A bill to be entitled
An act relating to community associations' building inspections; amending ss. 718.112, 719.106, and 720.303, F.S.; requiring certain buildings to be inspected upon the building reaching 30 years of age and every 5 years thereafter; requiring the inspection be completed by a specified architect or engineer; requiring the boards of the respective community associations to convene within a specified time after receipt of the inspection report for a specified purpose; requiring the associations to provide a copy of the inspection report to the local authority having jurisdiction and to make the report available for inspection by its members within a specified time; requiring a copy of the inspection report be maintained in the associations' official records; amending ss. 718.111 and 719.104, F.S.; requiring a specified inspection report be maintained as an official record of the association; amending ss. 718.301 and 720.307, F.S.; requiring a developer to comply with certain building inspection requirements and to provide a specified inspection report upon the transition of association control under certain circumstances; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (12) of section 718.111, Florida Statutes, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All audits, reviews, accounting statements, and financial reports of the association or condominium.

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

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

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

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

15. A copy of the inspection reports as described in ss. 718.112(2)(p) and 718.301(4)(p).

16. Bids for materials, equipment, or services.
17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

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

Section 2. Paragraph (p) is added to subsection (2) of section 718.112, Florida Statutes, to read:

718.112 Bylaws.—

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

(p) Building inspections.—An association must ensure compliance with the Florida Building Code.

1. As to a residential condominium building that is four stories or more in height and located within one-half mile radius of the Gulf of Mexico or Atlantic coast shoreline of the state, once the building reaches 30 years of age, and every 5 years thereafter, the board must have the condominium building inspected by a licensed architect or engineer authorized to practice in this state.

2. In accordance with the requirements of paragraph (c), the board shall convene a board meeting within 21 days after the date of receipt of the inspection report to vote on a plan to repair the condominium building if the inspection report indicates that repairs are needed.
3. Within 5 days after the date of receipt of the inspection report, the board shall:
   a. Provide a copy of the report to the local authority having jurisdiction.
   b. Make the report available for inspection by an association member or an authorized representative of such member as required under s. 718.111(12).

4. The association shall maintain a copy of the inspection report as part of the association's official records in accordance with s. 718.111(12).

Section 3. Paragraph (p) of subsection (4) of section 718.301, Florida Statutes, is amended to read:

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

(4) At the time that unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, or for the purposes of paragraph (c) not more than 90 days thereafter, the developer shall deliver to the association, at the developer's expense, all property of the unit owners and of the association which is held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each condominium operated by the association:
(p) 1. A report included in the official records, under seal of an architect or engineer authorized to practice in this state, attesting to required maintenance, useful life, and replacement costs of the following applicable common elements comprising a turnover inspection report:

a. Roof.
b. Structure.
c. Fireproofing and fire protection systems.
d. Elevators.
e. Heating and cooling systems.
f. Plumbing.
g. Electrical systems.
h. Swimming pool or spa and equipment.
i. Seawalls.
j. Pavement and parking areas.
k. Drainage systems.
l. Painting.
m. Irrigation systems.

2. If a residential condominium building requires an inspection under s. 718.112(2)(p) before a developer relinquishes control of the association, the developer must comply with s. 718.112(2)(p) and provide a copy of any inspection reports generated to the association when the developer relinquishes control.

Section 4. Paragraph (a) of subsection (2) of section
719.104, Florida Statutes, is amended to read:

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

(2) OFFICIAL RECORDS.—

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

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

2. A photocopy of the cooperative documents.

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

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

5. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and the numbers designated by unit owners for receiving notice sent by electronic transmission of those unit owners consenting to receive notice by electronic transmission. The e-mail addresses and numbers provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association...
is not liable for an erroneous disclosure of the e-mail address or the number for receiving electronic transmission of notices.

6. All current insurance policies of the association.

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

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

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

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

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

c. All audits, reviews, accounting statements, and financial reports of the association.

d. All contracts for work to be performed. Bids for work to be performed shall also be considered official records and shall be maintained for a period of 1 year.
10. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which shall be maintained for a period of 1 year after the date of the election, vote, or meeting to which the document relates.

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

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

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

14. A copy of the inspection report as described in s. 719.106(1)(n).

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

Section 5. Paragraph (n) is added to subsection (1) of section 719.106, Florida Statutes, to read:

719.106  Bylaws; cooperative ownership.—

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

(n) Building inspections.—An association must ensure compliance with the Florida Building Code.

