

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Geller offered the following:

**Amendment to Amendment (826750) (with title amendment)**

Remove lines 199-1676 of the amendment and insert:

Section 3. Present subsections (1) through (30) of section 718.103, Florida Statutes, are redesignated as subsections (2) through (31), respectively, and a new subsection (1) is added to that section, to read:

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

(1) "Alternative funding method" means an alternative to funding a reserve account which is approved by the division and which may reasonably be expected to fully satisfy the association's budgetary obligations for deferred maintenance,

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14 capital expenditure, and any item for which reserves are  
15 otherwise required, including, but not limited to, payments by a  
16 developer and the incorporation into the budget of expenses for  
17 deferred maintenance, capital expenditure, and any item for  
18 which reserves are otherwise required. The term also includes  
19 any other alternative approved by the division.

20 Section 4. Paragraphs (a), (c), and (g) of subsection (12)  
21 and subsection (13) of section 718.111, Florida Statutes, are  
22 amended to read:

23 718.111 The association.—

24 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

61           11. Accounting records for the association and separate  
62 accounting records for each condominium that the association  
63 operates. Any person who knowingly or intentionally defaces or

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64 destroys such records, or who knowingly or intentionally fails  
65 to create or maintain such records, with the intent of causing  
66 harm to the association or one or more of its members, is  
67 personally subject to a civil penalty pursuant to s.  
68 718.501(1)(d). The accounting records must include, but are not  
69 limited to:

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

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

76 c. All audits, reviews, accounting statements, reserve  
77 studies and reserve funding plans, and financial reports of the  
78 association or condominium.

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

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

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

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

92 15. A copy of the inspection reports ~~report as~~ described  
93 in ss. 553.899 and 718.301(4)(p) and any other inspection report  
94 relating to a structural or life safety inspection of  
95 condominium property. Such record must be maintained by the  
96 association for 15 years after receipt of the report s.  
97 718.301(4)(p).

98 16. Bids for materials, equipment, or services.

99 17. All affirmative acknowledgments made pursuant to s.  
100 718.121(4)(c).

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

104 (c)1. The official records of the association are open to  
105 inspection by any association member or the authorized  
106 representative of such member at all reasonable times. The right  
107 to inspect the records includes the right to make or obtain  
108 copies, at the reasonable expense, if any, of the member or  
109 authorized representative of such member. A renter of a unit has  
110 a right to inspect and copy only the declaration of condominium,  
111 ~~and~~ the association's bylaws and rules, and the inspection  
112 reports described in ss. 553.899 and 718.301(4)(p). The

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113 association may adopt reasonable rules regarding the frequency,  
114 time, location, notice, and manner of record inspections and  
115 copying but may not require a member to demonstrate any purpose  
116 or state any reason for the inspection. The failure of an  
117 association to provide the records within 10 working days after  
118 receipt of a written request creates a rebuttable presumption  
119 that the association willfully failed to comply with this  
120 paragraph. A unit owner who is denied access to official records  
121 is entitled to the actual damages or minimum damages for the  
122 association's willful failure to comply. Minimum damages are \$50  
123 per calendar day for up to 10 days, beginning on the 11th  
124 working day after receipt of the written request. The failure to  
125 permit inspection entitles any person prevailing in an  
126 enforcement action to recover reasonable attorney fees from the  
127 person in control of the records who, directly or indirectly,  
128 knowingly denied access to the records.

129 2. Any person who knowingly or intentionally defaces or  
130 destroys accounting records that are required by this chapter to  
131 be maintained during the period for which such records are  
132 required to be maintained, or who knowingly or intentionally  
133 fails to create or maintain accounting records that are required  
134 to be created or maintained, with the intent of causing harm to  
135 the association or one or more of its members, is personally  
136 subject to a civil penalty pursuant to s. 718.501(1)(d).

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137           3. The association shall maintain an adequate number of  
138 copies of the declaration, articles of incorporation, bylaws,  
139 and rules, and all amendments to each of the foregoing, as well  
140 as the question and answer sheet as described in s. 718.504 and  
141 year-end financial information required under this section, on  
142 the condominium property to ensure their availability to unit  
143 owners and prospective purchasers, and may charge its actual  
144 costs for preparing and furnishing these documents to those  
145 requesting the documents. An association shall allow a member or  
146 his or her authorized representative to use a portable device,  
147 including a smartphone, tablet, portable scanner, or any other  
148 technology capable of scanning or taking photographs, to make an  
149 electronic copy of the official records in lieu of the  
150 association's providing the member or his or her authorized  
151 representative with a copy of such records. The association may  
152 not charge a member or his or her authorized representative for  
153 the use of a portable device. Notwithstanding this paragraph,  
154 the following records are not accessible to unit owners:

155           a. Any record protected by the lawyer-client privilege as  
156 described in s. 90.502 and any record protected by the work-  
157 product privilege, including a record prepared by an association  
158 attorney or prepared at the attorney's express direction, which  
159 reflects a mental impression, conclusion, litigation strategy,  
160 or legal theory of the attorney or the association, and which  
161 was prepared exclusively for civil or criminal litigation or for

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162 adversarial administrative proceedings, or which was prepared in  
163 anticipation of such litigation or proceedings until the  
164 conclusion of the litigation or proceedings.

165 b. Information obtained by an association in connection  
166 with the approval of the lease, sale, or other transfer of a  
167 unit.

168 c. Personnel records of association or management company  
169 employees, including, but not limited to, disciplinary, payroll,  
170 health, and insurance records. For purposes of this sub-  
171 subparagraph, the term "personnel records" does not include  
172 written employment agreements with an association employee or  
173 management company, or budgetary or financial records that  
174 indicate the compensation paid to an association employee.

175 d. Medical records of unit owners.

176 e. Social security numbers, driver license numbers, credit  
177 card numbers, e-mail addresses, telephone numbers, facsimile  
178 numbers, emergency contact information, addresses of a unit  
179 owner other than as provided to fulfill the association's notice  
180 requirements, and other personal identifying information of any  
181 person, excluding the person's name, unit designation, mailing  
182 address, property address, and any address, e-mail address, or  
183 facsimile number provided to the association to fulfill the  
184 association's notice requirements. Notwithstanding the  
185 restrictions in this sub-subparagraph, an association may print  
186 and distribute to unit owners a directory containing the name,

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187 unit address, and all telephone numbers of each unit owner.  
188 However, an owner may exclude his or her telephone numbers from  
189 the directory by so requesting in writing to the association. An  
190 owner may consent in writing to the disclosure of other contact  
191 information described in this sub-subparagraph. The association  
192 is not liable for the inadvertent disclosure of information that  
193 is protected under this sub-subparagraph if the information is  
194 included in an official record of the association and is  
195 voluntarily provided by an owner and not requested by the  
196 association.

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

199 g. The software and operating system used by the  
200 association which allow the manipulation of data, even if the  
201 owner owns a copy of the same software used by the association.  
202 The data is part of the official records of the association.

203 h. All affirmative acknowledgments made pursuant to s.  
204 718.121(4)(c).

205 (g)1. By January 1, 2019, an association managing a  
206 condominium with 150 or more units which does not contain  
207 timeshare units shall post digital copies of the documents  
208 specified in subparagraph 2. on its website or make such  
209 documents available through an application that can be  
210 downloaded on a mobile device.

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

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

214 (II) A website, application, or web portal operated by a  
215 third-party provider with whom the association owns, leases,  
216 rents, or otherwise obtains the right to operate a web page,  
217 subpage, web portal, collection of subpages or web portals, or  
218 an application which is dedicated to the association's  
219 activities and on which required notices, records, and documents  
220 may be posted or made available by the association.

221 b. The association's website or application must be  
222 accessible through the Internet and must contain a subpage, web  
223 portal, or other protected electronic location that is  
224 inaccessible to the general public and accessible only to unit  
225 owners and employees of the association.

226 c. Upon a unit owner's written request, the association  
227 must provide the unit owner with a username and password and  
228 access to the protected sections of the association's website or  
229 application which contain any notices, records, or documents  
230 that must be electronically provided.

231 2. A current copy of the following documents must be  
232 posted in digital format on the association's website or  
233 application:

234 a. The recorded declaration of condominium of each  
235 condominium operated by the association and each amendment to  
236 each declaration.

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- 237           b. The recorded bylaws of the association and each  
238 amendment to the bylaws.
- 239           c. The articles of incorporation of the association, or  
240 other documents creating the association, and each amendment to  
241 the articles of incorporation or other documents. The copy  
242 posted pursuant to this sub-subparagraph must be a copy of the  
243 articles of incorporation filed with the Department of State.
- 244           d. The rules of the association.
- 245           e. A list of all executory contracts or documents to which  
246 the association is a party or under which the association or the  
247 unit owners have an obligation or responsibility and, after  
248 bidding for the related materials, equipment, or services has  
249 closed, a list of bids received by the association within the  
250 past year. Summaries of bids for materials, equipment, or  
251 services which exceed \$500 must be maintained on the website or  
252 application for 1 year. In lieu of summaries, complete copies of  
253 the bids may be posted.
- 254           f. The annual budget required by s. 718.112(2) (f) and any  
255 proposed budget to be considered at the annual meeting.
- 256           g. The financial report required by subsection (13) and  
257 any monthly income or expense statement to be considered at a  
258 meeting.
- 259           h. The certification of each director required by s.  
260 718.112(2) (d)4.b.

