A bill to be entitled
An act relating to condominium and cooperative associations; amending s. 553.73, F.S.; providing requirements for enhanced waterproofing measures for certain elements of community associations; providing a definition; amending ss. 718.112 and 719.106, F.S.; prohibiting a developer or condominium or cooperative association from waiving or reducing the amount of their reserve funds; requiring elected or appointed board members to complete an educational curriculum within a specified time and submit a certificate of completion to the secretary of the association who must maintain the certificate for a certain length of time; requiring the association to maintain a separate reserve account for life safety requirements; prohibiting reserve funds for life safety requirements to be com mingled with other reserve funds; deleting an exception; requiring a licensed engineer or engineering firm to conduct an inspection and prepare a reserve study for a specified purpose at certain times; requiring the board of directors to provide a copy of the reserve study and a certain report or financial statement to the local authority having jurisdiction within a specified time; deleting the option for a developer to waive or reduce reserves
under certain conditions; requiring construction and
renovation of a residential condominium building and
residential cooperative building to comply with the
Florida Building Code; requiring an annual inspection
of certain property by a licensed structural engineer;
requiring the local authority having jurisdiction to
issue a specified notice once a residential
condominium building and residential cooperative
building reach a certain age; requiring the board to
hire a licensed architect or engineer to conduct a
structural and electrical recertification inspection
of the condominium or cooperative building within a
specified time after receipt of such notice; requiring
the licensed architect or engineer to analyze certain
parts of the condominium or cooperative building for
the recertification inspection; requiring the licensed
architect or engineer to certify a report explaining
what type of inspection was completed and any remedial
actions needed; requiring the board to provide a copy
of the report to the local authority having
jurisdiction within a specified time; requiring any
repairs or modification noted in the report to be
completed within a specified time; requiring the board
to provide a completion report to the local authority
having jurisdiction within a specified time after any
remedial action is completed; authorizing the local authority having jurisdiction to order a mandatory evacuation of the residential condominium or residential cooperative under certain circumstances; providing remedies and penalties; requiring a recertification inspection after a certain amount of time; conforming provisions to changes made by the act; amending ss. 718.503 and 719.503, F.S.; revising the documents that must be delivered to a prospective buyer or lessee of a residential unit; revising the clause that must be included in a contract for the resale of a residential unit; amending s. 718.618, F.S.; conforming provisions to changes made by the act; amending s. 718.706, F.S.; prohibiting a bulk assignee on behalf of an association from waiving or reducing the amount of reserve funds; amending s. 719.103, F.S.; revising definitions; providing an effective date.

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

Section 1. Subsection (20) of section 553.73, Florida Statutes, is renumbered as subsection (21), and a new subsection (20) is added to that section, to read:

553.73 Florida Building Code.—
The Florida Building Code must require enhanced waterproofing measures for all construction and renovation of parking garages and swimming pool decks serving a condominium association, cooperative association, or homeowners' association. For purposes of this subsection, the term "enhanced waterproofing measures" means that all waterproofing measures taken must last for at least 20 years.

Section 2. Paragraphs (b), (d), and (f) of subsection (2) of section 718.112, Florida Statutes, are amended, and paragraph (p) is added to that section, 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:

(b) Quorum; voting requirements; proxies.—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions must be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general
proxy, but may vote by limited proxies substantially conforming
to a limited proxy form adopted by the division. A voting
interest or consent right allocated to a unit owned by the
association may not be exercised or considered for any purpose,
whether for a quorum, an election, or otherwise. Limited proxies
and general proxies may be used to establish a quorum. Limited
proxies must be used for votes taken to waive or reduce
reserves in accordance with subparagraph (f)2.; for votes taken
to waive the financial reporting requirements of s. 718.111(13);
for votes taken to amend the declaration pursuant to s. 718.110;
for votes taken to amend the articles of incorporation or bylaws
pursuant to this section; and for any other matter for which
this chapter requires or permits a vote of the unit owners.
Except as provided in paragraph (d), a proxy, whether limited or
general, may not be used in the election of board members in a
residential condominium. General proxies may be used for other
matters for which limited proxies are not required, and may be
used in voting for nonsubstantive changes to items for which a
limited proxy is required and given. Notwithstanding this
subparagraph, unit owners may vote in person at unit owner
meetings. This subparagraph does not limit the use of general
proxies or require the use of limited proxies for any agenda
item or election at any meeting of a timeshare condominium
association or a nonresidential condominium association.

