2022D

976           b. Before turnover of control of an association by a  
977 developer to unit owners other than a developer under pursuant  
978 ~~to~~ s. 718.301, the developer-controlled association ~~developer~~  
979 may not vote ~~the voting interests allocated to its units to~~  
980 waive the reserves or reduce ~~the~~ funding of the reserves ~~through~~  
981 ~~the period expiring at the end of the second fiscal year after~~  
982 ~~the fiscal year in which the certificate of a surveyor and~~  
983 ~~mapper is recorded pursuant to s. 718.104(4)(c) or an instrument~~  
984 ~~that transfers title to a unit in the condominium which is not~~  
985 ~~accompanied by a recorded assignment of developer rights in~~  
986 ~~favor of the grantee of such unit is recorded, whichever occurs~~  
987 ~~first, after which time reserves may be waived or reduced only~~  
988 ~~upon the vote of a majority of all nondeveloper voting interests~~  
989 ~~voting in person or by limited proxy at a duly called meeting of~~  
990 ~~the association.~~ If a meeting of the unit owners has been called  
991 to determine whether to waive or reduce the funding of reserves  
992 and no such result is achieved or a quorum is not attained, the  
993 reserves included in the budget shall go into effect. After the  
994 turnover, the developer may vote its voting interest to waive or  
995 reduce the funding of reserves.

996           3. Reserve funds and any interest accruing thereon shall  
997 remain in the reserve account or accounts, and may be used only  
998 for authorized reserve expenditures unless their use for other  
999 purposes is approved in advance by a majority vote at a duly  
1000 called meeting of the association. Before turnover of control of



HB 5D

2022D

1001 an association by a developer to unit owners other than the  
1002 developer pursuant to s. 718.301, the developer-controlled  
1003 association may not vote to use reserves for purposes other than  
1004 those for which they were intended. Effective December 31, 2024,  
1005 members of a unit-owner controlled association may not vote to  
1006 use reserve funds, or any interest accruing thereon, that are  
1007 reserved for items listed in paragraph (g) for any other purpose  
1008 other than their intended purpose ~~without the approval of a~~  
1009 ~~majority of all nondeveloper voting interests, voting in person~~  
1010 ~~or by limited proxy at a duly called meeting of the association.~~

1011 4. The only voting interests that are eligible to vote on  
1012 questions that involve waiving or reducing the funding of  
1013 reserves, or using existing reserve funds for purposes other  
1014 than purposes for which the reserves were intended, are the  
1015 voting interests of the units subject to assessment to fund the  
1016 reserves in question. Proxy questions relating to waiving or  
1017 reducing the funding of reserves or using existing reserve funds  
1018 for purposes other than purposes for which the reserves were  
1019 intended must contain the following statement in capitalized,  
1020 bold letters in a font size larger than any other used on the  
1021 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1022 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1023 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1024 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1025 (g) Structural integrity reserve study.-

HB 5D

2022D

1026        1. An association must have a structural integrity reserve  
1027 study completed at least every 10 years after the condominium's  
1028 creation for each building on the condominium property that is  
1029 three stories or higher in height which includes, at a minimum,  
1030 a study of the following items as related to the structural  
1031 integrity and safety of the building:

- 1032        a. Roof.  
1033        b. Load-bearing walls or other primary structural members.  
1034        c. Floor.  
1035        d. Foundation.  
1036        e. Fireproofing and fire protection systems.  
1037        f. Plumbing.  
1038        g. Electrical systems.  
1039        h. Waterproofing and exterior painting.  
1040        i. Windows.  
1041        j. Any other item that has a deferred maintenance expense  
1042 or replacement cost that exceeds \$10,000 and the failure to  
1043 replace or maintain such item negatively affects the items  
1044 listed in subparagraphs a.-i., as determined by the licensed  
1045 engineer or architect performing the visual inspection portion  
1046 of the structural integrity reserve study.

1047        2. Before a developer turns over control of an association  
1048 to unit owners other than the developer, the developer must have  
1049 a structural integrity reserve study completed for each building  
1050 on the condominium property that is three stories or higher in

HB 5D

2022D

1051 height.

1052 3. Associations existing on or before July 1, 2022, which  
1053 are controlled by unit owners other than the developer, must  
1054 have a structural integrity reserve study completed by December  
1055 31, 2024, for each building on the condominium property that is  
1056 three stories or higher in height.

1057 4. If an association fails to complete a structural  
1058 integrity reserve study pursuant to this paragraph, such failure  
1059 is a breach of an officer's and director's fiduciary  
1060 relationship to the unit owners under s. 718.111(1).

1061 (h) Mandatory milestone inspections.—If an association is  
1062 required to have a milestone inspection performed pursuant to s.  
1063 553.899, the association must arrange for the milestone  
1064 inspection to be performed and is responsible for ensuring  
1065 compliance with the requirements of s. 553.899. The association  
1066 is responsible for all costs associated with the inspection. If  
1067 the officers or directors of an association willfully and  
1068 knowingly fail to have a milestone inspection performed pursuant  
1069 to s. 553.899, such failure is a breach of the officers' and  
1070 directors' fiduciary relationship to the unit owners under s.  
1071 718.111(1) (a). Upon completion of a phase one or phase two  
1072 milestone inspection and receipt of the inspector-prepared  
1073 summary of the inspection report from the architect or engineer  
1074 who performed the inspection, the association must distribute a  
1075 copy of the inspector-prepared summary of the inspection report

1076 to each unit owner, regardless of the findings or  
 1077 recommendations in the report, by United States mail or personal  
 1078 delivery and by electronic transmission to unit owners who  
 1079 previously consented to receive notice by electronic  
 1080 transmission; must post a copy of the inspector-prepared summary  
 1081 in a conspicuous place on the condominium property; and must  
 1082 publish the full report and inspector-prepared summary on the  
 1083 association's website, if the association is required to have a  
 1084 website.

1085 Section 6. Paragraph (f) of subsection (8) of section  
 1086 718.116, Florida Statutes, is amended to read:

1087 718.116 Assessments; liability; lien and priority;  
 1088 interest; collection.—

1089 (8) Within 10 business days after receiving a written or  
 1090 electronic request therefor from a unit owner or the unit  
 1091 owner's designee, or a unit mortgagee or the unit mortgagee's  
 1092 designee, the association shall issue the estoppel certificate.  
 1093 Each association shall designate on its website a person or  
 1094 entity with a street or e-mail address for receipt of a request  
 1095 for an estoppel certificate issued pursuant to this section. The  
 1096 estoppel certificate must be provided by hand delivery, regular  
 1097 mail, or e-mail to the requestor on the date of issuance of the  
 1098 estoppel certificate.

1099 (f) Notwithstanding any limitation on transfer fees  
 1100 contained in s. 718.112(2)(j) ~~s. 718.112(2)(i)~~, an association

HB 5D

2022D

1101 or its authorized agent may charge a reasonable fee for the  
 1102 preparation and delivery of an estoppel certificate, which may  
 1103 not exceed \$250, if, on the date the certificate is issued, no  
 1104 delinquent amounts are owed to the association for the  
 1105 applicable unit. If an estoppel certificate is requested on an  
 1106 expedited basis and delivered within 3 business days after the  
 1107 request, the association may charge an additional fee of \$100.  
 1108 If a delinquent amount is owed to the association for the  
 1109 applicable unit, an additional fee for the estoppel certificate  
 1110 may not exceed \$150.

1111 Section 7. Paragraph (b) of subsection (8) of section  
 1112 718.117, Florida Statutes, is amended to read:

1113 718.117 Termination of condominium.—

1114 (8) REPORTS AND REPLACEMENT OF RECEIVER.—

1115 (b) The unit owners of an association in termination may  
 1116 recall or remove members of the board of administration with or  
 1117 without cause at any time as provided in s. 718.112(2)(k) ~~s.~~  
 1118 ~~718.112(2)(j)~~.

1119 Section 8. Paragraph (p) of subsection (4) of section  
 1120 718.301, Florida Statutes, is amended and paragraph (r) is added  
 1121 to that subsection to read:

1122 718.301 Transfer of association control; claims of defect  
 1123 by association.—

1124 (4) At the time that unit owners other than the developer  
 1125 elect a majority of the members of the board of administration

HB 5D

2022D

1126 of an association, the developer shall relinquish control of the  
1127 association, and the unit owners shall accept control.  
1128 Simultaneously, or for the purposes of paragraph (c) not more  
1129 than 90 days thereafter, the developer shall deliver to the  
1130 association, at the developer's expense, all property of the  
1131 unit owners and of the association which is held or controlled  
1132 by the developer, including, but not limited to, the following  
1133 items, if applicable, as to each condominium operated by the  
1134 association:

1135 (p) Notwithstanding when the certificate of occupancy was  
1136 issued or the height of the building, a milestone inspection  
1137 report in compliance with s. 553.899 included in the official  
1138 records, under seal of an architect or engineer authorized to  
1139 practice in this state, and attesting to required maintenance,  
1140 condition, useful life, and replacement costs of the following  
1141 applicable condominium property ~~common elements~~ comprising a  
1142 turnover inspection report:

- 1143 1. Roof.
- 1144 2. Structure, including load-bearing walls and primary  
1145 structural members and primary structural systems as those terms  
1146 are defined in s. 627.706.
- 1147 3. Fireproofing and fire protection systems.
- 1148 4. Elevators.
- 1149 5. Heating and cooling systems.
- 1150 6. Plumbing.

- 1151 7. Electrical systems.
- 1152 8. Swimming pool or spa and equipment.
- 1153 9. Seawalls.
- 1154 10. Pavement and parking areas.
- 1155 11. Drainage systems.
- 1156 12. Painting.
- 1157 13. Irrigation systems.
- 1158 14. Waterproofing.

1159 (r) A copy of the association's most recent structural  
 1160 integrity reserve study.

1161 Section 9. Subsection (1) of section 718.501, Florida  
 1162 Statutes, is amended, and subsection (3) is added to that  
 1163 section, to read:

1164 718.501 Authority, responsibility, and duties of Division  
 1165 of Florida Condominiums, Timeshares, and Mobile Homes.—

1166 (1) The division may enforce and ensure compliance with  
 1167 this chapter and rules relating to the development,  
 1168 construction, sale, lease, ownership, operation, and management  
 1169 of residential condominium units and complaints related to the  
 1170 procedural completion of milestone inspections under s. 553.899.