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261 i. All contracts or transactions between the association  
262 and any director, officer, corporation, firm, or association  
263 that is not an affiliated condominium association or any other  
264 entity in which an association director is also a director or  
265 officer and financially interested.

266 j. Any contract or document regarding a conflict of  
267 interest or possible conflict of interest as provided in ss.  
268 468.436(2)(b)6. and 718.3027(3).

269 k. The notice of any unit owner meeting and the agenda for  
270 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
271 days before the meeting. The notice must be posted in plain view  
272 on the front page of the website or application, or on a  
273 separate subpage of the website or application labeled "Notices"  
274 which is conspicuously visible and linked from the front page.  
275 The association must also post on its website or application any  
276 document to be considered and voted on by the owners during the  
277 meeting or any document listed on the agenda at least 7 days  
278 before the meeting at which the document or the information  
279 within the document will be considered.

280 l. Notice of any board meeting, the agenda, and any other  
281 document required for the meeting as required by s.  
282 718.112(2)(c), which must be posted no later than the date  
283 required for notice under s. 718.112(2)(c).

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284        m. The inspection reports described in ss. 553.899 and  
285 718.301(4)(p) and any other inspection report relating to a  
286 structural or life safety inspection of condominium property.

287        n. The reserve study required under s. 718.112(2).

288        3. The association shall ensure that the information and  
289 records described in paragraph (c), which are not allowed to be  
290 accessible to unit owners, are not posted on the association's  
291 website or application. If protected information or information  
292 restricted from being accessible to unit owners is included in  
293 documents that are required to be posted on the association's  
294 website or application, the association shall ensure the  
295 information is redacted before posting the documents.

296 Notwithstanding the foregoing, the association or its agent is  
297 not liable for disclosing information that is protected or  
298 restricted under this paragraph unless such disclosure was made  
299 with a knowing or intentional disregard of the protected or  
300 restricted nature of such information.

301        4. The failure of the association to post information  
302 required under subparagraph 2. is not in and of itself  
303 sufficient to invalidate any action or decision of the  
304 association's board or its committees.

305        (13) FINANCIAL REPORTING.—Within 90 days after the end of  
306 the fiscal year, or annually on a date provided in the bylaws,  
307 the association shall prepare and complete, or contract for the  
308 preparation and completion of, a financial report for the

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309 preceding fiscal year. Within 21 days after the final financial  
310 report is completed by the association or received from the  
311 third party, but not later than 120 days after the end of the  
312 fiscal year or other date as provided in the bylaws, the  
313 association shall mail to each unit owner at the address last  
314 furnished to the association by the unit owner, or hand deliver  
315 to each unit owner, a copy of the most recent financial report  
316 or a notice that a copy of the most recent financial report will  
317 be mailed or hand delivered to the unit owner, without charge,  
318 within 5 business days after receipt of a written request from  
319 the unit owner. The division shall adopt rules setting forth  
320 uniform accounting principles and standards to be used by all  
321 associations and addressing the financial reporting requirements  
322 for multicondominium associations. The rules must include, but  
323 not be limited to, standards for presenting a summary of  
324 association reserves, including a good faith estimate disclosing  
325 the annual amount of reserve funds that would be necessary for  
326 the association to fully fund reserves for each reserve item  
327 based on the straight-line ~~accounting~~ method or to fully fund  
328 reserves based on the pooling method. ~~This disclosure is not~~  
329 ~~applicable to reserves funded via the pooling method.~~ In  
330 adopting such rules, the division shall consider the number of  
331 members and annual revenues of an association. Financial reports  
332 shall be prepared as follows:

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333 (a) An association that meets the criteria of this  
334 paragraph shall prepare a complete set of financial statements  
335 in accordance with generally accepted accounting principles. The  
336 financial statements must be based upon the association's total  
337 annual revenues, as follows:

338 1. An association with total annual revenues of \$150,000  
339 or more, but less than \$300,000, shall prepare compiled  
340 financial statements.

341 2. An association with total annual revenues of at least  
342 \$300,000, but less than \$500,000, shall prepare reviewed  
343 financial statements.

344 3. An association with total annual revenues of \$500,000  
345 or more shall prepare audited financial statements.

346 (b)1. An association with total annual revenues of less  
347 than \$150,000 shall prepare a report of cash receipts and  
348 expenditures.

349 2. A report of cash receipts and disbursements must  
350 disclose the amount of receipts by accounts and receipt  
351 classifications and the amount of expenses by accounts and  
352 expense classifications, including, but not limited to, the  
353 following, as applicable: costs for security, professional and  
354 management fees and expenses, taxes, costs for recreation  
355 facilities, expenses for refuse collection and utility services,  
356 expenses for lawn care, costs for building maintenance and  
357 repair, insurance costs, administration and salary expenses, and

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358 reserves accumulated and expended for capital expenditures,  
359 deferred maintenance, and any other category for which the  
360 association maintains reserves.

361 (c) An association may prepare, without a meeting of or  
362 approval by the unit owners:

363 1. Compiled, reviewed, or audited financial statements, if  
364 the association is required to prepare a report of cash receipts  
365 and expenditures;

366 2. Reviewed or audited financial statements, if the  
367 association is required to prepare compiled financial  
368 statements; or

369 3. Audited financial statements if the association is  
370 required to prepare reviewed financial statements.

371 (d) If approved by a majority of the voting interests  
372 present at a properly called meeting of the association, an  
373 association may prepare:

374 1. A report of cash receipts and expenditures in lieu of a  
375 compiled, reviewed, or audited financial statement;

376 2. A report of cash receipts and expenditures or a  
377 compiled financial statement in lieu of a reviewed or audited  
378 financial statement; or

379 3. A report of cash receipts and expenditures, a compiled  
380 financial statement, or a reviewed financial statement in lieu  
381 of an audited financial statement.

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383 Such meeting and approval must occur before the end of the  
384 fiscal year and is effective only for the fiscal year in which  
385 the vote is taken, except that the approval may also be  
386 effective for the following fiscal year. If the developer has  
387 not turned over control of the association, all unit owners,  
388 including the developer, may vote on issues related to the  
389 preparation of the association's financial reports, from the  
390 date of incorporation of the association through the end of the  
391 second fiscal year after the fiscal year in which the  
392 certificate of a surveyor and mapper is recorded pursuant to s.  
393 718.104(4) (e) or an instrument that transfers title to a unit in  
394 the condominium which is not accompanied by a recorded  
395 assignment of developer rights in favor of the grantee of such  
396 unit is recorded, whichever occurs first. Thereafter, all unit  
397 owners except the developer may vote on such issues until  
398 control is turned over to the association by the developer. Any  
399 audit or review prepared under this section shall be paid for by  
400 the developer if done before turnover of control of the  
401 association.

402 (e) A unit owner may provide written notice to the  
403 division of the association's failure to mail or hand deliver  
404 him or her a copy of the most recent financial report within 5  
405 business days after he or she submitted a written request to the  
406 association for a copy of such report. If the division  
407 determines that the association failed to mail or hand deliver a

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408 copy of the most recent financial report to the unit owner, the  
409 division shall provide written notice to the association that  
410 the association must mail or hand deliver a copy of the most  
411 recent financial report to the unit owner and the division  
412 within 5 business days after it receives such notice from the  
413 division. An association that fails to comply with the  
414 division's request may not waive the financial reporting  
415 requirement provided in paragraph (d) for the fiscal year in  
416 which the unit owner's request was made and the following fiscal  
417 year. A financial report received by the division pursuant to  
418 this paragraph shall be maintained, and the division shall  
419 provide a copy of such report to an association member upon his  
420 or her request.

421 Section 5. Paragraphs (d) and (f) of subsection (2) of  
422 section 718.112, Florida Statutes, are amended, and paragraph  
423 (p) is added to that subsection, to read:

424 718.112 Bylaws.—

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

428 (d) *Unit owner meetings.*—

429 1. An annual meeting of the unit owners must be held at  
430 the location provided in the association bylaws and, if the  
431 bylaws are silent as to the location, the meeting must be held  
432 within 45 miles of the condominium property. However, such

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433 distance requirement does not apply to an association governing  
434 a timeshare condominium.