3. A proxy given is effective only for the specific
meeting for which originally given and any lawfully adjourned
meetings thereof. A proxy is not valid longer than 90 days after
the date of the first meeting for which it was given. Every Each
proxy is revocable at any time at the pleasure of the unit owner
executing it.

4. A member of the board of administration or a committee
may submit in writing his or her agreement or disagreement with
any action taken at a meeting that the member did not attend.
This agreement or disagreement may not be used as a vote for or
against the action taken or to create a quorum.

5. A board or committee member's participation in a
meeting via telephone, real-time videoconferencing, or similar
real-time electronic or video communication counts toward a
quorum, and such member may vote as if physically present. A
speaker must be used so that the conversation of such members
may be heard by the board or committee members attending in
person as well as by any unit owners present at a meeting.

(d) Unit owner meetings.—

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

2. Unless the bylaws provide otherwise, a vacancy on the
board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide
otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium,
bylaws, or articles of incorporation, the due date is the first
day of the assessment period. A person who has been convicted of
any felony in this state or in a United States District or
Territorial Court, or who has been convicted of any offense in
another jurisdiction which would be considered a felony if
committed in this state, is not eligible for board membership
unless such felon's civil rights have been restored for at least
5 years before as of the date such person seeks election to the
board. The validity of an action by the board is not affected if
it is later determined that a board member is ineligible for
board membership due to having been convicted of a felony. This
subparagraph does not limit the term of a member of the board of
a nonresidential or timeshare condominium.

3. The bylaws must provide the method of calling meetings
of unit owners, including annual meetings. Written notice of an
annual meeting must include an agenda; be mailed, hand
delivered, or electronically transmitted to each unit owner at
least 14 days before the annual meeting; and be posted in a
conspicuous place on the condominium property or association
property at least 14 continuous days before the annual meeting.
Written notice of a meeting other than an annual meeting must
include an agenda; be mailed, hand delivered, or electronically
transmitted to each unit owner; and be posted in a conspicuous
place on the condominium property or association property within
the timeframe specified in the bylaws. If the bylaws do not
specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property where all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. In lieu of, or in addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the
minimum period of time for which a notice of a meeting is also
required to be physically posted on the condominium property.
Any rule adopted shall, in addition to other matters, include a
requirement that the association send an electronic notice in
the same manner as a notice for a meeting of the members, which
must include a hyperlink to the website where the notice is
posted, to unit owners whose e-mail addresses are included in
the association's official records. Unless a unit owner waives
in writing the right to receive notice of the annual meeting,
such notice must be hand delivered, mailed, or electronically
transmitted to each unit owner. Notice for meetings and notice
for all other purposes must be mailed to each unit owner at the
address last furnished to the association by the unit owner, or
hand delivered to each unit owner. However, if a unit is owned
by more than one person, the association must provide notice to
the address that the developer identifies for that purpose and
thereafter as one or more of the owners of the unit advise the
association in writing, or if no address is given or the owners
of the unit do not agree, to the address provided on the deed of
record. An officer of the association, or the manager or other
person providing notice of the association meeting, must provide
an affidavit or United States Postal Service certificate of
mailing, to be included in the official records of the
association affirming that the notice was mailed or hand
delivered in accordance with this provision.
4. The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

   a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or
transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. Within 90 days after being elected or appointed to the board of an association of a residential condominium, each newly elected or appointed director shall certify in writing to
the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members. In addition to lieu of this written certification, within 90 days after being elected or appointed to the board, the newly elected or appointed director must may submit a certificate of having satisfactorily completed the educational curriculum administered by a division-approved condominium education provider within 1 year before or 90 days after the date of election or appointment. The written certification and or educational certificate is valid and does not have to be resubmitted as long as the director serves on the board without interruption. A director of an association of a residential condominium who fails to timely file the written certification and or educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary of shall cause the association shall to retain a director's written certification and or educational certificate for inspection by the members for 5 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to
have such written certification and educational certificate on file does not affect the validity of any board action.