1171 In performing its duties, the division has complete jurisdiction  
 1172 to investigate complaints and enforce compliance with respect to  
 1173 associations that are still under developer control or the  
 1174 control of a bulk assignee or bulk buyer pursuant to part VII of  
 1175 this chapter and complaints against developers, bulk assignees,

HB 5D

2022D

1176 or bulk buyers involving improper turnover or failure to  
1177 turnover, pursuant to s. 718.301. However, after turnover has  
1178 occurred, the division has jurisdiction to investigate  
1179 complaints related only to financial issues, elections, and the  
1180 maintenance of and unit owner access to association records  
1181 under s. 718.111(12), and the procedural completion of  
1182 structural integrity reserve studies under s. 718.112(2)(g).

1183 (a)1. The division may make necessary public or private  
1184 investigations within or outside this state to determine whether  
1185 any person has violated this chapter or any rule or order  
1186 hereunder, to aid in the enforcement of this chapter, or to aid  
1187 in the adoption of rules or forms.

1188 2. The division may submit any official written report,  
1189 worksheet, or other related paper, or a duly certified copy  
1190 thereof, compiled, prepared, drafted, or otherwise made by and  
1191 duly authenticated by a financial examiner or analyst to be  
1192 admitted as competent evidence in any hearing in which the  
1193 financial examiner or analyst is available for cross-examination  
1194 and attests under oath that such documents were prepared as a  
1195 result of an examination or inspection conducted pursuant to  
1196 this chapter.

1197 (b) The division may require or permit any person to file  
1198 a statement in writing, under oath or otherwise, as the division  
1199 determines, as to the facts and circumstances concerning a  
1200 matter to be investigated.



1201           (c) For the purpose of any investigation under this  
 1202 chapter, the division director or any officer or employee  
 1203 designated by the division director may administer oaths or  
 1204 affirmations, subpoena witnesses and compel their attendance,  
 1205 take evidence, and require the production of any matter which is  
 1206 relevant to the investigation, including the existence,  
 1207 description, nature, custody, condition, and location of any  
 1208 books, documents, or other tangible things and the identity and  
 1209 location of persons having knowledge of relevant facts or any  
 1210 other matter reasonably calculated to lead to the discovery of  
 1211 material evidence. Upon the failure by a person to obey a  
 1212 subpoena or to answer questions propounded by the investigating  
 1213 officer and upon reasonable notice to all affected persons, the  
 1214 division may apply to the circuit court for an order compelling  
 1215 compliance.

1216           (d) Notwithstanding any remedies available to unit owners  
 1217 and associations, if the division has reasonable cause to  
 1218 believe that a violation of any provision of this chapter or  
 1219 related rule has occurred, the division may institute  
 1220 enforcement proceedings in its own name against any developer,  
 1221 bulk assignee, bulk buyer, association, officer, or member of  
 1222 the board of administration, or its assignees or agents, as  
 1223 follows:

- 1224           1. The division may permit a person whose conduct or  
 1225 actions may be under investigation to waive formal proceedings

HB 5D

2022D

1226 and enter into a consent proceeding whereby orders, rules, or  
1227 letters of censure or warning, whether formal or informal, may  
1228 be entered against the person.

1229       2. The division may issue an order requiring the  
1230 developer, bulk assignee, bulk buyer, association, developer-  
1231 designated officer, or developer-designated member of the board  
1232 of administration, developer-designated assignees or agents,  
1233 bulk assignee-designated assignees or agents, bulk buyer-  
1234 designated assignees or agents, community association manager,  
1235 or community association management firm to cease and desist  
1236 from the unlawful practice and take such affirmative action as  
1237 in the judgment of the division carry out the purposes of this  
1238 chapter. If the division finds that a developer, bulk assignee,  
1239 bulk buyer, association, officer, or member of the board of  
1240 administration, or its assignees or agents, is violating or is  
1241 about to violate any provision of this chapter, any rule adopted  
1242 or order issued by the division, or any written agreement  
1243 entered into with the division, and presents an immediate danger  
1244 to the public requiring an immediate final order, it may issue  
1245 an emergency cease and desist order reciting with particularity  
1246 the facts underlying such findings. The emergency cease and  
1247 desist order is effective for 90 days. If the division begins  
1248 nonemergency cease and desist proceedings, the emergency cease  
1249 and desist order remains effective until the conclusion of the  
1250 proceedings under ss. 120.569 and 120.57.

1251           3. If a developer, bulk assignee, or bulk buyer fails to  
1252 pay any restitution determined by the division to be owed, plus  
1253 any accrued interest at the highest rate permitted by law,  
1254 within 30 days after expiration of any appellate time period of  
1255 a final order requiring payment of restitution or the conclusion  
1256 of any appeal thereof, whichever is later, the division must  
1257 bring an action in circuit or county court on behalf of any  
1258 association, class of unit owners, lessees, or purchasers for  
1259 restitution, declaratory relief, injunctive relief, or any other  
1260 available remedy. The division may also temporarily revoke its  
1261 acceptance of the filing for the developer to which the  
1262 restitution relates until payment of restitution is made.

1263           4. The division may petition the court for appointment of  
1264 a receiver or conservator. If appointed, the receiver or  
1265 conservator may take action to implement the court order to  
1266 ensure the performance of the order and to remedy any breach  
1267 thereof. In addition to all other means provided by law for the  
1268 enforcement of an injunction or temporary restraining order, the  
1269 circuit court may impound or sequester the property of a party  
1270 defendant, including books, papers, documents, and related  
1271 records, and allow the examination and use of the property by  
1272 the division and a court-appointed receiver or conservator.

1273           5. The division may apply to the circuit court for an  
1274 order of restitution whereby the defendant in an action brought  
1275 under subparagraph 4. is ordered to make restitution of those

1276 | sums shown by the division to have been obtained by the  
1277 | defendant in violation of this chapter. At the option of the  
1278 | court, such restitution is payable to the conservator or  
1279 | receiver appointed under subparagraph 4. or directly to the  
1280 | persons whose funds or assets were obtained in violation of this  
1281 | chapter.

1282 |         6. The division may impose a civil penalty against a  
1283 | developer, bulk assignee, or bulk buyer, or association, or its  
1284 | assignee or agent, for any violation of this chapter or related  
1285 | rule. The division may impose a civil penalty individually  
1286 | against an officer or board member who willfully and knowingly  
1287 | violates this chapter, an adopted rule, or a final order of the  
1288 | division; may order the removal of such individual as an officer  
1289 | or from the board of administration or as an officer of the  
1290 | association; and may prohibit such individual from serving as an  
1291 | officer or on the board of a community association for a period  
1292 | of time. The term "willfully and knowingly" means that the  
1293 | division informed the officer or board member that his or her  
1294 | action or intended action violates this chapter, a rule adopted  
1295 | under this chapter, or a final order of the division and that  
1296 | the officer or board member refused to comply with the  
1297 | requirements of this chapter, a rule adopted under this chapter,  
1298 | or a final order of the division. The division, before  
1299 | initiating formal agency action under chapter 120, must afford  
1300 | the officer or board member an opportunity to voluntarily

HB 5D

2022D

1301 comply, and an officer or board member who complies within 10  
1302 days is not subject to a civil penalty. A penalty may be imposed  
1303 on the basis of each day of continuing violation, but the  
1304 penalty for any offense may not exceed \$5,000. The division  
1305 shall adopt, by rule, penalty guidelines applicable to possible  
1306 violations or to categories of violations of this chapter or  
1307 rules adopted by the division. The guidelines must specify a  
1308 meaningful range of civil penalties for each such violation of  
1309 the statute and rules and must be based upon the harm caused by  
1310 the violation, the repetition of the violation, and upon such  
1311 other factors deemed relevant by the division. For example, the  
1312 division may consider whether the violations were committed by a  
1313 developer, bulk assignee, or bulk buyer, or owner-controlled  
1314 association, the size of the association, and other factors. The  
1315 guidelines must designate the possible mitigating or aggravating  
1316 circumstances that justify a departure from the range of  
1317 penalties provided by the rules. It is the legislative intent  
1318 that minor violations be distinguished from those which endanger  
1319 the health, safety, or welfare of the condominium residents or  
1320 other persons and that such guidelines provide reasonable and  
1321 meaningful notice to the public of likely penalties that may be  
1322 imposed for proscribed conduct. This subsection does not limit  
1323 the ability of the division to informally dispose of  
1324 administrative actions or complaints by stipulation, agreed  
1325 settlement, or consent order. All amounts collected shall be

HB 5D

2022D

1326 deposited with the Chief Financial Officer to the credit of the  
1327 Division of Florida Condominiums, Timeshares, and Mobile Homes  
1328 Trust Fund. If a developer, bulk assignee, or bulk buyer fails  
1329 to pay the civil penalty and the amount deemed to be owed to the  
1330 association, the division shall issue an order directing that  
1331 such developer, bulk assignee, or bulk buyer cease and desist  
1332 from further operation until such time as the civil penalty is  
1333 paid or may pursue enforcement of the penalty in a court of  
1334 competent jurisdiction. If an association fails to pay the civil  
1335 penalty, the division shall pursue enforcement in a court of  
1336 competent jurisdiction, and the order imposing the civil penalty  
1337 or the cease and desist order is not effective until 20 days  
1338 after the date of such order. Any action commenced by the  
1339 division shall be brought in the county in which the division  
1340 has its executive offices or in the county where the violation  
1341 occurred.

1342 7. If a unit owner presents the division with proof that  
1343 the unit owner has requested access to official records in  
1344 writing by certified mail, and that after 10 days the unit owner  
1345 again made the same request for access to official records in  
1346 writing by certified mail, and that more than 10 days has  
1347 elapsed since the second request and the association has still  
1348 failed or refused to provide access to official records as  
1349 required by this chapter, the division shall issue a subpoena  
1350 requiring production of the requested records where the records

HB 5D

2022D

1351 are kept pursuant to s. 718.112.

1352 8. In addition to subparagraph 6., the division may seek  
1353 the imposition of a civil penalty through the circuit court for  
1354 any violation for which the division may issue a notice to show  
1355 cause under paragraph (r). The civil penalty shall be at least  
1356 \$500 but no more than \$5,000 for each violation. The court may  
1357 also award to the prevailing party court costs and reasonable  
1358 attorney fees and, if the division prevails, may also award  
1359 reasonable costs of investigation.