435 2. Unless the bylaws provide otherwise, a vacancy on the  
436 board caused by the expiration of a director's term must be  
437 filled by electing a new board member, and the election must be  
438 by secret ballot. An election is not required if the number of  
439 vacancies equals or exceeds the number of candidates. For  
440 purposes of this paragraph, the term "candidate" means an  
441 eligible person who has timely submitted the written notice, as  
442 described in sub-subparagraph 4.a., of his or her intention to  
443 become a candidate. Except in a timeshare or nonresidential  
444 condominium, or if the staggered term of a board member does not  
445 expire until a later annual meeting, or if all members' terms  
446 would otherwise expire but there are no candidates, the terms of  
447 all board members expire at the annual meeting, and such members  
448 may stand for reelection unless prohibited by the bylaws. Board  
449 members may serve terms longer than 1 year if permitted by the  
450 bylaws or articles of incorporation. A board member may not  
451 serve more than 8 consecutive years unless approved by an  
452 affirmative vote of unit owners representing two-thirds of all  
453 votes cast in the election or unless there are not enough  
454 eligible candidates to fill the vacancies on the board at the  
455 time of the vacancy. Only board service that occurs on or after  
456 July 1, 2018, may be used when calculating a board member's term  
457 limit. If the number of board members whose terms expire at the

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458 annual meeting equals or exceeds the number of candidates, the  
459 candidates become members of the board effective upon the  
460 adjournment of the annual meeting. Unless the bylaws provide  
461 otherwise, any remaining vacancies shall be filled by the  
462 affirmative vote of the majority of the directors making up the  
463 newly constituted board even if the directors constitute less  
464 than a quorum or there is only one director. In a residential  
465 condominium association of more than 10 units or in a  
466 residential condominium association that does not include  
467 timeshare units or timeshare interests, co-owners of a unit may  
468 not serve as members of the board of directors at the same time  
469 unless they own more than one unit or unless there are not  
470 enough eligible candidates to fill the vacancies on the board at  
471 the time of the vacancy. A unit owner in a residential  
472 condominium desiring to be a candidate for board membership must  
473 comply with sub-subparagraph 4.a. and must be eligible to be a  
474 candidate to serve on the board of directors at the time of the  
475 deadline for submitting a notice of intent to run in order to  
476 have his or her name listed as a proper candidate on the ballot  
477 or to serve on the board. A person who has been suspended or  
478 removed by the division under this chapter, or who is delinquent  
479 in the payment of any assessment due to the association, is not  
480 eligible to be a candidate for board membership and may not be  
481 listed on the ballot. For purposes of this paragraph, a person  
482 is delinquent if a payment is not made by the due date as

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483 specifically identified in the declaration of condominium,  
484 bylaws, or articles of incorporation. If a due date is not  
485 specifically identified in the declaration of condominium,  
486 bylaws, or articles of incorporation, the due date is the first  
487 day of the assessment period. A person who has been convicted of  
488 any felony in this state or in a United States District or  
489 Territorial Court, or who has been convicted of any offense in  
490 another jurisdiction which would be considered a felony if  
491 committed in this state, is not eligible for board membership  
492 unless such felon's civil rights have been restored for at least  
493 5 years as of the date such person seeks election to the board.  
494 The validity of an action by the board is not affected if it is  
495 later determined that a board member is ineligible for board  
496 membership due to having been convicted of a felony. This  
497 subparagraph does not limit the term of a member of the board of  
498 a nonresidential or timeshare condominium.

499 3. The bylaws must provide the method of calling meetings  
500 of unit owners, including annual meetings. Written notice of an  
501 annual meeting must include an agenda; be mailed, hand  
502 delivered, or electronically transmitted to each unit owner at  
503 least 14 days before the annual meeting; and be posted in a  
504 conspicuous place on the condominium property or association  
505 property at least 14 continuous days before the annual meeting.  
506 Written notice of a meeting other than an annual meeting must  
507 include an agenda; be mailed, hand delivered, or electronically

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508 transmitted to each unit owner; and be posted in a conspicuous  
509 place on the condominium property or association property within  
510 the timeframe specified in the bylaws. If the bylaws do not  
511 specify a timeframe for written notice of a meeting other than  
512 an annual meeting, notice must be provided at least 14  
513 continuous days before the meeting. Upon notice to the unit  
514 owners, the board shall, by duly adopted rule, designate a  
515 specific location on the condominium property or association  
516 property where all notices of unit owner meetings must be  
517 posted. This requirement does not apply if there is no  
518 condominium property for posting notices. In lieu of, or in  
519 addition to, the physical posting of meeting notices, the  
520 association may, by reasonable rule, adopt a procedure for  
521 conspicuously posting and repeatedly broadcasting the notice and  
522 the agenda on a closed-circuit cable television system serving  
523 the condominium association. However, if broadcast notice is  
524 used in lieu of a notice posted physically on the condominium  
525 property, the notice and agenda must be broadcast at least four  
526 times every broadcast hour of each day that a posted notice is  
527 otherwise required under this section. If broadcast notice is  
528 provided, the notice and agenda must be broadcast in a manner  
529 and for a sufficient continuous length of time so as to allow an  
530 average reader to observe the notice and read and comprehend the  
531 entire content of the notice and the agenda. In addition to any  
532 of the authorized means of providing notice of a meeting of the

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533 board, the association may, by rule, adopt a procedure for  
534 conspicuously posting the meeting notice and the agenda on a  
535 website serving the condominium association for at least the  
536 minimum period of time for which a notice of a meeting is also  
537 required to be physically posted on the condominium property.  
538 Any rule adopted shall, in addition to other matters, include a  
539 requirement that the association send an electronic notice in  
540 the same manner as a notice for a meeting of the members, which  
541 must include a hyperlink to the website where the notice is  
542 posted, to unit owners whose e-mail addresses are included in  
543 the association's official records. Unless a unit owner waives  
544 in writing the right to receive notice of the annual meeting,  
545 such notice must be hand delivered, mailed, or electronically  
546 transmitted to each unit owner. Notice for meetings and notice  
547 for all other purposes must be mailed to each unit owner at the  
548 address last furnished to the association by the unit owner, or  
549 hand delivered to each unit owner. However, if a unit is owned  
550 by more than one person, the association must provide notice to  
551 the address that the developer identifies for that purpose and  
552 thereafter as one or more of the owners of the unit advise the  
553 association in writing, or if no address is given or the owners  
554 of the unit do not agree, to the address provided on the deed of  
555 record. An officer of the association, or the manager or other  
556 person providing notice of the association meeting, must provide  
557 an affidavit or United States Postal Service certificate of

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558 mailing, to be included in the official records of the  
559 association affirming that the notice was mailed or hand  
560 delivered in accordance with this provision.

561 4. The members of the board of a residential condominium  
562 shall be elected by written ballot or voting machine. Proxies  
563 may not be used in electing the board in general elections or  
564 elections to fill vacancies caused by recall, resignation, or  
565 otherwise, unless otherwise provided in this chapter. This  
566 subparagraph does not apply to an association governing a  
567 timeshare condominium.

568 a. At least 60 days before a scheduled election, the  
569 association shall mail, deliver, or electronically transmit, by  
570 separate association mailing or included in another association  
571 mailing, delivery, or transmission, including regularly  
572 published newsletters, to each unit owner entitled to a vote, a  
573 first notice of the date of the election. A unit owner or other  
574 eligible person desiring to be a candidate for the board must  
575 give written notice of his or her intent to be a candidate to  
576 the association at least 40 days before a scheduled election.  
577 Together with the written notice and agenda as set forth in  
578 subparagraph 3., the association shall mail, deliver, or  
579 electronically transmit a second notice of the election to all  
580 unit owners entitled to vote, together with a ballot that lists  
581 all candidates not less than 14 days or more than 34 days before  
582 the date of the election. Upon request of a candidate, an

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583 information sheet, no larger than 8 1/2 inches by 11 inches,  
584 which must be furnished by the candidate at least 35 days before  
585 the election, must be included with the mailing, delivery, or  
586 transmission of the ballot, with the costs of mailing, delivery,  
587 or electronic transmission and copying to be borne by the  
588 association. The association is not liable for the contents of  
589 the information sheets prepared by the candidates. In order to  
590 reduce costs, the association may print or duplicate the  
591 information sheets on both sides of the paper. The division  
592 shall by rule establish voting procedures consistent with this  
593 sub-subparagraph, including rules establishing procedures for  
594 giving notice by electronic transmission and rules providing for  
595 the secrecy of ballots. Elections shall be decided by a  
596 plurality of ballots cast. There is no quorum requirement;  
597 however, at least 20 percent of the eligible voters must cast a  
598 ballot in order to have a valid election. A unit owner may not  
599 authorize any other person to vote his or her ballot, and any  
600 ballots improperly cast are invalid. A unit owner who violates  
601 this provision may be fined by the association in accordance  
602 with s. 718.303. A unit owner who needs assistance in casting  
603 the ballot for the reasons stated in s. 101.051 may obtain such  
604 assistance. The regular election must occur on the date of the  
605 annual meeting. Notwithstanding this sub-subparagraph, an  
606 election is not required unless more candidates file notices of  
607 intent to run or are nominated than board vacancies exist.

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608           b. Within 90 days after being elected or appointed to the  
609 board of an association of a residential condominium, each newly  
610 elected or appointed director shall do both of the following:

611           (I) Certify in writing to the secretary of the association  
612 that he or she has read the association's declaration of  
613 condominium, articles of incorporation, bylaws, and current  
614 written policies; that he or she will work to uphold such  
615 documents and policies to the best of his or her ability; and  
616 that he or she will faithfully discharge his or her fiduciary  
617 responsibility to the association's members. ~~In lieu of this~~  
618 ~~written certification, within 90 days after being elected or~~  
619 ~~appointed to the board, the newly elected or appointed director~~  
620 ~~may~~

621           (II) Submit a certificate of having satisfactorily  
622 completed the educational curriculum administered by a division-  
623 approved condominium education provider within 1 year before or  
624 90 days after the date of election or appointment. The written  
625 certification and ~~or~~ educational certificate are ~~is~~ valid and do  
626 ~~does~~ not have to be resubmitted as long as the director serves  
627 on the board without interruption.

628  
629 A director of an association of a residential condominium who  
630 fails to timely file the written certification and ~~or~~  
631 educational certificate is suspended from service on the board  
632 until he or she complies with this sub-subparagraph. The board

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633 may temporarily fill the vacancy during the period of  
634 suspension. The secretary shall require ~~cause~~ the association to  
635 retain a director's written certification and ~~or~~ educational  
636 certificate for inspection by the members for 5 years after a  
637 director's election or the duration of the director's  
638 uninterrupted tenure, whichever is longer. Failure to have such  
639 written certification and ~~or~~ educational certificate on file  
640 does not affect the validity of any board action.