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

5. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

6. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration, unit owner meetings, except unit owner meetings called to recall board members under paragraph (j), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.
7. Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

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

9. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

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

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

(f) Annual budget.—

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

2.a. In addition to annual operating expenses, the budget
must include reserve accounts for capital expenditures and
deferred maintenance. These accounts must include, but are not
limited to, roof replacement, building painting, and pavement
resurfacing, regardless of the amount of deferred maintenance
expense or replacement cost, and any other item that has a
deferred maintenance expense or replacement cost that exceeds
$10,000. The amount to be reserved must be computed using a
formula based upon estimated remaining useful life and estimated
replacement cost or deferred maintenance expense of each reserve
item. The association may adjust replacement reserve assessments
annually to take into account any changes in estimates or
extension of the useful life of a reserve item caused by
deferred maintenance. The association must maintain a separate
reserve account exclusively for the maintenance and replacement
of items recognized in the Life Safety Code. Life safety
requirements include, but are not limited to, waterproofing
measures; roof and balcony railing maintenance; and fire,
mechanical, electrical, and structural standards. Reserve funds for other capital expenditures and deferred maintenance may not be comingled with the reserve funds for life safety expenditures and maintenance. This subsection does not apply to an adopted budget in which the members of an association have determined, by a majority vote at a duly called meeting of the association, to provide no reserves or less reserves than required by this subsection.

b. Every 2 years, the board must hire a licensed engineer or engineering firm qualified to do business in the state to conduct a reserve study of the property in order to ensure adequate funding of the association's reserve accounts. The engineer or engineering firm must conduct a reasonably competent and diligent visual inspection of the assessable areas of the major components that the association is obligated to repair, replace, restore, or maintain and provide an estimate of the components' remaining useful life. The board must provide a copy of the reserve study, along with a report or financial statement indicating the amount of money that is currently in the reserves, to the local authority having jurisdiction within 7 days after the board receives the completed report from the engineer or engineering firm. Before turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 718.301, the developer may vote the voting interests allocated to its units to waive the reserves or reduce
the funding of reserves through the period expiring at the end
of the second fiscal year after the fiscal year in which the
certificate of a surveyor and mapper is recorded pursuant to s.
718.104(4)(e) or an instrument that transfers title to a unit in
the condominium which is not accompanied by a recorded
assignment of developer rights in favor of the grantee of such
unit is recorded, whichever occurs first, after which time
reserves may be waived or reduced only upon the vote of a
majority of all nondeveloper voting interests voting in person
or by limited proxy at a duly called meeting of the association.
If a meeting of the unit owners has been called to determine
whether to waive or reduce the funding of reserves and no such
result is achieved or a quorum is not attained, the reserves
included in the budget shall go into effect. After the turnover,
the developer may vote its voting interest to waive or reduce
the funding of reserves.

3. Reserve funds and any interest accruing thereon must
shall remain in the reserve account or accounts, and may be used
only for authorized reserve expenditures unless their use for
other purposes is approved in advance by a majority vote at a
duly called meeting of the association. Before turnover of
control of an association by a developer to unit owners other
than the developer pursuant to s. 718.301, the developer-
controlled association may not vote to use reserves for purposes
other than those for which they were intended without the
approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.

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

(p) Building construction, renovations, and inspections.—The requirements for the construction and renovation of a residential condominium building must comply with chapter 553 which pertains to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for persons with disabilities, and the state minimum building code. An association must ensure compliance with the Florida Building Code.
1. The board must hire a licensed structural engineer authorized to practice in the state to conduct an annual inspection of the association property and its buildings to ensure the structural stability of the property and buildings.

2. Upon a determination by the local authority having jurisdiction that a residential condominium building is 20 years of age or older, the local authority having jurisdiction shall issue a notice of required recertification inspection to the association.