1360 (e) The division may prepare and disseminate a prospectus  
1361 and other information to assist prospective owners, purchasers,  
1362 lessees, and developers of residential condominiums in assessing  
1363 the rights, privileges, and duties pertaining thereto.

1364 (f) The division may adopt rules to administer and enforce  
1365 this chapter.

1366 (g) The division shall establish procedures for providing  
1367 notice to an association and the developer, bulk assignee, or  
1368 bulk buyer during the period in which the developer, bulk  
1369 assignee, or bulk buyer controls the association if the division  
1370 is considering the issuance of a declaratory statement with  
1371 respect to the declaration of condominium or any related  
1372 document governing such condominium community.

1373 (h) The division shall furnish each association that pays  
1374 the fees required by paragraph (2)(a) a copy of this chapter, as  
1375 amended, and the rules adopted thereto on an annual basis.

1376 (i) The division shall annually provide each association  
 1377 with a summary of declaratory statements and formal legal  
 1378 opinions relating to the operations of condominiums which were  
 1379 rendered by the division during the previous year.

1380 (j) The division shall provide training and educational  
 1381 programs for condominium association board members and unit  
 1382 owners. The training may, in the division's discretion, include  
 1383 web-based electronic media, and live training and seminars in  
 1384 various locations throughout the state. The division may review  
 1385 and approve education and training programs for board members  
 1386 and unit owners offered by providers and shall maintain a  
 1387 current list of approved programs and providers and make such  
 1388 list available to board members and unit owners in a reasonable  
 1389 and cost-effective manner.

1390 (k) The division shall maintain a toll-free telephone  
 1391 number accessible to condominium unit owners.

1392 (l) The division shall develop a program to certify both  
 1393 volunteer and paid mediators to provide mediation of condominium  
 1394 disputes. The division shall provide, upon request, a list of  
 1395 such mediators to any association, unit owner, or other  
 1396 participant in alternative dispute resolution proceedings under  
 1397 s. 718.1255 requesting a copy of the list. The division shall  
 1398 include on the list of volunteer mediators only the names of  
 1399 persons who have received at least 20 hours of training in  
 1400 mediation techniques or who have mediated at least 20 disputes.



HB 5D

2022D

1401 In order to become initially certified by the division, paid  
1402 mediators must be certified by the Supreme Court to mediate  
1403 court cases in county or circuit courts. However, the division  
1404 may adopt, by rule, additional factors for the certification of  
1405 paid mediators, which must be related to experience, education,  
1406 or background. Any person initially certified as a paid mediator  
1407 by the division must, in order to continue to be certified,  
1408 comply with the factors or requirements adopted by rule.

1409 (m) If a complaint is made, the division must conduct its  
1410 inquiry with due regard for the interests of the affected  
1411 parties. Within 30 days after receipt of a complaint, the  
1412 division shall acknowledge the complaint in writing and notify  
1413 the complainant whether the complaint is within the jurisdiction  
1414 of the division and whether additional information is needed by  
1415 the division from the complainant. The division shall conduct  
1416 its investigation and, within 90 days after receipt of the  
1417 original complaint or of timely requested additional  
1418 information, take action upon the complaint. However, the  
1419 failure to complete the investigation within 90 days does not  
1420 prevent the division from continuing the investigation,  
1421 accepting or considering evidence obtained or received after 90  
1422 days, or taking administrative action if reasonable cause exists  
1423 to believe that a violation of this chapter or a rule has  
1424 occurred. If an investigation is not completed within the time  
1425 limits established in this paragraph, the division shall, on a

1426 monthly basis, notify the complainant in writing of the status  
 1427 of the investigation. When reporting its action to the  
 1428 complainant, the division shall inform the complainant of any  
 1429 right to a hearing under ss. 120.569 and 120.57. The division  
 1430 may adopt rules regarding the submission of a complaint against  
 1431 an association.

1432 (n) Condominium association directors, officers, and  
 1433 employees; condominium developers; bulk assignees, bulk buyers,  
 1434 and community association managers; and community association  
 1435 management firms have an ongoing duty to reasonably cooperate  
 1436 with the division in any investigation under this section. The  
 1437 division shall refer to local law enforcement authorities any  
 1438 person whom the division believes has altered, destroyed,  
 1439 concealed, or removed any record, document, or thing required to  
 1440 be kept or maintained by this chapter with the purpose to impair  
 1441 its verity or availability in the department's investigation.

1442 (o) The division may:

1443 1. Contract with agencies in this state or other  
 1444 jurisdictions to perform investigative functions; or

1445 2. Accept grants-in-aid from any source.

1446 (p) The division shall cooperate with similar agencies in  
 1447 other jurisdictions to establish uniform filing procedures and  
 1448 forms, public offering statements, advertising standards, and  
 1449 rules and common administrative practices.

1450 (q) The division shall consider notice to a developer,

HB 5D

2022D

1451 bulk assignee, or bulk buyer to be complete when it is delivered  
1452 to the address of the developer, bulk assignee, or bulk buyer  
1453 currently on file with the division.

1454 (r) In addition to its enforcement authority, the division  
1455 may issue a notice to show cause, which must provide for a  
1456 hearing, upon written request, in accordance with chapter 120.

1457 (s) The division shall submit to the Governor, the  
1458 President of the Senate, the Speaker of the House of  
1459 Representatives, and the chairs of the legislative  
1460 appropriations committees an annual report that includes, but  
1461 need not be limited to, the number of training programs provided  
1462 for condominium association board members and unit owners, the  
1463 number of complaints received by type, the number and percent of  
1464 complaints acknowledged in writing within 30 days and the number  
1465 and percent of investigations acted upon within 90 days in  
1466 accordance with paragraph (m), and the number of investigations  
1467 exceeding the 90-day requirement. The annual report must also  
1468 include an evaluation of the division's core business processes  
1469 and make recommendations for improvements, including statutory  
1470 changes. The report shall be submitted by September 30 following  
1471 the end of the fiscal year.

1472 (3)(a) On or before January 1, 2023, condominium  
1473 associations existing on or before July 1, 2022, must provide  
1474 the following information to the division in writing, by e-mail,  
1475 United States Postal Service, commercial delivery service, or

HB 5D

2022D

1476 hand delivery, at a physical address or e-mail address provided  
1477 by the division and on a form posted on the division's website:

1478 1. The number of buildings on the condominium property  
1479 that are three stories or higher in height.

1480 2. The total number of units in all such buildings.

1481 3. The addresses of all such buildings.

1482 4. The counties in which all such buildings are located.

1483 (b) The division must compile a list of the number of  
1484 buildings on condominium property that are three stories or  
1485 higher in height, which is searchable by county, and must post  
1486 the list on the division's website. This list must include all  
1487 of the following information:

1488 1. The name of each association with buildings on the  
1489 condominium property that are three stories or higher in height.

1490 2. The number of such buildings on each association's  
1491 property.

1492 3. The addresses of all such buildings.

1493 4. The counties in which all such buildings are located.

1494 (c) An association must provide an update in writing to  
1495 the division if there are any changes to the information in the  
1496 list under paragraph (b) within 6 months after the change.

1497 Section 10. Present paragraphs (b) and (c) of subsection  
1498 (2) of section 718.503, Florida Statutes, are redesignated as  
1499 paragraphs (c) and (d), respectively, a new paragraph (b) is  
1500 added to that subsection, and paragraph (b) of subsection (1)

HB 5D

2022D

1501 and paragraph (a) of subsection (2) of that section are amended,  
 1502 to read:

1503 718.503 Developer disclosure prior to sale; nondeveloper  
 1504 unit owner disclosure prior to sale; voidability.—

1505 (1) DEVELOPER DISCLOSURE.—

1506 (b) *Copies of documents to be furnished to prospective*  
 1507 *buyer or lessee.*—Until such time as the developer has furnished  
 1508 the documents listed below to a person who has entered into a  
 1509 contract to purchase a residential unit or lease it for more  
 1510 than 5 years, the contract may be voided by that person,  
 1511 entitling the person to a refund of any deposit together with  
 1512 interest thereon as provided in s. 718.202. The contract may be  
 1513 terminated by written notice from the proposed buyer or lessee  
 1514 delivered to the developer within 15 days after the buyer or  
 1515 lessee receives all of the documents required by this section.  
 1516 The developer may not close for 15 days after ~~following~~ the  
 1517 execution of the agreement and delivery of the documents to the  
 1518 buyer as evidenced by a signed receipt for documents unless the  
 1519 buyer is informed in the 15-day voidability period and agrees to  
 1520 close before ~~prior to~~ the expiration of the 15 days. The  
 1521 developer shall retain in his or her records a separate  
 1522 agreement signed by the buyer as proof of the buyer's agreement  
 1523 to close before ~~prior to~~ the expiration of the ~~said~~ voidability  
 1524 period. The developer must retain such ~~Said~~ proof ~~shall be~~  
 1525 ~~retained~~ for a period of 5 years after the date of the closing

HB 5D

2022D

1526 of the transaction. The documents to be delivered to the  
1527 prospective buyer are the prospectus or disclosure statement  
1528 with all exhibits, if the development is subject to ~~the~~  
1529 ~~provisions of~~ s. 718.504, or, if not, then copies of the  
1530 following which are applicable:

1531 1. The question and answer sheet described in s. 718.504,  
1532 and declaration of condominium, or the proposed declaration if  
1533 the declaration has not been recorded, which shall include the  
1534 certificate of a surveyor approximately representing the  
1535 locations required by s. 718.104.

1536 2. The documents creating the association.

1537 3. The bylaws.

1538 4. The ground lease or other underlying lease of the  
1539 condominium.

1540 5. The management contract, maintenance contract, and  
1541 other contracts for management of the association and operation  
1542 of the condominium and facilities used by the unit owners having  
1543 a service term in excess of 1 year, and any management contracts  
1544 that are renewable.

1545 6. The estimated operating budget for the condominium and  
1546 a schedule of expenses for each type of unit, including fees  
1547 assessed pursuant to s. 718.113(1) for the maintenance of  
1548 limited common elements where such costs are shared only by  
1549 those entitled to use the limited common elements.

1550 7. The lease of recreational and other facilities that

1551 will be used only by unit owners of the subject condominium.

1552 8. The lease of recreational and other common facilities  
 1553 that will be used by unit owners in common with unit owners of  
 1554 other condominiums.

1555 9. The form of unit lease if the offer is of a leasehold.