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

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

653 6. Unit owners may waive notice of specific meetings if  
654 allowed by the applicable bylaws or declaration or any law.  
655 Notice of meetings of the board of administration, unit owner  
656 meetings, except unit owner meetings called to recall board  
657 members under paragraph (j), and committee meetings may be given

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658 | by electronic transmission to unit owners who consent to receive  
659 | notice by electronic transmission. A unit owner who consents to  
660 | receiving notices by electronic transmission is solely  
661 | responsible for removing or bypassing filters that block receipt  
662 | of mass e-mails sent to members on behalf of the association in  
663 | the course of giving electronic notices.

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

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

671 |         9. Unless otherwise provided in the bylaws, any vacancy  
672 | occurring on the board before the expiration of a term may be  
673 | filled by the affirmative vote of the majority of the remaining  
674 | directors, even if the remaining directors constitute less than  
675 | a quorum, or by the sole remaining director. In the alternative,  
676 | a board may hold an election to fill the vacancy, in which case  
677 | the election procedures must conform to sub-subparagraph 4.a.  
678 | unless the association governs 10 units or fewer and has opted  
679 | out of the statutory election process, in which case the bylaws  
680 | of the association control. Unless otherwise provided in the  
681 | bylaws, a board member appointed or elected under this section  
682 | shall fill the vacancy for the unexpired term of the seat being

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683 filled. Filling vacancies created by recall is governed by  
684 paragraph (j) and rules adopted by the division.

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

691  
692 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
693 association of 10 or fewer units may, by affirmative vote of a  
694 majority of the total voting interests, provide for different  
695 voting and election procedures in its bylaws, which may be by a  
696 proxy specifically delineating the different voting and election  
697 procedures. The different voting and election procedures may  
698 provide for elections to be conducted by limited or general  
699 proxy.

700 (f) *Annual budget.*—

701 1. The proposed annual budget of estimated revenues and  
702 expenses must be detailed and must show the amounts budgeted by  
703 accounts and expense classifications, including, at a minimum,  
704 any applicable expenses listed in s. 718.504(21). The board  
705 shall adopt the annual budget at least 14 days prior to the  
706 start of the association's fiscal year. In the event that the  
707 board fails to timely adopt the annual budget a second time, it

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708 shall be deemed a minor violation and the prior year's budget  
709 shall continue in effect until a new budget is adopted. A  
710 multicondominium association shall adopt a separate budget of  
711 common expenses for each condominium the association operates  
712 and shall adopt a separate budget of common expenses for the  
713 association. In addition, if the association maintains limited  
714 common elements with the cost to be shared only by those  
715 entitled to use the limited common elements as provided for in  
716 s. 718.113(1), the budget or a schedule attached to it must show  
717 the amount budgeted for this maintenance. If, after turnover of  
718 control of the association to the unit owners, any of the  
719 expenses listed in s. 718.504(21) are not applicable, they need  
720 not be listed.

721 2.a. In addition to annual operating expenses, the budget  
722 must include reserve accounts for capital expenditures and  
723 deferred maintenance. These accounts must include, but are not  
724 limited to, the maintenance and replacement of the condominium  
725 property identified in s. 718.301(4)(p) which are the  
726 maintenance responsibility of the association pursuant to the  
727 declaration ~~roof replacement, building painting, and pavement~~  
728 ~~resurfacing, regardless of the amount of deferred maintenance~~  
729 ~~expense or replacement cost,~~ and any other item that has a  
730 deferred maintenance expense or replacement cost that exceeds  
731 \$10,000. The amount to be reserved must be computed using a  
732 formula based upon estimated remaining useful life and estimated

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733 replacement cost or deferred maintenance expense of each reserve  
734 item. The association may adjust replacement reserve assessments  
735 annually to take into account any changes in estimates or  
736 extension of the useful life of a reserve item caused by  
737 deferred maintenance. This subsection does not apply to an  
738 adopted budget in which the members of an association have  
739 determined, by a two-thirds majority vote of all the voting  
740 interests, voting in person or by proxy at a duly called meeting  
741 of the association, to provide no reserves or less reserves than  
742 required by this subsection. An annual budget adopted on or  
743 after January 1, 2024, must, at minimum:

744 (I) Identify all items for which reserves are or will be  
745 established;

746 (II) Provide an estimate of the maintenance, repair, and  
747 replacement costs for the structural components for which an  
748 estimate of useful life may be determined;

749 (III) Identify any structural component for which a  
750 reserve account is not established or reserves are not funded,  
751 because the useful life of the component cannot be determined;

752 (IV) As of the beginning of the fiscal year for which the  
753 budget is prepared, identify the estimated current amount of  
754 accumulated funds for each reserve component or, if the pooling  
755 method is used, the estimated current amount of the accumulated  
756 pooled funds;

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757 (V) Provide a description of the manner in which the  
758 association plans to fund reserves, including the use of regular  
759 assessments, special assessments, and any other alternative  
760 funding method; and

761 (VI) Provide a description of the procedures used for  
762 estimating the funding of reserves pursuant to this paragraph,  
763 including, as applicable, the identity of any independent third  
764 party who conducted the reserve study on behalf of the  
765 association and the extent to which the association is funding  
766 its reserve obligations consistent with the reserve study  
767 currently in effect.

768 b. Before turnover of control of an association by a  
769 developer to unit owners other than a developer pursuant to s.  
770 718.301, the developer may not vote the voting interests  
771 allocated to its units to waive the reserves or reduce the  
772 funding of reserves. ~~through the period expiring at the end of~~  
773 ~~the second fiscal year after the fiscal year in which the~~  
774 ~~certificate of a surveyor and mapper is recorded pursuant to s.~~  
775 ~~718.104(4)(c) or an instrument that transfers title to a unit in~~  
776 ~~the condominium which is not accompanied by a recorded~~  
777 ~~assignment of developer rights in favor of the grantee of such~~  
778 ~~unit is recorded, whichever occurs first, after which time~~  
779 Reserves may be waived or reduced only upon the vote of two-  
780 thirds ~~a majority~~ of all nondeveloper voting interests, voting  
781 in person or by limited proxy at a duly called meeting of the

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782 association. If a meeting of the unit owners has been called to  
783 determine whether to waive or reduce the funding of reserves and  
784 no such result is achieved or a quorum is not attained, the  
785 reserves included in the budget shall go into effect. After the  
786 turnover, the developer may vote its voting interest to waive or  
787 reduce the funding of reserves.

788 3. Effective January 1, 2024, an association with a  
789 residential condominium building that is three stories or more  
790 in height and subject to the milestone inspection requirements  
791 in s. 553.899 must conduct a study of the amount of reserve  
792 funds needed to fund reserves for the maintenance, repair,  
793 replacement, and restoration of the condominium property. The  
794 reserve study must be conducted at least every 5 years. The  
795 board shall review the results of such study at least annually  
796 to determine if reserves are sufficient to meet the  
797 association's reserve obligations and to make any adjustments  
798 the board deems necessary to maintain reserves, as appropriate.  
799 The division shall adopt rules setting forth uniform financial  
800 standards and forms for reserve studies. The reserve study must  
801 include, without limitation:

802 a. A visual inspection by a licensed architect, engineer,  
803 or other independent professional with demonstrated experience  
804 or knowledge preparing reserve studies for the purpose of  
805 estimating the useful life and estimated replacement cost or  
806 deferred maintenance expense. The visual inspection shall be

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807 performed on or before January 1, 2024, and at least once every  
808 10 years thereafter. The inspection may be the milestone  
809 inspection required under s. 553.899;

810 b. A summary of any inspection of the major components of  
811 the condominium property identified in sub-subparagraph a. and  
812 any other portion of the condominium property for which the  
813 association is required to establish a reserve account or  
814 accounts;

815 c. If applicable, a summary of the findings and  
816 recommendations of the milestone inspection report required  
817 under s. 553.899 and any other structural or life safety  
818 inspection of the condominium property considered in the reserve  
819 study;

820 d. An identification of the structural components of the  
821 building for which necessary reserves may be reasonably  
822 projected and an identification of the structural components of  
823 the building with an indefinite useful life for which a  
824 reasonable determination of necessary reserves may not be  
825 estimated;

826 e. An estimate of the useful life of the structural  
827 components of the building identified in sub-subparagraph a. for  
828 which an estimate of useful life may be determined as attested  
829 to by a licensed architect or engineer in the turnover  
830 inspection required under s. 718.301(4)(p), a milestone  
831 inspection, or any other structural or life safety inspection of

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832 the condominium property by a licensed architect or engineer,  
833 whichever is most recent;

834 f. An estimate of the remaining useful life of any other  
835 portion of the condominium property for which the association is  
836 required to establish a reserve account or accounts;

837 g. An estimate of the cost of maintenance, repair,  
838 replacement, or restoration of each major component of the  
839 condominium property identified in s. 718.301(4) (p) and any  
840 other portion of the condominium property identified pursuant to  
841 sub-subparagraph d.;

842 h. An estimate of the total annual assessment that may be  
843 necessary to cover the cost of maintaining, repairing,  
844 replacing, or restoring the major components of the condominium  
845 property identified in sub-subparagraph a. and any other portion  
846 of the condominium property identified pursuant to sub-  
847 subparagraph f.;

848 i. A description of the funding plan, including any  
849 alternative funding method, to provide adequate funding for the  
850 required reserves; and

851 j. A schedule for the full funding of reserves. A reserve  
852 account is fully funded when the actual or projected reserve  
853 balance in the reserve account is equal in direct proportion to  
854 the fraction of useful life that has expired for a given  
855 component or components multiplied by the current replacement  
856 costs for the component or components.