3. The board must hire a licensed architect or engineer authorized to practice in the state within 90 days after receipt of the notice of required recertification inspection to conduct an inspection to ensure the building’s structural and electrical systems are still safe and to provide a recertification report to the local authority having jurisdiction. A licensed architect or engineer may only undertake assignments in which he or she is qualified by training and experience in the specific technical field involved in the inspection.

4. A licensed architect or engineer shall conduct a structural recertification inspection of the building by analyzing, at a minimum, the:
   a. Foundation.
   b. Floor and roofing systems.
   c. Masonry bearing walls.
   d. Steel framing systems.
e. Concrete framing systems.

f. Windows.

g. Wood framing.

h. Loading.

5. A licensed architect or engineer shall conduct an electrical recertification inspection of the building by analyzing, at a minimum, the:

   a. Electric services.

   b. Branch circuits.

   c. Conduit raceways.

   d. Gutters.

   e. Electrical panels.

   f. Grounding of equipment.

   g. Service conductor and cables.

   h. Types of wiring methods.

   i. Feeder conductors.

   j. Parking illumination.

6. The licensed architect or engineer must indicate the manner and type of inspection conducted that forms the basis of the recertification report and must describe any matters identified as needing remedial action. The report must bear the seal and signature of the certifying architect or engineer. The board must provide a copy of the report to the local authority having jurisdiction within 7 days after the board receives the completed report.
7.a. If the recertification report indicates that repairs or modifications are necessary, the board has 6 months after receipt of the recertification report in which to complete the indicated repairs or modifications, which must be executed in conformance with the Florida Building Code. Within 7 days after completion of the repairs or modifications, the board shall provide a completion report, under seal and signature of a licensed architect or engineer, to the local authority having jurisdiction affirming that the remedial action has been completed.

b. If the local authority having jurisdiction has reason to believe that the matters indicated in the recertification report as needing remedial action present a serious threat to the public health, safety, or welfare, or are irreparable or irreversible, it may order a mandatory evacuation of the residential condominium.

8. The local authority having jurisdiction shall issue a notice of violation if the board does not timely submit the completion report required under sub-subparagraph 7.a. and must establish a reasonable time period within which the board must correct the violation. If the board does not comply with the notice of violation within the timeframe specified, the local authority having jurisdiction shall issue the association a citation resulting in a fine not to exceed $500. However, the local authority having jurisdiction may specify by ordinance a
fine in an amount exceeding $500, but not exceeding $2,000 a day. The local authority having jurisdiction may issue a citation for each day that the association is in violation of this paragraph.

9. Subsequent recertification inspections must be completed every 5 years thereafter.

Section 3. Paragraph (b) of subsection (1) and paragraphs (a) and (c) of subsection (2) of section 718.503, Florida Statutes, are amended to read:

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

(1)  DEVELOPER DISCLOSURE.—

(b)  Copies of documents to be furnished to prospective buyer or lessee.—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a residential unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 718.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The developer may not close for 15 days after following the execution of the agreement and delivery of the documents to the buyer as evidenced by a signed receipt for documents unless the
buyer is informed in the 15-day voidability period and agrees to close **before prior to** the expiration of the 15 days. The developer shall retain in his or her records a separate agreement signed by the buyer as proof of the buyer's agreement to close **before prior to** the expiration of the said voidability period. The developer must retain such **said** proof **shall be retained** for a period of 5 years after the date of the closing of the transaction. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to the provisions of s. 718.504, or, if not, then copies of the following which are applicable:

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

2. The documents creating the association.

3. The bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. A copy of the reserve study required under s. 718.112(2)(f), along with a report or financial statement indicating the status of the reserves.

19. A copy of the recertification report required under s. 718.112(2)(p).

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter must comply with the provisions of this subsection before the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium,
articles of incorporation of the association, bylaws and rules of the association, financial information required by s. 718.111, the reserve study and current status of the reserves required by s. 718.112(2)(f), the recertification report required by s. 718.112(2)(p), and the document entitled "Frequently Asked Questions and Answers" required by s. 718.504.