1556 10. Any declaration of servitude of properties serving the  
 1557 condominium but not owned by unit owners or leased to them or  
 1558 the association.

1559 11. If the development is to be built in phases or if the  
 1560 association is to manage more than one condominium, a  
 1561 description of the plan of phase development or the arrangements  
 1562 for the association to manage two or more condominiums.

1563 12. If the condominium is a conversion of existing  
 1564 improvements, the statements and disclosure required by s.  
 1565 718.616.

1566 13. The form of agreement for sale or lease of units.

1567 14. A copy of the floor plan of the unit and the plot plan  
 1568 showing the location of the residential buildings and the  
 1569 recreation and other common areas.

1570 15. A copy of all covenants and restrictions that ~~which~~  
 1571 will affect the use of the property and ~~which~~ are not contained  
 1572 in the foregoing.

1573 16. If the developer is required by state or local  
 1574 authorities to obtain acceptance or approval of any dock or  
 1575 marina facilities intended to serve the condominium, a copy of

HB 5D

2022D

1576 any such acceptance or approval acquired by the time of filing  
 1577 with the division under s. 718.502(1), or a statement that such  
 1578 acceptance or approval has not been acquired or received.

1579 17. Evidence demonstrating that the developer has an  
 1580 ownership, leasehold, or contractual interest in the land upon  
 1581 which the condominium is to be developed.

1582 18. A copy of the inspector-prepared summary of the  
 1583 milestone inspection report as described in ss. 553.899 and  
 1584 718.301(4)(p).

1585 19. A copy of the association's most recent structural  
 1586 integrity reserve study or a statement that the association has  
 1587 not completed a structural integrity reserve study.

1588 (2) NONDEVELOPER DISCLOSURE.—

1589 (a) Each unit owner who is not a developer as defined by  
 1590 this chapter must ~~shall~~ comply with ~~the provisions of~~ this  
 1591 subsection before ~~prior to~~ the sale of his or her unit. Each  
 1592 prospective purchaser who has entered into a contract for the  
 1593 purchase of a condominium unit is entitled, at the seller's  
 1594 expense, to a current copy of all of the following:

- 1595 1. The declaration of condominium.τ
- 1596 2. Articles of incorporation of the association.τ
- 1597 3. Bylaws and rules of the association.τ
- 1598 4. Financial information required by s. 718.111.τ
- 1599 5. A copy of the inspector-prepared summary of the  
 1600 milestone inspection report as described in ss. 553.899 and



1601 718.301(4)(p), if applicable.

1602 6. The association's most recent structural integrity  
 1603 reserve study or a statement that the association has not  
 1604 completed a structural integrity reserve study.

1605 7. ~~and~~ The document entitled "Frequently Asked Questions  
 1606 and Answers" required by s. 718.504.

1607 (b) ~~On and after January 1, 2009,~~ The prospective  
 1608 purchaser is shall also ~~be~~ entitled to receive from the seller a  
 1609 copy of a governance form. Such form shall be provided by the  
 1610 division summarizing governance of condominium associations. In  
 1611 addition to such other information as the division considers  
 1612 helpful to a prospective purchaser in understanding association  
 1613 governance, the governance form shall address the following  
 1614 subjects:

1615 1. The role of the board in conducting the day-to-day  
 1616 affairs of the association on behalf of, and in the best  
 1617 interests of, the owners.

1618 2. The board's responsibility to provide advance notice of  
 1619 board and membership meetings.

1620 3. The rights of owners to attend and speak at board and  
 1621 membership meetings.

1622 4. The responsibility of the board and of owners with  
 1623 respect to maintenance of the condominium property.

1624 5. The responsibility of the board and owners to abide by  
 1625 the condominium documents, this chapter, rules adopted by the

1626 | division, and reasonable rules adopted by the board.

1627 |         6. Owners' rights to inspect and copy association records  
1628 | and the limitations on such rights.

1629 |         7. Remedies available to owners with respect to actions by  
1630 | the board which may be abusive or beyond the board's power and  
1631 | authority.

1632 |         8. The right of the board to hire a property management  
1633 | firm, subject to its own primary responsibility for such  
1634 | management.

1635 |         9. The responsibility of owners with regard to payment of  
1636 | regular or special assessments necessary for the operation of  
1637 | the property and the potential consequences of failure to pay  
1638 | such assessments.

1639 |         10. The voting rights of owners.

1640 |         11. Rights and obligations of the board in enforcement of  
1641 | rules in the condominium documents and rules adopted by the  
1642 | board.

1643 |  
1644 | The governance form shall also include the following statement  
1645 | in conspicuous type: "This publication is intended as an  
1646 | informal educational overview of condominium governance. In the  
1647 | event of a conflict, the provisions of chapter 718, Florida  
1648 | Statutes, rules adopted by the Division of Florida Condominiums,  
1649 | Timeshares, and Mobile Homes of the Department of Business and  
1650 | Professional Regulation, the provisions of the condominium

HB 5D

2022D

1651 documents, and reasonable rules adopted by the condominium  
1652 association's board of administration prevail over the contents  
1653 of this publication."

1654 Section 11. Paragraph (f) of subsection (24) of section  
1655 718.504, Florida Statutes, is amended, and paragraph (q) is  
1656 added to that subsection, to read:

1657 718.504 Prospectus or offering circular.—Every developer  
1658 of a residential condominium which contains more than 20  
1659 residential units, or which is part of a group of residential  
1660 condominiums which will be served by property to be used in  
1661 common by unit owners of more than 20 residential units, shall  
1662 prepare a prospectus or offering circular and file it with the  
1663 Division of Florida Condominiums, Timeshares, and Mobile Homes  
1664 prior to entering into an enforceable contract of purchase and  
1665 sale of any unit or lease of a unit for more than 5 years and  
1666 shall furnish a copy of the prospectus or offering circular to  
1667 each buyer. In addition to the prospectus or offering circular,  
1668 each buyer shall be furnished a separate page entitled  
1669 "Frequently Asked Questions and Answers," which shall be in  
1670 accordance with a format approved by the division and a copy of  
1671 the financial information required by s. 718.111. This page  
1672 shall, in readable language, inform prospective purchasers  
1673 regarding their voting rights and unit use restrictions,  
1674 including restrictions on the leasing of a unit; shall indicate  
1675 whether and in what amount the unit owners or the association is

HB 5D

2022D

1676 obligated to pay rent or land use fees for recreational or other  
1677 commonly used facilities; shall contain a statement identifying  
1678 that amount of assessment which, pursuant to the budget, would  
1679 be levied upon each unit type, exclusive of any special  
1680 assessments, and which shall further identify the basis upon  
1681 which assessments are levied, whether monthly, quarterly, or  
1682 otherwise; shall state and identify any court cases in which the  
1683 association is currently a party of record in which the  
1684 association may face liability in excess of \$100,000; and which  
1685 shall further state whether membership in a recreational  
1686 facilities association is mandatory, and if so, shall identify  
1687 the fees currently charged per unit type. The division shall by  
1688 rule require such other disclosure as in its judgment will  
1689 assist prospective purchasers. The prospectus or offering  
1690 circular may include more than one condominium, although not all  
1691 such units are being offered for sale as of the date of the  
1692 prospectus or offering circular. The prospectus or offering  
1693 circular must contain the following information:

1694 (24) Copies of the following, to the extent they are  
1695 applicable, shall be included as exhibits:

1696 (f) The estimated operating budget for the condominium,  
1697 ~~and~~ the required schedule of unit owners' expenses, and the  
1698 association's most recent structural integrity reserve study or  
1699 a statement that the association has not completed a structural  
1700 integrity reserve study.

HB 5D

2022D

1701 (q) A copy of the inspector-prepared summary of the  
1702 milestone inspection report as described in ss. 553.899 and  
1703 718.301(4) (p), as applicable.

1704 Section 12. Subsections (24) through (28) of section  
1705 719.103, Florida Statutes, are renumbered as subsections (25)  
1706 through (29), respectively, and a new subsection (24) is added  
1707 to that section to read:

1708 719.103 Definitions.—As used in this chapter:

1709 (24) "Structural integrity reserve study" means a study of  
1710 the reserve funds required for future major repairs and  
1711 replacement of the common areas based on a visual inspection of  
1712 the common areas. A structural integrity reserve study may be  
1713 performed by any person qualified to perform such study.  
1714 However, the visual inspection portion of the structural  
1715 integrity reserve study must be performed by an engineer  
1716 licensed under chapter 471 or an architect licensed under  
1717 chapter 481. At a minimum, a structural integrity reserve study  
1718 must identify the common areas being visually inspected, state  
1719 the estimated remaining useful life and the estimated  
1720 replacement cost or deferred maintenance expense of the common  
1721 areas being visually inspected, and provide a recommended annual  
1722 reserve amount that achieves the estimated replacement cost or  
1723 deferred maintenance expense of each common area being visually  
1724 inspected by the end of the estimated remaining useful life of  
1725 each common area.

1726 Section 13. Paragraphs (a) and (c) of subsection (2) of  
 1727 section 719.104, Florida Statutes, are amended to read:

1728 719.104 Cooperatives; access to units; records; financial  
 1729 reports; assessments; purchase of leases.—

1730 (2) OFFICIAL RECORDS.—

1731 (a) From the inception of the association, the association  
 1732 shall maintain a copy of each of the following, where  
 1733 applicable, which shall constitute the official records of the  
 1734 association:

1735 1. The plans, permits, warranties, and other items  
 1736 provided by the developer pursuant to s. 719.301(4).

1737 2. A photocopy of the cooperative documents.

1738 3. A copy of the current rules of the association.

1739 4. A book or books containing the minutes of all meetings  
 1740 of the association, of the board of directors, and of the unit  
 1741 owners.

1742 5. A current roster of all unit owners and their mailing  
 1743 addresses, unit identifications, voting certifications, and, if  
 1744 known, telephone numbers. The association shall also maintain  
 1745 the e-mail addresses and the numbers designated by unit owners  
 1746 for receiving notice sent by electronic transmission of those  
 1747 unit owners consenting to receive notice by electronic  
 1748 transmission. The e-mail addresses and numbers provided by unit  
 1749 owners to receive notice by electronic transmission shall be  
 1750 removed from association records when consent to receive notice

HB 5D

2022D

1751 by electronic transmission is revoked. However, the association  
1752 is not liable for an erroneous disclosure of the e-mail address  
1753 or the number for receiving electronic transmission of notices.