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857        ~~4.3.~~ Reserve funds and any interest accruing thereon shall  
858 remain in the reserve account or accounts, and may be used only  
859 for authorized reserve expenditures unless their use for other  
860 purposes is approved in advance by a two-thirds majority vote of  
861 all voting interests, voting in person or by limited proxy at a  
862 duly called meeting of the association; provided that the use of  
863 reserve funds for a purpose other than authorized reserve  
864 expenditures is authorized in the exercise of the association's  
865 emergency powers under s. 718.1265. Before turnover of control  
866 of an association by a developer to unit owners other than the  
867 developer pursuant to s. 718.301, the developer-controlled  
868 association may not vote to use reserves for purposes other than  
869 those for which they were intended without the approval of two-  
870 thirds a majority of all nondeveloper voting interests, voting  
871 in person or by limited proxy at a duly called meeting of the  
872 association.

873        ~~5.a.4.~~ The only voting interests that are eligible to vote  
874 on questions that involve waiving or reducing the funding of  
875 reserves, or using existing reserve funds for purposes other  
876 than purposes for which the reserves were intended, are the  
877 voting interests of the units subject to assessment to fund the  
878 reserves in question. Proxy questions relating to waiving or  
879 reducing the funding of reserves or using existing reserve funds  
880 for purposes other than purposes for which the reserves were  
881 intended must contain the following statement in capitalized,

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882 bold letters in a font size larger than any other used on the  
883 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
884 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
885 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
886 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

887 b. If the association has voted to waive reserves or to  
888 use existing reserve funds for purposes other than the purposes  
889 for which the reserves were intended, the budget must contain  
890 the following statement in conspicuous type: THE OWNERS HAVE  
891 ELECTED TO WAIVE RESERVES, IN WHOLE OR IN PART, OR ALLOWED  
892 ALTERNATIVE USES OF EXISTING RESERVES UNDER SECTION  
893 718.112(2)(f), FLORIDA STATUTES. THE WAIVING OR ALTERNATIVE USE  
894 OF RESERVE FUNDS MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT  
895 OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

896 c. On or after January 1, 2026, if the association is  
897 required to perform a reserve study under this paragraph and the  
898 budget of the association does not fund the association's  
899 reserve obligations consistent with the reserve study currently  
900 in effect, the budget must also contain the following statement  
901 in conspicuous type: THE ASSOCIATION'S LAST RESERVE STUDY IS  
902 DATED . . . . THE RESERVE AMOUNT BUDGETED AND/OR COLLECTED IS LESS  
903 THAN REQUIRED BY THE RESERVE STUDY SCHEDULE. FAILURE TO FUND  
904 RESERVES CONSISTENT WITH THE ASSOCIATION'S RESERVE STUDY MAY  
905 RESULT IN UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE  
906 ITEMS.

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907 (p) Mandatory milestone inspections.—If an association is  
908 required to have a milestone inspection performed pursuant to s.  
909 553.899, the association must arrange for the milestone  
910 inspection to be performed and is responsible for ensuring  
911 compliance with the requirements of s. 553.899. The association  
912 is responsible for all costs associated with the inspection. If  
913 the officers or directors of an association willfully and  
914 knowingly fail to have a milestone inspection performed pursuant  
915 to s. 553.899, such failure is a breach of the officers' and  
916 directors' fiduciary relationship to the unit owners under s.  
917 718.111(1) (a). Upon completion of a phase one or phase two  
918 milestone inspection and receipt of the inspector-prepared  
919 summary of the inspection report from the architect or engineer  
920 who performed the inspection, the association must distribute a  
921 copy of the inspector-prepared summary of the inspection report  
922 to each unit owner, regardless of the findings or  
923 recommendations in the report, by United States mail or personal  
924 delivery and by electronic transmission to unit owners who  
925 previously consented to receive notice by electronic  
926 transmission; must post a copy of the inspector-prepared summary  
927 in a conspicuous place on the condominium property; and must  
928 publish the full report and inspector-prepared summary on the  
929 association's website, if the association is required to have a  
930 website.

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931 Section 6. Present subsections (4) through (9) of section  
932 718.113, Florida Statutes, are redesignated as subsections (5)  
933 through (10), respectively, a new subsection (4) is added to  
934 that section, and subsections (1) and (2) of that section are  
935 amended, to read:

936 718.113 Maintenance; limitation upon improvement; display  
937 of flag; hurricane shutters and protection; display of religious  
938 decorations.—

939 (1) Maintenance of the common elements is the  
940 responsibility of the association, except for any maintenance  
941 responsibility for limited common elements assigned to the unit  
942 owner by the declaration. The association shall provide for the  
943 maintenance, repair, and replacement of the condominium property  
944 for which it bears responsibility. After turnover of control of  
945 the association to the unit owners, the association must perform  
946 any required maintenance identified by the developer pursuant to  
947 s. 718.301(4)(p) until the association obtains new maintenance  
948 protocols from a licensed professional engineer or architect.

949 The declaration may provide that certain limited common elements  
950 shall be maintained by those entitled to use the limited common  
951 elements or that the association shall provide the maintenance,  
952 either as a common expense or with the cost shared only by those  
953 entitled to use the limited common elements. If the maintenance  
954 is to be by the association at the expense of only those  
955 entitled to use the limited common elements, the declaration

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956 shall describe in detail the method of apportioning such costs  
957 among those entitled to use the limited common elements, and the  
958 association may use the provisions of s. 718.116 to enforce  
959 payment of the shares of such costs by the unit owners entitled  
960 to use the limited common elements.

961 (2)(a) Except as otherwise provided in this section, there  
962 shall be no material alteration or substantial additions to the  
963 common elements or to real property which is association  
964 property, except in a manner provided in the declaration as  
965 originally recorded or as amended under the procedures provided  
966 therein. If the declaration as originally recorded or as amended  
967 under the procedures provided therein does not specify the  
968 procedure for approval of material alterations or substantial  
969 additions, 75 percent of the total voting interests of the  
970 association must approve the alterations or additions before the  
971 material alterations or substantial additions are commenced.  
972 This paragraph is intended to clarify existing law and applies  
973 to associations existing on July 1, 2018.

974 (b) There shall not be any material alteration of, or  
975 substantial addition to, the common elements of any condominium  
976 operated by a multicondominium association unless approved in  
977 the manner provided in the declaration of the affected  
978 condominium or condominiums as originally recorded or as amended  
979 under the procedures provided therein. If a declaration as  
980 originally recorded or as amended under the procedures provided

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981 therein does not specify a procedure for approving such an  
982 alteration or addition, the approval of 75 percent of the total  
983 voting interests of each affected condominium is required before  
984 the material alterations or substantial additions are commenced.  
985 This subsection does not prohibit a provision in any  
986 declaration, articles of incorporation, or bylaws as originally  
987 recorded or as amended under the procedures provided therein  
988 requiring the approval of unit owners in any condominium  
989 operated by the same association or requiring board approval  
990 before a material alteration or substantial addition to the  
991 common elements is permitted. This paragraph is intended to  
992 clarify existing law and applies to associations existing on  
993 July 1, 2018.

994 (c) There shall not be any material alteration or  
995 substantial addition made to association real property operated  
996 by a multicondominium association, except as provided in the  
997 declaration, articles of incorporation, or bylaws as originally  
998 recorded or as amended under the procedures provided therein. If  
999 the declaration, articles of incorporation, or bylaws as  
1000 originally recorded or as amended under the procedures provided  
1001 therein do not specify the procedure for approving an alteration  
1002 or addition to association real property, the approval of 75  
1003 percent of the total voting interests of the association is  
1004 required before the material alterations or substantial  
1005 additions are commenced. This paragraph is intended to clarify

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1006 existing law and applies to associations existing on July 1,  
1007 2018.

1008 (d) The necessary maintenance, repair, or replacement of  
1009 condominium property is not a material alteration or substantial  
1010 addition requiring unit owner approval.

1011 (4) The association is not liable for alternative housing  
1012 costs, lost rent, or other expenses if a unit must be vacated in  
1013 whole or in part or if access to a common element is denied for  
1014 necessary maintenance, repair, or replacement of condominium  
1015 property.

1016 Section 7. Subsections (1) and (5) of section 718.1255,  
1017 Florida Statutes, are amended to read:

1018 718.1255 Alternative dispute resolution; mediation;  
1019 nonbinding arbitration; applicability.—

1020 (1) DEFINITIONS.—As used in this section, the term  
1021 "dispute" means any disagreement between two or more parties  
1022 that involves:

1023 (a) The authority of the board of directors, under this  
1024 chapter or association document, to:

1025 1. Require any owner to take any action, or not to take  
1026 any action, involving that owner's unit or the appurtenances  
1027 thereto.

1028 2. Alter or add to a common area or element.