On and after January 1, 2009, the prospective purchaser shall also be entitled to receive from the seller a copy of a governance form. Such form shall be provided by the division summarizing governance of condominium associations. In addition to such other information as the division considers helpful to a prospective purchaser in understanding association governance, the governance form shall address the following subjects:

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

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

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

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

5. The responsibility of the board and owners to abide by the condominium documents, this chapter, rules adopted by the division, and reasonable rules adopted by the board.
6. Owners' rights to inspect and copy association records and the limitations on such rights.

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

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

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

10. The voting rights of owners.

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

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

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit must contain in conspicuous type either:


IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DOCUMENTS LISTED ABOVE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before or prior to closing.

Section 4. Paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is amended to read:

718.618  Converter reserve accounts; warranties.—
(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:
(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other
reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein. The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations arising under this section.

Section 5. Subsection (3) of section 718.706, Florida Statutes, is amended to read:

718.706  Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 6. Subsections (9) through (28) of section 719.103, Florida Statutes, are renumbered as subsections (8) through (27), respectively, and subsections (3), (7), and (8) of that section are amended to read:

719.103  Definitions.—As used in this chapter:

CODING: Words stricken are deletions; words underlined are additions.
(3) "Board of administration" or "board" means the board of directors or other representative body responsible for administration of the association.

(7) "Common areas" means the portions of the cooperative property not included in the units. The term "Common areas" includes within its meaning the following:

   (a) The cooperative property which is not included within the units.

   (b) Easements through units for conduits, ducts, plumbing, wiring, and other facilities for the furnishing of utility services to units and the common areas.

   (c) An easement of support in every portion of a unit which contributes to the support of a building.

   (d) The property and installations required for the furnishing of utilities and other services to more than one unit or to the common areas.

   (e) Any other part of the cooperative property designated in the cooperative documents as common areas.

Section 7. Paragraphs (b), (d), and (j) of subsection (1) of section 719.106, Florida Statutes, are amended, and paragraph (n) is added to that section, 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:

(b) Quorum; voting requirements; proxies.—

1. Unless otherwise provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be a majority of voting interests, and decisions must be made by owners of a majority of the voting interests. Unless otherwise provided in this chapter, or in the articles of incorporation, bylaws, or other cooperative documents, and except as provided in subparagraph (d)1., decisions must be made by owners of a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies must be used for votes taken to waive or reduce reserves in accordance with subparagraph (j)2., for votes taken to waive the financial reporting requirements of s. 719.104(4)(b), for votes taken to amend the articles of incorporation or bylaws pursuant to this section, and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), after January 1, 1992, a no proxy, whether limited or general, may not
shall be used in the election of board members. General proxies may be used for other matters for which limited proxies are not required, and may also be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding the provisions of this section, unit owners may vote in person at unit owner meetings. Nothing contained herein limits shall limit the use of general proxies, or requires require the use of limited proxies, or requires require the use of limited proxies for any agenda item or election at any meeting of a timeshare cooperative.

3. Any proxy given is shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy is shall be revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken and may not be used for the purposes of creating a quorum.

5. A board member or committee member participating in a meeting via telephone, real-time videoconferencing, or similar
real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person, as well as by any unit owners present at a meeting.

(d) Shareholder meetings.—There shall be an annual meeting of the shareholders. All members of the board of administration shall be elected at the annual meeting unless the bylaws provide for staggered election terms or for their election at another meeting. Any unit owner desiring to be a candidate for board membership must comply with subparagraph 1. The bylaws must provide the method for calling meetings, including annual meetings. Written notice, which must incorporate an identification of agenda items, must be given to each unit owner at least 14 days before the annual meeting and posted in a conspicuous place on the cooperative property at least 14 continuous days before preceding the annual meeting. Upon notice to the unit owners, the board must by duly adopted rule designate a specific location on the cooperative property upon which all notice of unit owner meetings are posted. In lieu of or in addition to the physical posting of the meeting notice, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the cooperative association. However, if broadcast notice is
used in lieu of a posted notice, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.