1754 6. All current insurance policies of the association.

1755 7. A current copy of any management agreement, lease, or  
1756 other contract to which the association is a party or under  
1757 which the association or the unit owners have an obligation or  
1758 responsibility.

1759 8. Bills of sale or transfer for all property owned by the  
1760 association.

1761 9. Accounting records for the association and separate  
1762 accounting records for each unit it operates, according to good  
1763 accounting practices. The accounting records shall include, but  
1764 not be limited to:

1765 a. Accurate, itemized, and detailed records of all  
1766 receipts and expenditures.

1767 b. A current account and a monthly, bimonthly, or  
1768 quarterly statement of the account for each unit designating the  
1769 name of the unit owner, the due date and amount of each  
1770 assessment, the amount paid upon the account, and the balance  
1771 due.

1772 c. All audits, reviews, accounting statements, structural  
1773 integrity reserve studies, and financial reports of the  
1774 association. Structural integrity reserve studies must be  
1775 maintained for at least 15 years after the study is completed.

HB 5D

2022D

1776 d. All contracts for work to be performed. Bids for work  
1777 to be performed shall also be considered official records and  
1778 shall be maintained for a period of 1 year.

1779 10. Ballots, sign-in sheets, voting proxies, and all other  
1780 papers and electronic records relating to voting by unit owners,  
1781 which shall be maintained for a period of 1 year after the date  
1782 of the election, vote, or meeting to which the document relates.

1783 11. All rental records where the association is acting as  
1784 agent for the rental of units.

1785 12. A copy of the current question and answer sheet as  
1786 described in s. 719.504.

1787 13. All affirmative acknowledgments made pursuant to s.  
1788 719.108(3)(b)3.

1789 14. A copy of the inspection reports described in s.  
1790 553.899 and 719.301(4)(p) and any other inspection report  
1791 relating to a structural or life safety inspection of the  
1792 cooperative property. Such record must be maintained by the  
1793 association for 15 years after receipt of the report.

1794 15. All other written records of the association not  
1795 specifically included in the foregoing which are related to the  
1796 operation of the association.

1797 (c) The official records of the association are open to  
1798 inspection by any association member or the authorized  
1799 representative of such member at all reasonable times. The right  
1800 to inspect the records includes the right to make or obtain



HB 5D

2022D

1801 copies, at the reasonable expense, if any, of the association  
1802 member. A renter of a unit has a right to inspect and copy only  
1803 the association's bylaws and rules and the inspection reports  
1804 described in ss. 553.899 and 719.301(4)(p). The association may  
1805 adopt reasonable rules regarding the frequency, time, location,  
1806 notice, and manner of record inspections and copying, but may  
1807 not require a member to demonstrate any purpose or state any  
1808 reason for the inspection. The failure of an association to  
1809 provide the records within 10 working days after receipt of a  
1810 written request creates a rebuttable presumption that the  
1811 association willfully failed to comply with this paragraph. A  
1812 member who is denied access to official records is entitled to  
1813 the actual damages or minimum damages for the association's  
1814 willful failure to comply. The minimum damages are \$50 per  
1815 calendar day for up to 10 days, beginning on the 11th working  
1816 day after receipt of the written request. The failure to permit  
1817 inspection entitles any person prevailing in an enforcement  
1818 action to recover reasonable attorney fees from the person in  
1819 control of the records who, directly or indirectly, knowingly  
1820 denied access to the records. Any person who knowingly or  
1821 intentionally defaces or destroys accounting records that are  
1822 required by this chapter to be maintained during the period for  
1823 which such records are required to be maintained, or who  
1824 knowingly or intentionally fails to create or maintain  
1825 accounting records that are required to be created or

1826 maintained, with the intent of causing harm to the association  
1827 or one or more of its members, is personally subject to a civil  
1828 penalty under s. 719.501(1)(d). The association shall maintain  
1829 an adequate number of copies of the declaration, articles of  
1830 incorporation, bylaws, and rules, and all amendments to each of  
1831 the foregoing, as well as the question and answer sheet as  
1832 described in s. 719.504 and year-end financial information  
1833 required by the department, on the cooperative property to  
1834 ensure their availability to members and prospective purchasers,  
1835 and may charge its actual costs for preparing and furnishing  
1836 these documents to those requesting the same. An association  
1837 shall allow a member or his or her authorized representative to  
1838 use a portable device, including a smartphone, tablet, portable  
1839 scanner, or any other technology capable of scanning or taking  
1840 photographs, to make an electronic copy of the official records  
1841 in lieu of the association providing the member or his or her  
1842 authorized representative with a copy of such records. The  
1843 association may not charge a member or his or her authorized  
1844 representative for the use of a portable device. Notwithstanding  
1845 this paragraph, the following records shall not be accessible to  
1846 members:

1847       1. Any record protected by the lawyer-client privilege as  
1848 described in s. 90.502 and any record protected by the work-  
1849 product privilege, including any record prepared by an  
1850 association attorney or prepared at the attorney's express

1851 | direction which reflects a mental impression, conclusion,  
 1852 | litigation strategy, or legal theory of the attorney or the  
 1853 | association, and which was prepared exclusively for civil or  
 1854 | criminal litigation or for adversarial administrative  
 1855 | proceedings, or which was prepared in anticipation of such  
 1856 | litigation or proceedings until the conclusion of the litigation  
 1857 | or proceedings.

1858 |         2. Information obtained by an association in connection  
 1859 | with the approval of the lease, sale, or other transfer of a  
 1860 | unit.

1861 |         3. Personnel records of association or management company  
 1862 | employees, including, but not limited to, disciplinary, payroll,  
 1863 | health, and insurance records. For purposes of this  
 1864 | subparagraph, the term "personnel records" does not include  
 1865 | written employment agreements with an association employee or  
 1866 | management company, or budgetary or financial records that  
 1867 | indicate the compensation paid to an association employee.

1868 |         4. Medical records of unit owners.

1869 |         5. Social security numbers, driver license numbers, credit  
 1870 | card numbers, e-mail addresses, telephone numbers, facsimile  
 1871 | numbers, emergency contact information, addresses of a unit  
 1872 | owner other than as provided to fulfill the association's notice  
 1873 | requirements, and other personal identifying information of any  
 1874 | person, excluding the person's name, unit designation, mailing  
 1875 | address, property address, and any address, e-mail address, or

1876 | facsimile number provided to the association to fulfill the  
1877 | association's notice requirements. Notwithstanding the  
1878 | restrictions in this subparagraph, an association may print and  
1879 | distribute to unit owners a directory containing the name, unit  
1880 | address, and all telephone numbers of each unit owner. However,  
1881 | an owner may exclude his or her telephone numbers from the  
1882 | directory by so requesting in writing to the association. An  
1883 | owner may consent in writing to the disclosure of other contact  
1884 | information described in this subparagraph. The association is  
1885 | not liable for the inadvertent disclosure of information that is  
1886 | protected under this subparagraph if the information is included  
1887 | in an official record of the association and is voluntarily  
1888 | provided by an owner and not requested by the association.

1889 |         6. Electronic security measures that are used by the  
1890 | association to safeguard data, including passwords.

1891 |         7. The software and operating system used by the  
1892 | association which allow the manipulation of data, even if the  
1893 | owner owns a copy of the same software used by the association.  
1894 | The data is part of the official records of the association.

1895 |         8. All affirmative acknowledgments made pursuant to s.  
1896 | 719.108(3)(b)3.

1897 |         Section 14. Paragraphs (k) through (m) of subsection (1)  
1898 | of section 719.106, Florida Statutes, are redesignated as  
1899 | paragraphs (m) through (o), respectively, paragraph (j) of  
1900 | subsection (1) is amended, and new paragraphs (k) and (l) are

HB 5D

2022D

1901 added to subsection (1) of that section, to read:  
 1902 719.106 Bylaws; cooperative ownership.—  
 1903 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
 1904 documents shall provide for the following, and if they do not,  
 1905 they shall be deemed to include the following:  
 1906 (j) Annual budget.—  
 1907 1. The proposed annual budget of common expenses must  
 1908 ~~shall~~ be detailed and must ~~shall~~ show the amounts budgeted by  
 1909 accounts and expense classifications, including, if applicable,  
 1910 but not limited to, those expenses listed in s. 719.504(20). The  
 1911 board of administration shall adopt the annual budget at least  
 1912 14 days before ~~prior to~~ the start of the association's fiscal  
 1913 year. In the event that the board fails to timely adopt the  
 1914 annual budget a second time, it is ~~shall be~~ deemed a minor  
 1915 violation and the prior year's budget shall continue in effect  
 1916 until a new budget is adopted.  
 1917 2. In addition to annual operating expenses, the budget  
 1918 must ~~shall~~ include reserve accounts for capital expenditures and  
 1919 deferred maintenance. These accounts must ~~shall~~ include, but not  
 1920 be limited to, roof replacement, building painting, and pavement  
 1921 resurfacing, regardless of the amount of deferred maintenance  
 1922 expense or replacement cost, and for any other items for which  
 1923 the deferred maintenance expense or replacement cost exceeds  
 1924 \$10,000. The amount to be reserved for an item is determined by  
 1925 the association's most recent structural integrity reserve study

HB 5D

2022D

1926 that must be completed by December 31, 2024. If the amount to be  
 1927 reserved for an item is not in the association's initial or most  
 1928 recent structural integrity reserve study or the association has  
 1929 not completed a structural integrity reserve study, the amount  
 1930 must ~~shall~~ be computed by means of a formula which is based upon  
 1931 estimated remaining useful life and estimated replacement cost  
 1932 or deferred maintenance expense of the ~~each~~ reserve item. The  
 1933 association may adjust replacement reserve assessments annually  
 1934 to take into account any changes in estimates or extension of  
 1935 the useful life of a reserve item caused by deferred  
 1936 maintenance. ~~This paragraph shall not apply to any budget in~~  
 1937 ~~which~~ The members of a unit-owner controlled ~~an~~ association may  
 1938 determine ~~have~~, at a duly called meeting of the association,  
 1939 ~~determined~~ for a fiscal year to provide no reserves or reserves  
 1940 less adequate than required by this subsection. Before turnover  
 1941 of control of an association by a developer to unit owners other  
 1942 than a developer under s. 719.301, the developer-controlled  
 1943 association may not vote to waive the reserves or reduce funding  
 1944 of the reserves. Effective December 31, 2024, a unit-owner  
 1945 controlled association may not determine to provide no reserves  
 1946 or reserves less adequate than required by this paragraph for  
 1947 items listed in paragraph (k) ~~However, prior to turnover of~~  
 1948 ~~control of an association by a developer to unit owners other~~  
 1949 ~~than a developer pursuant to s. 719.301, the developer may vote~~  
 1950 ~~to waive the reserves or reduce the funding of reserves for the~~

HB 5D

2022D

1951 ~~first 2 years of the operation of the association after which~~  
1952 ~~time reserves may only be waived or reduced upon the vote of a~~  
1953 ~~majority of all nondeveloper voting interests voting in person~~  
1954 ~~or by limited proxy at a duly called meeting of the association.~~  
1955 If a meeting of the unit owners has been called to determine to  
1956 provide no reserves, or reserves less adequate than required,  
1957 and such result is not attained or a quorum is not attained, the  
1958 reserves as included in the budget shall go into effect.