1. As to a residential cooperative building that is four stories or more in height and located within one-half mile
radius of the Gulf of Mexico or Atlantic coast shoreline of the
state, once the building reaches 30 years of age, and every 5
years thereafter, the board of administration must have the
building inspected by a licensed architect or engineer
authorized to practice in this state.

2. In accordance with the requirements of paragraph (c),
the board of administration shall convene a board meeting within
21 days after the date of receipt of the inspection report to
vote on a plan to repair the cooperative building if the
inspection report indicates that repairs are needed.

3. Within 5 days after the date of receipt of the
inspection report, the board of administration shall:
   a. Provide a copy of the report to the local authority
      having jurisdiction.
   b. Make the report available for inspection by an
      association member or an authorized representative of such
      member as required under s. 719.104(2).

4. The association shall maintain a copy of the inspection
report as part of the association's official records in
accordance with s. 719.104(2).

Section 6. Paragraph (n) of subsection (4) of section
720.303, Florida Statutes, is redesignated as paragraph (o),
subsection (1) is amended, and a new paragraph (n) is added to
subsection (4) of that section, to read:

720.303 Association powers and duties; meetings of board;
official records; budgets; financial reporting; association
funds; recalls.—
(1) POWERS AND DUTIES.—
(a) An association which operates a community as defined
in s. 720.301, must be operated by an association that is a
Florida corporation. After October 1, 1995, the association must
be incorporated and the initial governing documents must be
recorded in the official records of the county in which the
community is located. An association may operate more than one
community. The officers and directors of an association have a
fiduciary relationship to the members who are served by the
association. The powers and duties of an association include
those set forth in this chapter and, except as expressly limited
or restricted in this chapter, those set forth in the governing
documents. After control of the association is obtained by
members other than the developer, the association may institute,
maintain, settle, or appeal actions or hearings in its name on
behalf of all members concerning matters of common interest to
the members, including, but not limited to, the common areas;
roof or structural components of a building, or other
improvements for which the association is responsible;
mechanical, electrical, or plumbing elements serving an
improvement or building for which the association is
responsible; representations of the developer pertaining to any
existing or proposed commonly used facility; and protesting ad
valorem taxes on commonly used facilities. The association may
defend actions in eminent domain or bring inverse condemnation
actions. Before commencing litigation against any party in the
name of the association involving amounts in controversy in
excess of $100,000, the association must obtain the affirmative
approval of a majority of the voting interests at a meeting of
the membership at which a quorum has been attained. This
subsection does not limit any statutory or common-law right of
any individual member or class of members to bring any action
without participation by the association. A member does not have
authority to act for the association by virtue of being a
member. An association may have more than one class of members
and may issue membership certificates. An association of 15 or
fewer parcel owners may enforce only the requirements of those
deed restrictions established prior to the purchase of each
parcel upon an affected parcel owner or owners.

(b) An association must ensure compliance with the Florida
Building Code.

1. As to a building for which the association is
responsible, which is four stories or more in height and located
within one-half mile radius of the Gulf of Mexico or Atlantic
coast shoreline of the state, once the building reaches 30 years
of age, and every 5 years thereafter, the board of
administration must have the building inspected by a licensed
architect or engineer authorized to practice in this state.
2. In accordance with the requirements of subsection (2), the board of administration shall convene a board meeting within 21 days after the date of receipt of the inspection report to vote on a plan to repair the building if the inspection report indicates that repairs are needed.

3. Within 5 days after the date of receipt of the inspection report, the board of administration shall:
   a. Provide a copy of the report to the local authority having jurisdiction.
   b. Make the report available for inspection by a parcel owner as required under subsection (5).

4. The association shall maintain a copy of the inspection report as part of the association's official records in accordance with subsection (5).

(4) OFFICIAL RECORDS.—The association shall maintain each of the following items, when applicable, which constitute the official records of the association:
   (n) A copy of the inspection report as described in paragraph (1)(b).

Section 7. Paragraph (u) is added to subsection (4) of section 720.307, Florida Statutes, to read:

720.307 Transition of association control in a community.—
With respect to homeowners' associations:
   (4) At the time the members are entitled to elect at least a majority of the board of directors of the homeowners'
association, the developer shall, at the developer's expense, within no more than 90 days deliver the following documents to the board:

(u) If a building for which the association is responsible requires an inspection under s. 720.303(1)(b) before a developer relinquishes control of the association, the developer must comply with s. 720.303(1)(b) and provide a copy of any inspection reports generated to the association when the developer relinquishes control.

Section 8. This act shall take effect July 1, 2022.