In addition to any of the authorized means of providing notice of a meeting of the shareholders, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the cooperative association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the cooperative property. Any rule adopted must shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

Unless a unit owner waives in writing the right to receive notice of the annual meeting, the notice of the annual meeting must be sent by mail, hand delivered, or electronically transmitted to each unit owner. An officer of the association must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records.
of the association, affirming that notices of the association
meeting were mailed, hand delivered, or electronically
transmitted, in accordance with this provision, to each unit
owner at the address last furnished to the association.

1. The board of administration shall be elected by written
ballot or voting machine. A proxy may not be used in electing
the board of administration in general elections or elections to
fill vacancies caused by recall, resignation, or otherwise
unless otherwise provided in this chapter.

a. At least 60 days before a scheduled election, the
association shall mail, deliver, or transmit, whether by
separate association mailing, delivery, or electronic
transmission or included in another association mailing,
delivery, or electronic transmission, including regularly
published newsletters, to each unit owner entitled to vote, a
first notice of the date of the election. Any unit owner or
other eligible person desiring to be a candidate for the board
of administration must give written notice to the association at
least 40 days before a scheduled election. Together with the
written notice and agenda as set forth in this section, the
association shall mail, deliver, or electronically transmit a
second notice of election to all unit owners entitled to vote,
together with a ballot that lists all candidates. Upon request
of a candidate, the association must include an
information sheet, no larger than 8 1/2 inches by 11 inches,
which must be furnished by the candidate at least 35 days before
the election, to be included with the mailing, delivery, or
electronic transmission of the ballot, with the costs of
mailing, delivery, or transmission and copying to be borne by
the association. The association is not liable for the contents
of the information sheets provided by the candidates. In order
to reduce costs, the association may print or duplicate the
information sheets on both sides of the paper. The division
shall by rule establish voting procedures consistent with this
subparagraph, including rules establishing procedures for giving
notice by electronic transmission and rules providing for the
secrecy of ballots. Elections must be decided by a
plurality of those ballots cast. There is no quorum requirement.
However, at least 20 percent of the eligible voters must cast a
ballot in order to have a valid election. A unit owner may not
permit any other person to vote his or her ballot, and any such
ballots improperly cast are invalid. A unit owner who needs
assistance in casting the ballot for the reasons stated in s.
101.051 may obtain assistance in casting the ballot. Any unit
owner violating this provision may be fined by the association
in accordance with s. 719.303. The regular election must occur
on the date of the annual meeting. This subparagraph does not
apply to timeshare cooperatives. Notwithstanding this
subparagraph, an election and balloting are not required unless
more candidates file a notice of intent to run or are nominated

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than vacancies exist on the board. Any challenge to the election process must be commenced within 60 days after the election results are announced.

b. Within 90 days after being elected or appointed to the board, a each new director shall certify in writing to the secretary of the association that he or she has read the association’s bylaws, articles of incorporation, proprietary lease, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association’s members. Within 90 days after being elected or appointed to the board, in addition to lieu of this written certification, the newly elected or appointed director must may submit a certificate of having satisfactorily completed the educational curriculum administered by an education provider as approved by the division pursuant to the requirements established in chapter 718 within 1 year before or 90 days after the date of election or appointment. The written certification and educational certificate is valid and does not have to be resubmitted as long as the director serves on the board without interruption. A director who fails to timely file the written certification or educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension.
The secretary of the association shall cause the association to retain a director's written certification and/or educational certificate for inspection by the members for 5 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and/or educational certificate on file does not affect the validity of any board action.

2. Any approval by unit owners called for by this chapter, or the applicable cooperative documents, must be made at a duly noticed meeting of unit owners and is subject to this chapter or the applicable cooperative documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable cooperative documents or law which provides for the unit owner action.

3. Unit owners may waive notice of specific meetings if allowed by the applicable cooperative documents or law. Notice of meetings of the board of administration, shareholder meetings, except shareholder meetings called to recall board members under paragraph (f), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that may block
receipt of mass emails sent to members on behalf of the
association in the course of giving electronic notices.

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

5. Any unit owner may tape record or videotape meetings of
the unit owners subject to reasonable rules adopted by the
division.