1959       3. Reserve funds and any interest accruing thereon shall  
1960 remain in the reserve account or accounts, and shall be used  
1961 only for authorized reserve expenditures unless their use for  
1962 other purposes is approved in advance by a vote of the majority  
1963 of the voting interests, voting in person or by limited proxy at  
1964 a duly called meeting of the association. Before ~~Prior~~ to  
1965 turnover of control of an association by a developer to unit  
1966 owners other than the developer under s. 719.301, the developer  
1967 may not vote to use reserves for purposes other than that for  
1968 which they were intended ~~without the approval of a majority of~~  
1969 ~~all nondeveloper voting interests, voting in person or by~~  
1970 ~~limited proxy at a duly called meeting of the association.~~  
1971 Effective December 31, 2024, members of a unit-owner controlled  
1972 association may not vote to use reserve funds, or any interest  
1973 accruing thereon, that are reserved for items listed in  
1974 paragraph (k) for purposes other than their intended purpose.  
1975       (k) Structural integrity reserve study.-

1976           1. An association must have a structural integrity reserve  
 1977 study completed at least every 10 years for each building on the  
 1978 cooperative property that is three stories or higher in height  
 1979 that includes, at a minimum, a study of the following items as  
 1980 related to the structural integrity and safety of the building:

1981           a. Roof.  
 1982           b. Load-bearing walls or other primary structural members.  
 1983           c. Floor.  
 1984           d. Foundation.  
 1985           e. Fireproofing and fire protection systems.  
 1986           f. Plumbing.  
 1987           g. Electrical systems.  
 1988           h. Waterproofing and exterior painting.  
 1989           i. Windows.  
 1990           j. Any other item that has a deferred maintenance expense  
 1991 or replacement cost that exceeds \$10,000 and the failure to  
 1992 replace or maintain such item negatively affects the items  
 1993 listed in subparagraphs a.-i., as determined by the licensed  
 1994 engineer or architect performing the visual inspection portion  
 1995 of the structural integrity reserve study.

1996           2. Before a developer turns over control of an association  
 1997 to unit owners other than the developer, the developer must have  
 1998 a structural integrity reserve study completed for each building  
 1999 on the cooperative property that is three stories or higher in  
 2000 height.



HB 5D

2022D

2001        3. Associations existing on or before July 1, 2022, which  
2002 are controlled by unit owners other than the developer, must  
2003 have a structural integrity reserve study completed by December  
2004 31, 2024, for each building on the cooperative property that is  
2005 three stories or higher in height.

2006        4. If an association fails to complete a structural  
2007 integrity reserve study pursuant to this paragraph, such failure  
2008 is a breach of an officer's and director's fiduciary  
2009 relationship to the unit owners under s. 719.104(8).

2010        (1) Mandatory milestone inspections.—If an association is  
2011 required to have a milestone inspection performed pursuant to s.  
2012 553.899, the association must arrange for the milestone  
2013 inspection to be performed and is responsible for ensuring  
2014 compliance with the requirements of s. 553.899. The association  
2015 is responsible for all costs associated with the inspection. If  
2016 the officers or directors of an association willfully and  
2017 knowingly fail to have a milestone inspection performed pursuant  
2018 to s. 553.899, such failure is a breach of the officers' and  
2019 directors' fiduciary relationship to the unit owners under s.  
2020 719.104(8) (a). Upon completion of a phase one or phase two  
2021 milestone inspection and receipt of the inspector-prepared  
2022 summary of the inspection report from the architect or engineer  
2023 who performed the inspection, the association must distribute a  
2024 copy of the inspector-prepared summary of the inspection report  
2025 to each unit owner, regardless of the findings or

HB 5D

2022D

2026 recommendations in the report, by United States mail or personal  
2027 delivery and by electronic transmission to unit owners who  
2028 previously consented to receive notice by electronic  
2029 transmission; must post a copy of the inspector-prepared summary  
2030 in a conspicuous place on the cooperative property; and must  
2031 publish the full report and inspector-prepared summary on the  
2032 association's website, if the association is required to have a  
2033 website.

2034 Section 15. Paragraphs (p) and (q) are added to subsection  
2035 (4) of section 719.301, Florida Statutes, to read:

2036 719.301 Transfer of association control.—

2037 (4) When unit owners other than the developer elect a  
2038 majority of the members of the board of administration of an  
2039 association, the developer shall relinquish control of the  
2040 association, and the unit owners shall accept control.  
2041 Simultaneously, or for the purpose of paragraph (c) not more  
2042 than 90 days thereafter, the developer shall deliver to the  
2043 association, at the developer's expense, all property of the  
2044 unit owners and of the association held or controlled by the  
2045 developer, including, but not limited to, the following items,  
2046 if applicable, as to each cooperative operated by the  
2047 association:

2048 (p) Notwithstanding when the certificate of occupancy was  
2049 issued or the height of the building, a milestone inspection  
2050 report in compliance with s. 553.899 included in the official

HB 5D

2022D

2051 records, under seal of an architect or engineer authorized to  
 2052 practice in this state, attesting to required maintenance,  
 2053 condition, useful life, and replacement costs of the following  
 2054 applicable cooperative property comprising a turnover inspection  
 2055 report:

- 2056 1. Roof.
- 2057 2. Structure, including load-bearing walls and primary  
 2058 structural members and primary structural systems as those terms  
 2059 are defined in s. 627.706.
- 2060 3. Fireproofing and fire protection systems.
- 2061 4. Elevators.
- 2062 5. Heating and cooling systems.
- 2063 6. Plumbing.
- 2064 7. Electrical systems.
- 2065 8. Swimming pool or spa and equipment.
- 2066 9. Seawalls.
- 2067 10. Pavement and parking areas.
- 2068 11. Drainage systems.
- 2069 12. Painting.
- 2070 13. Irrigation systems.
- 2071 14. Waterproofing.
- 2072 (q) A copy of the association's most recent structural  
 2073 integrity reserve study.

2074 Section 16. Subsection (1) of section 719.501, Florida  
 2075 Statutes, is amended, and subsection (3) is added to that

HB 5D

2022D

2076 section, to read:

2077 719.501 Powers and duties of Division of Florida  
 2078 Condominiums, Timeshares, and Mobile Homes.—

2079 (1) The Division of Florida Condominiums, Timeshares, and  
 2080 Mobile Homes of the Department of Business and Professional  
 2081 Regulation, referred to as the "division" in this part, in  
 2082 addition to other powers and duties prescribed by chapter 718,  
 2083 has the power to enforce and ensure compliance with this chapter  
 2084 and adopted rules relating to the development, construction,  
 2085 sale, lease, ownership, operation, and management of residential  
 2086 cooperative units, complaints related to the procedural  
 2087 completion of the structural integrity reserve studies under s.  
 2088 719.106(1)(k), and complaints related to the procedural  
 2089 completion of milestone inspections under s. 553.899. In  
 2090 performing its duties, the division shall have the following  
 2091 powers and duties:

2092 (a) The division may make necessary public or private  
 2093 investigations within or outside this state to determine whether  
 2094 any person has violated this chapter or any rule or order  
 2095 hereunder, to aid in the enforcement of this chapter, or to aid  
 2096 in the adoption of rules or forms hereunder.

2097 (b) The division may require or permit any person to file  
 2098 a statement in writing, under oath or otherwise, as the division  
 2099 determines, as to the facts and circumstances concerning a  
 2100 matter to be investigated.

HB 5D

2022D

2101 (c) For the purpose of any investigation under this  
2102 chapter, the division director or any officer or employee  
2103 designated by the division director may administer oaths or  
2104 affirmations, subpoena witnesses and compel their attendance,  
2105 take evidence, and require the production of any matter which is  
2106 relevant to the investigation, including the existence,  
2107 description, nature, custody, condition, and location of any  
2108 books, documents, or other tangible things and the identity and  
2109 location of persons having knowledge of relevant facts or any  
2110 other matter reasonably calculated to lead to the discovery of  
2111 material evidence. Upon failure by a person to obey a subpoena  
2112 or to answer questions propounded by the investigating officer  
2113 and upon reasonable notice to all persons affected thereby, the  
2114 division may apply to the circuit court for an order compelling  
2115 compliance.

2116 (d) Notwithstanding any remedies available to unit owners  
2117 and associations, if the division has reasonable cause to  
2118 believe that a violation of any provision of this chapter or  
2119 related rule has occurred, the division may institute  
2120 enforcement proceedings in its own name against a developer,  
2121 association, officer, or member of the board, or its assignees  
2122 or agents, as follows:

2123 1. The division may permit a person whose conduct or  
2124 actions may be under investigation to waive formal proceedings  
2125 and enter into a consent proceeding whereby orders, rules, or

2126 letters of censure or warning, whether formal or informal, may  
2127 be entered against the person.

2128         2. The division may issue an order requiring the  
2129 developer, association, officer, or member of the board, or its  
2130 assignees or agents, to cease and desist from the unlawful  
2131 practice and take such affirmative action as in the judgment of  
2132 the division will carry out the purposes of this chapter. Such  
2133 affirmative action may include, but is not limited to, an order  
2134 requiring a developer to pay moneys determined to be owed to a  
2135 condominium association.

2136         3. The division may bring an action in circuit court on  
2137 behalf of a class of unit owners, lessees, or purchasers for  
2138 declaratory relief, injunctive relief, or restitution.