1029 (b) The failure of a governing body, when required by this  
1030 chapter or an association document, to:

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- 1031 1. Properly conduct elections.
- 1032 2. Give adequate notice of meetings or other actions.
- 1033 3. Properly conduct meetings.
- 1034 4. Allow inspection of books and records.
- 1035 (c) A plan of termination pursuant to s. 718.117.
- 1036 (d) The failure of a governing body, when required by this
- 1037 chapter or an association document, to:
- 1038 1. Perform a structural or life safety inspection,
- 1039 including the milestone inspection required under s. 553.899.
- 1040 2. Perform a reserve study as required by law or the
- 1041 declaration, articles of incorporation, or bylaws.
- 1042 3. Fund reserves as required by law or the declaration,
- 1043 articles of incorporation, or bylaws.
- 1044 4. Make or provide necessary maintenance or repairs of
- 1045 condominium property.
- 1046
- 1047 "Dispute" does not include any disagreement that primarily
- 1048 involves: title to any unit or common element; the
- 1049 interpretation or enforcement of any warranty; the levy of a fee
- 1050 or assessment, or the collection of an assessment levied against
- 1051 a party; the eviction or other removal of a tenant from a unit;
- 1052 alleged breaches of fiduciary duty by one or more directors; or
- 1053 claims for damages to a unit based upon the alleged failure of
- 1054 the association to maintain the common elements or condominium
- 1055 property.

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1056 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
1057 nonbinding arbitration as provided in subsections (1)-(4), a  
1058 party may submit a dispute to presuit mediation in accordance  
1059 with s. 720.311; however, election and recall disputes are not  
1060 eligible for mediation and such disputes must be arbitrated by  
1061 the division or filed in a court of competent jurisdiction.  
1062 Disputes identified in paragraph (1)(d) are not subject to  
1063 nonbinding arbitration under subsections (1)-(4) and must be  
1064 submitted to presuit mediation in accordance with s. 720.311.

1065 Section 8. Paragraph (p) of subsection (4) of section  
1066 718.301, Florida Statutes, is amended, and paragraph (r) is  
1067 added to that subsection, to read:

1068 718.301 Transfer of association control; claims of defect  
1069 by association.—

1070 (4) At the time that unit owners other than the developer  
1071 elect a majority of the members of the board of administration  
1072 of an association, the developer shall relinquish control of the  
1073 association, and the unit owners shall accept control.  
1074 Simultaneously, or for the purposes of paragraph (c) not more  
1075 than 90 days thereafter, the developer shall deliver to the  
1076 association, at the developer's expense, all property of the  
1077 unit owners and of the association which is held or controlled  
1078 by the developer, including, but not limited to, the following  
1079 items, if applicable, as to each condominium operated by the  
1080 association:

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1081 (p) Notwithstanding when the certificate of occupancy was  
1082 issued or the height of the building, a milestone inspection  
1083 report in compliance with s. 553.899 included in the official  
1084 records, under seal of an architect or engineer authorized to  
1085 practice in this state, and attesting to required maintenance,  
1086 condition, useful life, and replacement costs of the following  
1087 applicable condominium property ~~common elements~~ comprising a  
1088 turnover inspection report:

1089 1. Roof.

1090 2. Structure, including load-bearing walls and primary  
1091 structural members and primary structural systems as those terms  
1092 are defined in s. 627.706.

1093 3. Fireproofing and fire protection systems.

1094 4. Elevators.

1095 5. Heating and cooling systems.

1096 6. Plumbing.

1097 7. Electrical systems.

1098 8. Swimming pool or spa and equipment.

1099 9. Seawalls.

1100 10. Pavement and parking areas.

1101 11. Drainage systems.

1102 12. Painting.

1103 13. Irrigation systems.

1104 14. Waterproofing.

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1105 (r) A copy of the most recent reserve study required under  
1106 s. 718.112(2)(f)3., along with the statements indicating the  
1107 status of the reserves required under s. 718.112(2)(f)5., if  
1108 applicable, or a statement in conspicuous type indicating that  
1109 the association has not completed the required reserve study or  
1110 that the association is not required to perform a reserve study,  
1111 as applicable.

1112 Section 9. Subsection (3) is added to section 718.501,  
1113 Florida Statutes, to read:

1114 718.501 Authority, responsibility, and duties of Division  
1115 of Florida Condominiums, Timeshares, and Mobile Homes.—

1116 (3)(a) On or before January 1, 2023, condominium  
1117 associations existing on or before July 1, 2022, must provide  
1118 the following information to the division in writing, by e-mail,  
1119 United States Postal Service, commercial delivery service, or  
1120 hand delivery, at a physical address or e-mail address provided  
1121 by the division and on a form posted on the division's website:

1122 1. The number of buildings on the condominium property  
1123 that are three stories or higher in height.

1124 2. The total number of units in all such buildings.

1125 3. The addresses of all such buildings.

1126 4. The counties in which all such buildings are located.

1127 (b) The division must compile a list of the number of  
1128 buildings on condominium property that are three stories or  
1129 higher in height, which is searchable by county, and must post

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1130 the list on the division's website. This list must include all  
1131 of the following information:

1132 1. The name of each association with buildings on the  
1133 condominium property that are three stories or higher in height.

1134 2. The number of such buildings on each association's  
1135 property.

1136 3. The addresses of all such buildings.

1137 4. The counties in which all such buildings are located.

1138 (c) An association must provide an update in writing to  
1139 the division if there are any changes to the information in the  
1140 list under paragraph (b) within 6 months after the change.

1141 Section 10. Present paragraphs (b) and (c) of subsection  
1142 (2) of section 718.503, Florida Statutes, are redesignated as  
1143 paragraphs (c) and (d), respectively, a new paragraph (b) is  
1144 added to that subsection, and paragraph (b) of subsection (1)  
1145 and paragraph (a) of subsection (2) of that section are amended,  
1146 to read:

1147 718.503 Developer disclosure prior to sale; nondeveloper  
1148 unit owner disclosure prior to sale; voidability.—

1149 (1) DEVELOPER DISCLOSURE.—

1150 (b) *Copies of documents to be furnished to prospective*  
1151 *buyer or lessee.*—Until such time as the developer has furnished  
1152 the documents listed below to a person who has entered into a  
1153 contract to purchase a residential unit or lease it for more  
1154 than 5 years, the contract may be voided by that person,

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1155 | entitling the person to a refund of any deposit together with  
1156 | interest thereon as provided in s. 718.202. The contract may be  
1157 | terminated by written notice from the proposed buyer or lessee  
1158 | delivered to the developer within 15 days after the buyer or  
1159 | lessee receives all of the documents required by this section.  
1160 | The developer may not close for 15 days after ~~following~~ the  
1161 | execution of the agreement and delivery of the documents to the  
1162 | buyer as evidenced by a signed receipt for documents unless the  
1163 | buyer is informed in the 15-day voidability period and agrees to  
1164 | close before ~~prior to~~ the expiration of the 15 days. The  
1165 | developer shall retain in his or her records a separate  
1166 | agreement signed by the buyer as proof of the buyer's agreement  
1167 | to close before ~~prior to~~ the expiration of the ~~said~~ voidability  
1168 | period. The developer must retain such ~~Said~~ proof ~~shall be~~  
1169 | ~~retained~~ for a period of 5 years after the date of the closing  
1170 | of the transaction. The documents to be delivered to the  
1171 | prospective buyer are the prospectus or disclosure statement  
1172 | with all exhibits, if the development is subject to ~~the~~  
1173 | ~~provisions of~~ s. 718.504, or, if not, then copies of the  
1174 | following which are applicable:  
1175 |       1. The question and answer sheet described in s. 718.504,  
1176 | and declaration of condominium, or the proposed declaration if  
1177 | the declaration has not been recorded, which shall include the  
1178 | certificate of a surveyor approximately representing the  
1179 | locations required by s. 718.104.

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- 1180           2. The documents creating the association.  
1181           3. The bylaws.  
1182           4. The ground lease or other underlying lease of the  
1183 condominium.  
1184           5. The management contract, maintenance contract, and  
1185 other contracts for management of the association and operation  
1186 of the condominium and facilities used by the unit owners having  
1187 a service term in excess of 1 year, and any management contracts  
1188 that are renewable.  
1189           6. The estimated operating budget for the condominium and  
1190 a schedule of expenses for each type of unit, including fees  
1191 assessed pursuant to s. 718.113(1) for the maintenance of  
1192 limited common elements where such costs are shared only by  
1193 those entitled to use the limited common elements.  
1194           7. The lease of recreational and other facilities that  
1195 will be used only by unit owners of the subject condominium.  
1196           8. The lease of recreational and other common facilities  
1197 that will be used by unit owners in common with unit owners of  
1198 other condominiums.  
1199           9. The form of unit lease if the offer is of a leasehold.  
1200           10. Any declaration of servitude of properties serving the  
1201 condominium but not owned by unit owners or leased to them or  
1202 the association.  
1203           11. If the development is to be built in phases or if the  
1204 association is to manage more than one condominium, a

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1205 description of the plan of phase development or the arrangements  
1206 for the association to manage two or more condominiums.

1207 12. If the condominium is a conversion of existing  
1208 improvements, the statements and disclosure required by s.  
1209 718.616.

1210 13. The form of agreement for sale or lease of units.

1211 14. A copy of the floor plan of the unit and the plot plan  
1212 showing the location of the residential buildings and the  
1213 recreation and other common areas.

1214 15. A copy of all covenants and restrictions ~~that~~ ~~which~~  
1215 will affect the use of the property and ~~which~~ are not contained  
1216 in the foregoing.