6. Unless otherwise provided in the bylaws, a vacancy
occurring on the board before the expiration of a term may be
filled by the affirmative vote of the majority of the remaining
directors, even if the remaining directors constitute less than
a quorum, or by the sole remaining director. In the alternative,
a board may hold an election to fill the vacancy, in which case
the election procedures must conform to the requirements of
subparagraph 1. unless the association has opted out of the
statutory election process, in which case the bylaws of the
association control. Unless otherwise provided in the bylaws, a
board member appointed or elected under this subparagraph shall
fill the vacancy for the unexpired term of the seat being
filled. Filling vacancies created by recall is governed by
paragraph (f) and rules adopted by the division.

Notwithstanding subparagraphs (b)2. and (d)1., an association
may, by the affirmative vote of a majority of the total voting interests, provide for a different voting and election procedure in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(j) Annual budget.—

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

2. In addition to annual operating expenses, the budget must shall include reserve accounts for capital expenditures and deferred maintenance. These accounts must shall include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds $10,000. The amount to be reserved must shall be computed by
means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. The association must maintain a separate reserve account exclusively for the maintenance and replacement of items recognized in the Life Safety Code. Life safety requirements include, but are not limited to, waterproofing measures; roof and balcony railing maintenance; and fire, mechanical, electrical, and structural standards. Reserve funds for other capital expenditures and deferred maintenance may not be commingled with the reserve funds for life safety expenditures and maintenance. Every 2 years, the board must hire a licensed engineer or engineering firm qualified to do business in the state to conduct a reserve study of the property in order to ensure adequate funding of the association's reserve accounts. The engineer or engineering firm must conduct a reasonably competent and diligent visual inspection of the assessable areas of the major components that the association is obligated to repair, replace, restore, or maintain and provide an estimate of the components' remaining useful life. The board must provide a copy of the reserve study, along with a report or financial statement indicating the amount of money that is currently in the reserves, to the local...
authority having jurisdiction within 7 days after the board receives the completed report from the engineer or engineering firm. This paragraph shall not apply to any budget in which the members of an association have, at a duly called meeting of the association, determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection.

However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 719.301, the developer may vote to waive the reserves or reduce the funding of reserves for the first 2 years of the operation of the association after which time reserves may only be waived or reduced upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

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

(n) Building construction, renovations, and inspections.—
The requirements for the construction and renovation of a residential cooperative building must comply with chapter 553 which pertains to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for persons with disabilities, and the state minimum building code. An association must ensure compliance with the Florida Building Code.

1. The board must hire a licensed structural engineer authorized to practice in the state to conduct an annual inspection of the association property and its buildings to ensure the structural stability of the property and buildings.

2. Upon a determination by the local authority having jurisdiction that a residential cooperative building is 20 years of age or older, the local authority having jurisdiction shall issue a notice of required recertification inspection to the association.

3. The board must hire a licensed architect or engineer authorized to practice in the state within 90 days after receipt of the notice of required recertification inspection to conduct
an inspection to ensure the building's structural and electrical systems are still safe and to provide a recertification report to the local authority having jurisdiction. A licensed architect or engineer may only undertake assignments in which he or she is qualified by training and experience in the specific technical field involved in the inspection.

4. A licensed architect or engineer shall conduct a structural recertification inspection of the building by analyzing, at a minimum, the:
   a. Foundation.
   b. Floor and roofing systems.
   c. Masonry bearing walls.
   d. Steel framing systems.
   e. Concrete framing systems.
   f. Windows.
   g. Wood framing.
   h. Loading.

5. A licensed architect or engineer shall conduct an electrical recertification inspection of the building by analyzing, at a minimum, the:
   a. Electric services.
   b. Branch circuits.
   c. Conduit raceways.
   d. Gutters.
   e. Electrical panels.
f. Grounding of equipment.

g. Service conductor and cables.

h. Types of wiring methods.

i. Feeder conductors.

j. Parking illumination.

6. The licensed architect or engineer must indicate the manner and type of inspection conducted that forms the basis of the recertification report and must describe any matters identified as needing remedial action. The report must bear the seal and signature of the certifying architect or engineer. The board must provide a copy of the report to the local authority having jurisdiction within 7 days after the board receives the completed report.