2139         4. The division may impose a civil penalty against a  
2140 developer or association, or its assignees or agents, for any  
2141 violation of this chapter or related rule. The division may  
2142 impose a civil penalty individually against any officer or board  
2143 member who willfully and knowingly violates a provision of this  
2144 chapter, a rule adopted pursuant to this chapter, or a final  
2145 order of the division. The term "willfully and knowingly" means  
2146 that the division informed the officer or board member that his  
2147 or her action or intended action violates this chapter, a rule  
2148 adopted under this chapter, or a final order of the division,  
2149 and that the officer or board member refused to comply with the  
2150 requirements of this chapter, a rule adopted under this chapter,

HB 5D

2022D

2151 or a final order of the division. The division, prior to  
2152 initiating formal agency action under chapter 120, shall afford  
2153 the officer or board member an opportunity to voluntarily comply  
2154 with this chapter, a rule adopted under this chapter, or a final  
2155 order of the division. An officer or board member who complies  
2156 within 10 days is not subject to a civil penalty. A penalty may  
2157 be imposed on the basis of each day of continuing violation, but  
2158 in no event shall the penalty for any offense exceed \$5,000. By  
2159 January 1, 1998, the division shall adopt, by rule, penalty  
2160 guidelines applicable to possible violations or to categories of  
2161 violations of this chapter or rules adopted by the division. The  
2162 guidelines must specify a meaningful range of civil penalties  
2163 for each such violation of the statute and rules and must be  
2164 based upon the harm caused by the violation, the repetition of  
2165 the violation, and upon such other factors deemed relevant by  
2166 the division. For example, the division may consider whether the  
2167 violations were committed by a developer or owner-controlled  
2168 association, the size of the association, and other factors. The  
2169 guidelines must designate the possible mitigating or aggravating  
2170 circumstances that justify a departure from the range of  
2171 penalties provided by the rules. It is the legislative intent  
2172 that minor violations be distinguished from those which endanger  
2173 the health, safety, or welfare of the cooperative residents or  
2174 other persons and that such guidelines provide reasonable and  
2175 meaningful notice to the public of likely penalties that may be

2176 imposed for proscribed conduct. This subsection does not limit  
 2177 the ability of the division to informally dispose of  
 2178 administrative actions or complaints by stipulation, agreed  
 2179 settlement, or consent order. All amounts collected shall be  
 2180 deposited with the Chief Financial Officer to the credit of the  
 2181 Division of Florida Condominiums, Timeshares, and Mobile Homes  
 2182 Trust Fund. If a developer fails to pay the civil penalty, the  
 2183 division shall thereupon issue an order directing that such  
 2184 developer cease and desist from further operation until such  
 2185 time as the civil penalty is paid or may pursue enforcement of  
 2186 the penalty in a court of competent jurisdiction. If an  
 2187 association fails to pay the civil penalty, the division shall  
 2188 thereupon pursue enforcement in a court of competent  
 2189 jurisdiction, and the order imposing the civil penalty or the  
 2190 cease and desist order shall not become effective until 20 days  
 2191 after the date of such order. Any action commenced by the  
 2192 division shall be brought in the county in which the division  
 2193 has its executive offices or in the county where the violation  
 2194 occurred.

2195 (e) The division may prepare and disseminate a prospectus  
 2196 and other information to assist prospective owners, purchasers,  
 2197 lessees, and developers of residential cooperatives in assessing  
 2198 the rights, privileges, and duties pertaining thereto.

2199 (f) The division has authority to adopt rules pursuant to  
 2200 ss. 120.536(1) and 120.54 to implement and enforce the



2201 provisions of this chapter.

2202 (g) The division shall establish procedures for providing  
 2203 notice to an association when the division is considering the  
 2204 issuance of a declaratory statement with respect to the  
 2205 cooperative documents governing such cooperative community.

2206 (h) The division shall furnish each association which pays  
 2207 the fees required by paragraph (2)(a) a copy of this act,  
 2208 subsequent changes to this act on an annual basis, an amended  
 2209 version of this act as it becomes available from the Secretary  
 2210 of State's office on a biennial basis, and the rules adopted  
 2211 thereto on an annual basis.

2212 (i) The division shall annually provide each association  
 2213 with a summary of declaratory statements and formal legal  
 2214 opinions relating to the operations of cooperatives which were  
 2215 rendered by the division during the previous year.

2216 (j) The division shall adopt uniform accounting  
 2217 principles, policies, and standards to be used by all  
 2218 associations in the preparation and presentation of all  
 2219 financial statements required by this chapter. The principles,  
 2220 policies, and standards shall take into consideration the size  
 2221 of the association and the total revenue collected by the  
 2222 association.

2223 (k) The division shall provide training and educational  
 2224 programs for cooperative association board members and unit  
 2225 owners. The training may, in the division's discretion, include

2226 web-based electronic media, and live training and seminars in  
2227 various locations throughout the state. The division may review  
2228 and approve education and training programs for board members  
2229 and unit owners offered by providers and shall maintain a  
2230 current list of approved programs and providers and make such  
2231 list available to board members and unit owners in a reasonable  
2232 and cost-effective manner.

2233 (l) The division shall maintain a toll-free telephone  
2234 number accessible to cooperative unit owners.

2235 (m) When a complaint is made to the division, the division  
2236 shall conduct its inquiry with reasonable dispatch and with due  
2237 regard to the interests of the affected parties. Within 30 days  
2238 after receipt of a complaint, the division shall acknowledge the  
2239 complaint in writing and notify the complainant whether the  
2240 complaint is within the jurisdiction of the division and whether  
2241 additional information is needed by the division from the  
2242 complainant. The division shall conduct its investigation and  
2243 shall, within 90 days after receipt of the original complaint or  
2244 timely requested additional information, take action upon the  
2245 complaint. However, the failure to complete the investigation  
2246 within 90 days does not prevent the division from continuing the  
2247 investigation, accepting or considering evidence obtained or  
2248 received after 90 days, or taking administrative action if  
2249 reasonable cause exists to believe that a violation of this  
2250 chapter or a rule of the division has occurred. If an

HB 5D

2022D

2251 investigation is not completed within the time limits  
2252 established in this paragraph, the division shall, on a monthly  
2253 basis, notify the complainant in writing of the status of the  
2254 investigation. When reporting its action to the complainant, the  
2255 division shall inform the complainant of any right to a hearing  
2256 pursuant to ss. 120.569 and 120.57.

2257 (n) The division shall develop a program to certify both  
2258 volunteer and paid mediators to provide mediation of cooperative  
2259 disputes. The division shall provide, upon request, a list of  
2260 such mediators to any association, unit owner, or other  
2261 participant in arbitration proceedings under s. 718.1255  
2262 requesting a copy of the list. The division shall include on the  
2263 list of voluntary mediators only persons who have received at  
2264 least 20 hours of training in mediation techniques or have  
2265 mediated at least 20 disputes. In order to become initially  
2266 certified by the division, paid mediators must be certified by  
2267 the Supreme Court to mediate court cases in county or circuit  
2268 courts. However, the division may adopt, by rule, additional  
2269 factors for the certification of paid mediators, which factors  
2270 must be related to experience, education, or background. Any  
2271 person initially certified as a paid mediator by the division  
2272 must, in order to continue to be certified, comply with the  
2273 factors or requirements imposed by rules adopted by the  
2274 division.

2275 (3) (a) On or before January 1, 2023, cooperative

HB 5D

2022D

2276 associations existing on or before July 1, 2022, must provide  
2277 the following information to the division in writing, by e-mail,  
2278 United States Postal Service, commercial delivery service, or  
2279 hand delivery, at a physical address or e-mail address provided  
2280 by the division and on a form posted on the division's website:

2281 1. The number of buildings on the cooperative property  
2282 that are three stories or higher in height.

2283 2. The total number of units in all such buildings.

2284 3. The addresses of all such buildings.

2285 4. The counties in which all such buildings are located.

2286 (b) The division must compile a list of the number of  
2287 buildings on cooperative property that are three stories or  
2288 higher in height, which is searchable by county, and must post  
2289 the list on the division's website. This list must include all  
2290 of the following information:

2291 1. The name of each association with buildings on the  
2292 cooperative property that are three stories or higher in height.

2293 2. The number of such buildings on each association's  
2294 property.

2295 3. The addresses of all such buildings.

2296 4. The counties in which all such buildings are located.

2297 (c) An association must provide an update in writing to  
2298 the division if there are any changes to the information in the  
2299 list under paragraph (b) within 6 months after the change.

2300 Section 17. Paragraph (b) of subsection (1) and paragraph

HB 5D

2022D

2301 (a) of subsection (2) of section 719.503, Florida Statutes, are  
 2302 amended to read:  
 2303 719.503 Disclosure prior to sale.—  
 2304 (1) DEVELOPER DISCLOSURE.—  
 2305 (b) *Copies of documents to be furnished to prospective*  
 2306 *buyer or lessee.*—Until such time as the developer has furnished  
 2307 the documents listed below to a person who has entered into a  
 2308 contract to purchase a unit or lease it for more than 5 years,  
 2309 the contract may be voided by that person, entitling the person  
 2310 to a refund of any deposit together with interest thereon as  
 2311 provided in s. 719.202. The contract may be terminated by  
 2312 written notice from the proposed buyer or lessee delivered to  
 2313 the developer within 15 days after the buyer or lessee receives  
 2314 all of the documents required by this section. The developer may  
 2315 ~~shall~~ not close for 15 days after ~~following~~ the execution of the  
 2316 agreement and delivery of the documents to the buyer as  
 2317 evidenced by a receipt for documents signed by the buyer unless  
 2318 the buyer is informed in the 15-day voidability period and  
 2319 agrees to close before ~~prior to~~ the expiration of the 15 days.  
 2320 The developer shall retain in his or her records a separate  
 2321 signed agreement as proof of the buyer's agreement to close  
 2322 before ~~prior to~~ the expiration of the ~~said~~ voidability period.  
 2323 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for  
 2324 a period of 5 years after the date of the closing transaction.  
 2325 The documents to be delivered to the prospective buyer are the

HB 5D

2022D

2326 prospectus or disclosure statement with all exhibits, if the  
 2327 development is subject to ~~the provisions of~~ s. 719.504, or, if  
 2328 not, then copies of the following which are applicable:

2329       1. The question and answer sheet described in s. 719.504,  
 2330 and cooperative documents, or the proposed cooperative documents  
 2331 if the documents have not been recorded, which shall include the  
 2332 certificate of a surveyor approximately representing the  
 2333 locations required by s. 719.104.