1217 16. If the developer is required by state or local  
1218 authorities to obtain acceptance or approval of any dock or  
1219 marina facilities intended to serve the condominium, a copy of  
1220 any such acceptance or approval acquired by the time of filing  
1221 with the division under s. 718.502(1), or a statement that such  
1222 acceptance or approval has not been acquired or received.

1223 17. Evidence demonstrating that the developer has an  
1224 ownership, leasehold, or contractual interest in the land upon  
1225 which the condominium is to be developed.

1226 18. A copy of the most recent reserve study required under  
1227 s. 718.112(2)(f)3., along with the statements in the budget  
1228 indicating the status of the reserves required under s.  
1229 718.112(2)(f)5., if applicable, or a statement in conspicuous

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1230 type indicating that the association has not completed the  
1231 required reserve study or that the association is not required  
1232 to perform a reserve study, as applicable.

1233 19. A copy of the inspector-prepared summary of the  
1234 milestone inspection report as described in ss. 553.899 and  
1235 718.301(4)(p).

1236 (2) NONDEVELOPER DISCLOSURE.—

1237 (a) Each unit owner who is not a developer as defined by  
1238 this chapter must ~~shall~~ comply with ~~the provisions of this~~  
1239 subsection before ~~prior to~~ the sale of his or her unit. Each  
1240 prospective purchaser who has entered into a contract for the  
1241 purchase of a condominium unit is entitled, at the seller's  
1242 expense, to a current copy of all of the following:

- 1243 1. The declaration of condominium.  
1244 2. Articles of incorporation of the association.  
1245 3. Bylaws and rules of the association.  
1246 4. Financial information required by s. 718.111.  
1247 5. A copy of the most recent reserve study required under  
1248 s. 718.112(2)(f)3., along with the statements in the budget  
1249 indicating the status of the reserves required under s.  
1250 718.112(2)(f)5., if applicable, or a statement in conspicuous  
1251 type indicating that the association has not completed the  
1252 required reserve study or that the association is not required  
1253 to perform a reserve study, as applicable.

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1254           6. A copy of the inspector-prepared summary of the  
1255 milestone inspection report as described in ss. 553.899 and  
1256 718.301(4) (p).

1257           7. ~~and~~ The document entitled "Frequently Asked Questions  
1258 and Answers" required by s. 718.504.

1259           (b) ~~On and after January 1, 2009,~~ The prospective  
1260 purchaser is ~~shall~~ also ~~be~~ entitled to receive from the seller a  
1261 copy of a governance form. Such form shall be provided by the  
1262 division summarizing governance of condominium associations. In  
1263 addition to such other information as the division considers  
1264 helpful to a prospective purchaser in understanding association  
1265 governance, the governance form shall address the following  
1266 subjects:

1267           1. The role of the board in conducting the day-to-day  
1268 affairs of the association on behalf of, and in the best  
1269 interests of, the owners.

1270           2. The board's responsibility to provide advance notice of  
1271 board and membership meetings.

1272           3. The rights of owners to attend and speak at board and  
1273 membership meetings.

1274           4. The responsibility of the board and of owners with  
1275 respect to maintenance of the condominium property.

1276           5. The responsibility of the board and owners to abide by  
1277 the condominium documents, this chapter, rules adopted by the  
1278 division, and reasonable rules adopted by the board.

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1279           6. Owners' rights to inspect and copy association records  
1280 and the limitations on such rights.

1281           7. Remedies available to owners with respect to actions by  
1282 the board which may be abusive or beyond the board's power and  
1283 authority.

1284           8. The right of the board to hire a property management  
1285 firm, subject to its own primary responsibility for such  
1286 management.

1287           9. The responsibility of owners with regard to payment of  
1288 regular or special assessments necessary for the operation of  
1289 the property and the potential consequences of failure to pay  
1290 such assessments.

1291           10. The voting rights of owners.

1292           11. Rights and obligations of the board in enforcement of  
1293 rules in the condominium documents and rules adopted by the  
1294 board.

1295  
1296 The governance form shall also include the following statement  
1297 in conspicuous type: "This publication is intended as an  
1298 informal educational overview of condominium governance. In the  
1299 event of a conflict, the provisions of chapter 718, Florida  
1300 Statutes, rules adopted by the Division of Florida Condominiums,  
1301 Timeshares, and Mobile Homes of the Department of Business and  
1302 Professional Regulation, the provisions of the condominium  
1303 documents, and reasonable rules adopted by the condominium

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1304 association's board of administration prevail over the contents  
1305 of this publication."

1306 Section 11. Paragraph (f) of subsection (24) of section  
1307 718.504, Florida Statutes, is amended, and paragraph (q) is  
1308 added to that subsection, to read:

1309 718.504 Prospectus or offering circular.—Every developer  
1310 of a residential condominium which contains more than 20  
1311 residential units, or which is part of a group of residential  
1312 condominiums which will be served by property to be used in  
1313 common by unit owners of more than 20 residential units, shall  
1314 prepare a prospectus or offering circular and file it with the  
1315 Division of Florida Condominiums, Timeshares, and Mobile Homes  
1316 prior to entering into an enforceable contract of purchase and  
1317 sale of any unit or lease of a unit for more than 5 years and  
1318 shall furnish a copy of the prospectus or offering circular to  
1319 each buyer. In addition to the prospectus or offering circular,  
1320 each buyer shall be furnished a separate page entitled  
1321 "Frequently Asked Questions and Answers," which shall be in  
1322 accordance with a format approved by the division and a copy of  
1323 the financial information required by s. 718.111. This page  
1324 shall, in readable language, inform prospective purchasers  
1325 regarding their voting rights and unit use restrictions,  
1326 including restrictions on the leasing of a unit; shall indicate  
1327 whether and in what amount the unit owners or the association is  
1328 obligated to pay rent or land use fees for recreational or other

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1329 commonly used facilities; shall contain a statement identifying  
1330 that amount of assessment which, pursuant to the budget, would  
1331 be levied upon each unit type, exclusive of any special  
1332 assessments, and which shall further identify the basis upon  
1333 which assessments are levied, whether monthly, quarterly, or  
1334 otherwise; shall state and identify any court cases in which the  
1335 association is currently a party of record in which the  
1336 association may face liability in excess of \$100,000; and which  
1337 shall further state whether membership in a recreational  
1338 facilities association is mandatory, and if so, shall identify  
1339 the fees currently charged per unit type. The division shall by  
1340 rule require such other disclosure as in its judgment will  
1341 assist prospective purchasers. The prospectus or offering  
1342 circular may include more than one condominium, although not all  
1343 such units are being offered for sale as of the date of the  
1344 prospectus or offering circular. The prospectus or offering  
1345 circular must contain the following information:

1346 (24) Copies of the following, to the extent they are  
1347 applicable, shall be included as exhibits:

1348 (f) The estimated operating budget for the condominium and  
1349 the required schedule of unit owners' expenses, and the most  
1350 recent reserve study required under s. 718.112(2)(f)3., along  
1351 with the statements in the budget indicating the status of the  
1352 reserves required under s. 718.112(2)(f)5., if applicable, or a  
1353 statement in conspicuous type indicating that the association

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1354 has not completed the required reserve study or that the  
1355 association is not required to perform a reserve study, as  
1356 applicable.

1357 (q) A copy of the inspector-prepared summary of the  
1358 milestone inspection report as described in ss. 553.899 and  
1359 718.301(4)(p).

1360 Section 12. Present subsections (1) through (28) of  
1361 section 719.103, Florida Statutes, are redesignated as  
1362 subsections (2) through (29), respectively, and a new subsection  
1363 (1) is added to that section, to read:

1364 719.103 Definitions.—As used in this chapter:

1365 (1) "Alternative funding method" means an alternative to  
1366 funding a reserve account which is approved by the division and  
1367 which may reasonably be expected to fully satisfy the  
1368 association's budgetary obligations for deferred maintenance,  
1369 capital expenditure, and any item for which reserves are  
1370 otherwise required, including, but not limited to, payments by a  
1371 developer and the incorporation into the budget of expenses for  
1372 deferred maintenance, capital expenditure, and any item for  
1373 which reserves are otherwise required. The term also includes  
1374 any other alternative approved by the division.

1375 Section 13. Present subsections (5) through (11) of  
1376 section 719.104, Florida Statutes, are redesignated as  
1377 subsections (6) through (12), respectively, a new subsection (5)  
1378 is added to that section, and paragraphs (a) and (c) of

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1379 subsection (2) and paragraph (a) of subsection (4) of that  
1380 section are amended, to read:

1381 719.104 Cooperatives; access to units; records; financial  
1382 reports; assessments; purchase of leases.—

1383 (2) OFFICIAL RECORDS.—

1384 (a) From the inception of the association, the association  
1385 shall maintain a copy of each of the following, where  
1386 applicable, which shall constitute the official records of the  
1387 association:

1388 1. The plans, permits, warranties, and other items  
1389 provided by the developer pursuant to s. 719.301(4).

1390 2. A photocopy of the cooperative documents.

1391 3. A copy of the current rules of the association.

1392 4. A book or books containing the minutes of all meetings  
1393 of the association, of the board of directors, and of the unit  
1394 owners.