7. a. If the recertification report indicates that repairs or modifications are necessary, the board has 6 months after receipt of the recertification report in which to complete the indicated repairs or modifications, which must be executed in conformance with the Florida Building Code. Within 7 days after completion of the repairs or modifications, the board shall provide a completion report, under seal and signature of a licensed architect or engineer, to the local authority having jurisdiction affirming that the remedial action has been completed.

b. If the local authority having jurisdiction has reason to believe that the matters indicated in the recertification report
report as needing remedial action present a serious threat to
the public health, safety, or welfare, or are irreparable or
irreversible, it may order a mandatory evacuation of the
residential cooperative.

8. The local authority having jurisdiction shall issue a
notice of violation if the board does not timely submit the
completion report required under sub-subparagraph 7.a. and must
establish a reasonable time period within which the board must
correct the violation. If the board does not comply with the
notice of violation within the timeframe specified, the local
authority having jurisdiction shall issue the association a
citation resulting in a fine not to exceed $500. However, the
local authority having jurisdiction may specify by ordinance a
fine in an amount exceeding $500, but not exceeding $2,000 a
day. The local authority having jurisdiction may issue a
citation for each day that the association is in violation of
this paragraph.

9. Subsequent recertification inspections must be
completed every 5 years thereafter.

Section 8. Paragraph (b) of subsection (1) and paragraphs
(a) and (c) of subsection (2) of section 719.503, Florida
Statutes, are amended to read:

719.503 Disclosure prior to sale.—
(1) DEVELOPER DISCLOSURE.—
(b) Copies of documents to be furnished to prospective
buyer or lessee.—Until such time as the developer has furnished
the documents listed below to a person who has entered into a
contract to purchase a unit or lease it for more than 5 years,
the contract may be voided by that person, entitling the person
to a refund of any deposit together with interest thereon as
provided in s. 719.202. The contract may be terminated by
written notice from the proposed buyer or lessee delivered to
the developer within 15 days after the buyer or lessee receives
all of the documents required by this section. The developer **may
shall not close for 15 days after following** the execution of the
agreement and delivery of the documents to the buyer as
evidenced by a receipt for documents signed by the buyer unless
the buyer is informed in the 15-day voidability period and
agrees to close **before prior to** the expiration of the 15 days.
The developer shall retain in his or her records a separate
signed agreement as proof of the buyer's agreement to close
**before prior to** the expiration of the **said** voidability period.
The developer must retain such **said** proof shall be retained for
a period of 5 years after the date of the closing transaction.
The documents to be delivered to the prospective buyer are the
prospectus or disclosure statement with all exhibits, if the
development is subject to the provisions of s. 719.504, or, if
not, then copies of the following which are applicable:

1. The question and answer sheet described in s. 719.504,
and cooperative documents, or the proposed cooperative documents

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if the documents have not been recorded, which shall include the certificate of a surveyor approximately representing the locations required by s. 719.104.

2. The documents creating the association.

3. The bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. A copy of the reserve study required under s. 719.616.
1326 719.106(1)(j), along with a report or financial statement
1327 indicating the status of the reserves.
1328
19. A copy of the recertification report required under s.
1329 719.106(1)(n).

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by
this chapter must comply with the provisions of this subsection
before prior to the sale of his or her interest in the
association. Each prospective purchaser who has entered into a
contract for the purchase of an interest in a cooperative is
entitled, at the seller's expense, to a current copy of the
articles of incorporation of the association, the bylaws, the
rules of the association, the reserve study and current
status of the reserves required by s. 719.106(1)(j), the
recertification report required by s. 719.106(1)(n), as well as
a copy of the question and answer sheet as provided in s.
719.504.

(c) Each contract entered into after July 1, 1992, for the
resale of an interest in a cooperative must contain in
conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
THAT HE OR SHE BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE
ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF
THE ASSOCIATION, THE RESERVE STUDY AND STATUS OF THE RESERVES,
THE RECERTIFICATION STUDY, AND THE QUESTION AND ANSWER SHEET

Page 54 of 55

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MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE THE PRIOR TO EXECUTION OF THIS CONTRACT; or


A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before closing.

Section 9. This act shall take effect July 1, 2022.