

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

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

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 single-
215 family, two-family, or three-family dwelling with three or fewer
216 habitable 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

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).

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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

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)(o) ~~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

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

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

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.

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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

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

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,

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

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

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 (1) ~~(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 (l) ~~(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

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

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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).

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

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.-

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

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)(k) ~~s. 718.112(2)(i)~~, an association

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)(1) ~~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

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,

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.

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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

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

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

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

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.

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

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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,

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

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)

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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

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

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

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

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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.

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

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.

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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

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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

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

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~~

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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.

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

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

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

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.

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,

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

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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

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

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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

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

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

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.₇

2395 2. The bylaws₇ 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.

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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

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

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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)(1) ~~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

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2476 under ss. 718.112(2)(1) ~~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)(1) ~~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

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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)(i) ~~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.