2334       2. The documents creating the association.

2335       3. The bylaws.

2336       4. The ground lease or other underlying lease of the  
 2337 cooperative.

2338       5. The management contract, maintenance contract, and  
 2339 other contracts for management of the association and operation  
 2340 of the cooperative and facilities used by the unit owners having  
 2341 a service term in excess of 1 year, and any management contracts  
 2342 that are renewable.

2343       6. The estimated operating budget for the cooperative and  
 2344 a schedule of expenses for each type of unit, including fees  
 2345 assessed to a shareholder who has exclusive use of limited  
 2346 common areas, where such costs are shared only by those entitled  
 2347 to use such limited common areas.

2348       7. The lease of recreational and other facilities that  
 2349 will be used only by unit owners of the subject cooperative.

2350       8. The lease of recreational and other common areas that

HB 5D

2022D

2351 will be used by unit owners in common with unit owners of other  
 2352 cooperatives.

2353 9. The form of unit lease if the offer is of a leasehold.

2354 10. Any declaration of servitude of properties serving the  
 2355 cooperative but not owned by unit owners or leased to them or  
 2356 the association.

2357 11. If the development is to be built in phases or if the  
 2358 association is to manage more than one cooperative, a  
 2359 description of the plan of phase development or the arrangements  
 2360 for the association to manage two or more cooperatives.

2361 12. If the cooperative is a conversion of existing  
 2362 improvements, the statements and disclosure required by s.  
 2363 719.616.

2364 13. The form of agreement for sale or lease of units.

2365 14. A copy of the floor plan of the unit and the plot plan  
 2366 showing the location of the residential buildings and the  
 2367 recreation and other common areas.

2368 15. A copy of all covenants and restrictions that ~~which~~  
 2369 will affect the use of the property and ~~which~~ are not contained  
 2370 in the foregoing.

2371 16. If the developer is required by state or local  
 2372 authorities to obtain acceptance or approval of any dock or  
 2373 marina facilities intended to serve the cooperative, a copy of  
 2374 any such acceptance or approval acquired by the time of filing  
 2375 with the division pursuant to s. 719.502(1) or a statement that

HB 5D

2022D

2376 such acceptance or approval has not been acquired or received.

2377 17. Evidence demonstrating that the developer has an  
 2378 ownership, leasehold, or contractual interest in the land upon  
 2379 which the cooperative is to be developed.

2380 18. A copy of the inspector-prepared summary of the  
 2381 milestone inspection report as described in ss. 553.899 and  
 2382 719.301(4) (p), if applicable.

2383 19. A copy of the association's most recent structural  
 2384 integrity reserve study or a statement that the association has  
 2385 not completed a structural integrity reserve study.

2386 (2) NONDEVELOPER DISCLOSURE.—

2387 (a) Each unit owner who is not a developer as defined by  
 2388 this chapter must comply with ~~the provisions of~~ this subsection  
 2389 before ~~prior to~~ the sale of his or her interest in the  
 2390 association. Each prospective purchaser who has entered into a  
 2391 contract for the purchase of an interest in a cooperative is  
 2392 entitled, at the seller's expense, to a current copy of all of  
 2393 the following:

2394 1. The articles of incorporation of the association.<sub>7</sub>

2395 2. The bylaws<sub>7</sub> and rules of the association.

2396 3. ~~as well as~~ A copy of the question and answer sheet as  
 2397 provided in s. 719.504.

2398 4. A copy of the inspector-prepared summary of the  
 2399 milestone inspection report as described in ss. 553.899 and  
 2400 719.301(4) (p), if applicable.



HB 5D

2022D

2401           5. A copy of the association's most recent structural  
2402 integrity reserve study or a statement that the association has  
2403 not completed a structural integrity reserve study.

2404           Section 18. Paragraphs (q) and (r) are added to subsection  
2405 (23) of section 719.504, Florida Statutes, to read:

2406           719.504 Prospectus or offering circular.—Every developer  
2407 of a residential cooperative which contains more than 20  
2408 residential units, or which is part of a group of residential  
2409 cooperatives which will be served by property to be used in  
2410 common by unit owners of more than 20 residential units, shall  
2411 prepare a prospectus or offering circular and file it with the  
2412 Division of Florida Condominiums, Timeshares, and Mobile Homes  
2413 prior to entering into an enforceable contract of purchase and  
2414 sale of any unit or lease of a unit for more than 5 years and  
2415 shall furnish a copy of the prospectus or offering circular to  
2416 each buyer. In addition to the prospectus or offering circular,  
2417 each buyer shall be furnished a separate page entitled  
2418 "Frequently Asked Questions and Answers," which must be in  
2419 accordance with a format approved by the division. This page  
2420 must, in readable language: inform prospective purchasers  
2421 regarding their voting rights and unit use restrictions,  
2422 including restrictions on the leasing of a unit; indicate  
2423 whether and in what amount the unit owners or the association is  
2424 obligated to pay rent or land use fees for recreational or other  
2425 commonly used facilities; contain a statement identifying that

HB 5D

2022D

2426 amount of assessment which, pursuant to the budget, would be  
2427 levied upon each unit type, exclusive of any special  
2428 assessments, and which identifies the basis upon which  
2429 assessments are levied, whether monthly, quarterly, or  
2430 otherwise; state and identify any court cases in which the  
2431 association is currently a party of record in which the  
2432 association may face liability in excess of \$100,000; and state  
2433 whether membership in a recreational facilities association is  
2434 mandatory and, if so, identify the fees currently charged per  
2435 unit type. The division shall by rule require such other  
2436 disclosure as in its judgment will assist prospective  
2437 purchasers. The prospectus or offering circular may include more  
2438 than one cooperative, although not all such units are being  
2439 offered for sale as of the date of the prospectus or offering  
2440 circular. The prospectus or offering circular must contain the  
2441 following information:

2442 (23) Copies of the following, to the extent they are  
2443 applicable, shall be included as exhibits:

2444 (q) A copy of the inspector-prepared summary of the  
2445 milestone inspection report as described in ss. 553.899 and  
2446 719.301(4)(p), if applicable.

2447 (r) The association's most recent structural integrity  
2448 reserve study or a statement that the association has not  
2449 completed a structural integrity reserve study.

2450 Section 19. Paragraphs (d) and (k) of subsection (10) of

HB 5D

2022D

2451 section 720.303, Florida Statutes, are amended to read:  
 2452       720.303 Association powers and duties; meetings of board;  
 2453 official records; budgets; financial reporting; association  
 2454 funds; recalls.—  
 2455       (10) RECALL OF DIRECTORS.—  
 2456       (d) If the board determines not to certify the written  
 2457 agreement or written ballots to recall a director or directors  
 2458 of the board or does not certify the recall by a vote at a  
 2459 meeting, the board shall, within 5 full business days after the  
 2460 meeting, file an action with a court of competent jurisdiction  
 2461 or file with the department a petition for binding arbitration  
 2462 under the applicable procedures in ss. 718.112(2)(k) ~~ss.~~  
 2463 ~~718.112(2)(j)~~ and 718.1255 and the rules adopted thereunder. For  
 2464 the purposes of this section, the members who voted at the  
 2465 meeting or who executed the agreement in writing shall  
 2466 constitute one party under the petition for arbitration or in a  
 2467 court action. If the arbitrator or court certifies the recall as  
 2468 to any director or directors of the board, the recall will be  
 2469 effective upon the final order of the court or the mailing of  
 2470 the final order of arbitration to the association. The director  
 2471 or directors so recalled shall deliver to the board any and all  
 2472 records of the association in their possession within 5 full  
 2473 business days after the effective date of the recall.  
 2474       (k) A board member who has been recalled may file an  
 2475 action with a court of competent jurisdiction or a petition

HB 5D

2022D

2476 | under ss. 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and 718.1255 and the  
2477 | rules adopted challenging the validity of the recall. The  
2478 | petition or action must be filed within 60 days after the recall  
2479 | is deemed certified. The association and the parcel owner  
2480 | representative shall be named as respondents.

2481 |       Section 20. Subsection (1) of section 720.311, Florida  
2482 | Statutes, is amended to read:

2483 |       720.311 Dispute resolution.—

2484 |       (1) The Legislature finds that alternative dispute  
2485 | resolution has made progress in reducing court dockets and  
2486 | trials and in offering a more efficient, cost-effective option  
2487 | to litigation. The filing of any petition for arbitration or the  
2488 | serving of a demand for presuit mediation as provided for in  
2489 | this section shall toll the applicable statute of limitations.  
2490 | Any recall dispute filed with the department under s.  
2491 | 720.303(10) shall be conducted by the department in accordance  
2492 | with the provisions of ss. 718.112(2)(k) ~~ss. 718.112(2)(j)~~ and  
2493 | 718.1255 and the rules adopted by the division. In addition, the  
2494 | department shall conduct binding arbitration of election  
2495 | disputes between a member and an association in accordance with  
2496 | s. 718.1255 and rules adopted by the division. Election disputes  
2497 | and recall disputes are not eligible for presuit mediation;  
2498 | these disputes must be arbitrated by the department or filed in  
2499 | a court of competent jurisdiction. At the conclusion of an  
2500 | arbitration proceeding, the department shall charge the parties

HB 5D

2022D

2501 a fee in an amount adequate to cover all costs and expenses  
2502 incurred by the department in conducting the proceeding.  
2503 Initially, the petitioner shall remit a filing fee of at least  
2504 \$200 to the department. The fees paid to the department shall  
2505 become a recoverable cost in the arbitration proceeding, and the  
2506 prevailing party in an arbitration proceeding shall recover its  
2507 reasonable costs and attorney fees in an amount found reasonable  
2508 by the arbitrator. The department shall adopt rules to  
2509 effectuate the purposes of this section.

2510 Section 21. Subsection (6) of section 721.15, Florida  
2511 Statutes, is amended to read:

2512 721.15 Assessments for common expenses.—

2513 (6) Notwithstanding any contrary requirements of s.  
2514 718.112(2)(h) ~~s. 718.112(2)(g)~~ or s. 719.106(1)(g), for  
2515 timeshare plans subject to this chapter, assessments against  
2516 purchasers need not be made more frequently than annually.

2517 Section 22. This act shall take effect upon becoming a  
2518 law.