1395 5. A current roster of all unit owners and their mailing  
1396 addresses, unit identifications, voting certifications, and, if  
1397 known, telephone numbers. The association shall also maintain  
1398 the e-mail addresses and the numbers designated by unit owners  
1399 for receiving notice sent by electronic transmission of those  
1400 unit owners consenting to receive notice by electronic  
1401 transmission. The e-mail addresses and numbers provided by unit  
1402 owners to receive notice by electronic transmission shall be  
1403 removed from association records when consent to receive notice

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1404 by electronic transmission is revoked. However, the association  
1405 is not liable for an erroneous disclosure of the e-mail address  
1406 or the number for receiving electronic transmission of notices.

1407 6. All current insurance policies of the association.

1408 7. A current copy of any management agreement, lease, or  
1409 other contract to which the association is a party or under  
1410 which the association or the unit owners have an obligation or  
1411 responsibility.

1412 8. Bills of sale or transfer for all property owned by the  
1413 association.

1414 9. Accounting records for the association and separate  
1415 accounting records for each unit it operates, according to good  
1416 accounting practices. The accounting records shall include, but  
1417 not be limited to:

1418 a. Accurate, itemized, and detailed records of all  
1419 receipts and expenditures.

1420 b. A current account and a monthly, bimonthly, or  
1421 quarterly statement of the account for each unit designating the  
1422 name of the unit owner, the due date and amount of each  
1423 assessment, the amount paid upon the account, and the balance  
1424 due.

1425 c. All audits, reviews, accounting statements, reserve  
1426 studies and reserve funding plans, and financial reports of the  
1427 association.

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1428 d. All contracts for work to be performed. Bids for work  
1429 to be performed shall also be considered official records and  
1430 shall be maintained for a period of 1 year.

1431 10. Ballots, sign-in sheets, voting proxies, and all other  
1432 papers and electronic records relating to voting by unit owners,  
1433 which shall be maintained for a period of 1 year after the date  
1434 of the election, vote, or meeting to which the document relates.

1435 11. All rental records where the association is acting as  
1436 agent for the rental of units.

1437 12. A copy of the current question and answer sheet as  
1438 described in s. 719.504.

1439 13. All affirmative acknowledgments made pursuant to s.  
1440 719.108(3)(b)3.

1441 14. A copy of the inspection reports as described in ss.  
1442 553.899 and 719.301(4)(p) and any other inspection report  
1443 relating to a structural or life safety inspection of the  
1444 cooperative property. Such record must be maintained by the  
1445 association for 15 years after receipt of the report.

1446 15. All other written records of the association not  
1447 specifically included in the foregoing which are related to the  
1448 operation of the association.

1449 (c) The official records of the association are open to  
1450 inspection by any association member or the authorized  
1451 representative of such member at all reasonable times. The right  
1452 to inspect the records includes the right to make or obtain

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1453 | copies, at the reasonable expense, if any, of the association  
1454 | member. A renter of a unit has a right to inspect and copy only  
1455 | the association's bylaws and rules and the inspection reports  
1456 | described in ss. 553.899 and 719.301(4)(p). The association may  
1457 | adopt reasonable rules regarding the frequency, time, location,  
1458 | notice, and manner of record inspections and copying, but may  
1459 | not require a member to demonstrate any purpose or state any  
1460 | reason for the inspection. The failure of an association to  
1461 | provide the records within 10 working days after receipt of a  
1462 | written request creates a rebuttable presumption that the  
1463 | association willfully failed to comply with this paragraph. A  
1464 | member who is denied access to official records is entitled to  
1465 | the actual damages or minimum damages for the association's  
1466 | willful failure to comply. The minimum damages are \$50 per  
1467 | calendar day for up to 10 days, beginning on the 11th working  
1468 | day after receipt of the written request. The failure to permit  
1469 | inspection entitles any person prevailing in an enforcement  
1470 | action to recover reasonable attorney fees from the person in  
1471 | control of the records who, directly or indirectly, knowingly  
1472 | denied access to the records. Any person who knowingly or  
1473 | intentionally defaces or destroys accounting records that are  
1474 | required by this chapter to be maintained during the period for  
1475 | which such records are required to be maintained, or who  
1476 | knowingly or intentionally fails to create or maintain  
1477 | accounting records that are required to be created or

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1478 maintained, with the intent of causing harm to the association  
1479 or one or more of its members, is personally subject to a civil  
1480 penalty under s. 719.501(1)(d). The association shall maintain  
1481 an adequate number of copies of the declaration, articles of  
1482 incorporation, bylaws, and rules, and all amendments to each of  
1483 the foregoing, as well as the question and answer sheet as  
1484 described in s. 719.504 and year-end financial information  
1485 required by the department, on the cooperative property to  
1486 ensure their availability to members and prospective purchasers,  
1487 and may charge its actual costs for preparing and furnishing  
1488 these documents to those requesting the same. An association  
1489 shall allow a member or his or her authorized representative to  
1490 use a portable device, including a smartphone, tablet, portable  
1491 scanner, or any other technology capable of scanning or taking  
1492 photographs, to make an electronic copy of the official records  
1493 in lieu of the association providing the member or his or her  
1494 authorized representative with a copy of such records. The  
1495 association may not charge a member or his or her authorized  
1496 representative for the use of a portable device. Notwithstanding  
1497 this paragraph, the following records shall not be accessible to  
1498 members:

1499       1. Any record protected by the lawyer-client privilege as  
1500 described in s. 90.502 and any record protected by the work-  
1501 product privilege, including any record prepared by an  
1502 association attorney or prepared at the attorney's express

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1503 direction which reflects a mental impression, conclusion,  
1504 litigation strategy, or legal theory of the attorney or the  
1505 association, and which was prepared exclusively for civil or  
1506 criminal litigation or for adversarial administrative  
1507 proceedings, or which was prepared in anticipation of such  
1508 litigation or proceedings until the conclusion of the litigation  
1509 or proceedings.

1510 2. Information obtained by an association in connection  
1511 with the approval of the lease, sale, or other transfer of a  
1512 unit.

1513 3. Personnel records of association or management company  
1514 employees, including, but not limited to, disciplinary, payroll,  
1515 health, and insurance records. For purposes of this  
1516 subparagraph, the term "personnel records" does not include  
1517 written employment agreements with an association employee or  
1518 management company, or budgetary or financial records that  
1519 indicate the compensation paid to an association employee.

1520 4. Medical records of unit owners.

1521 5. Social security numbers, driver license numbers, credit  
1522 card numbers, e-mail addresses, telephone numbers, facsimile  
1523 numbers, emergency contact information, addresses of a unit  
1524 owner other than as provided to fulfill the association's notice  
1525 requirements, and other personal identifying information of any  
1526 person, excluding the person's name, unit designation, mailing  
1527 address, property address, and any address, e-mail address, or

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1528 facsimile number provided to the association to fulfill the  
1529 association's notice requirements. Notwithstanding the  
1530 restrictions in this subparagraph, an association may print and  
1531 distribute to unit owners a directory containing the name, unit  
1532 address, and all telephone numbers of each unit owner. However,  
1533 an owner may exclude his or her telephone numbers from the  
1534 directory by so requesting in writing to the association. An  
1535 owner may consent in writing to the disclosure of other contact  
1536 information described in this subparagraph. The association is  
1537 not liable for the inadvertent disclosure of information that is  
1538 protected under this subparagraph if the information is included  
1539 in an official record of the association and is voluntarily  
1540 provided by an owner and not requested by the association.

1541 6. Electronic security measures that are used by the  
1542 association to safeguard data, including passwords.

1543 7. The software and operating system used by the  
1544 association which allow the manipulation of data, even if the  
1545 owner owns a copy of the same software used by the association.  
1546 The data is part of the official records of the association.

1547 8. All affirmative acknowledgments made pursuant to s.  
1548 719.108(3)(b)3.

1549 (4) FINANCIAL REPORT.—

1550 (a) Within 90 days following the end of the fiscal or  
1551 calendar year or annually on such date as provided in the bylaws  
1552 of the association, the board of administration shall prepare

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1553 and complete, or contract with a third party to prepare and  
1554 complete, a financial report covering the preceding fiscal or  
1555 calendar year. Within 21 days after the financial report is  
1556 completed by the association or received from the third party,  
1557 but no later than 120 days after the end of the fiscal year,  
1558 calendar year, or other date provided in the bylaws, the  
1559 association shall provide each member with a copy of the annual  
1560 financial report or a written notice that a copy of the  
1561 financial report is available upon request at no charge to the  
1562 member. The division shall adopt rules setting forth uniform  
1563 accounting principles, standards, and reporting requirements.  
1564 The rules must include, but not be limited to, standards for  
1565 presenting a summary of association reserves, including a good  
1566 faith estimate disclosing the annual amount of reserve funds  
1567 that would be necessary for the association to fully fund  
1568 reserves for each reserve item based on the straight-line method  
1569 or to fully fund reserves based on the pooling method. In  
1570 adopting such rules, the division shall consider the number of  
1571 members and annual revenues of an association.

1572 (5) MAINTENANCE.-

1573 (a) Maintenance of the common areas is the responsibility  
1574 of the association, except for any maintenance responsibility  
1575 for limited common areas assigned to the unit owner by the  
1576 cooperative documents. The association shall provide for the  
1577 maintenance, repair, and replacement of the cooperative property

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1578 for which it bears responsibility. After turnover of control of  
1579 the association to the unit owners, the association must perform  
1580 any required maintenance identified by the developer pursuant to  
1581 s. 719.301(4)(p) until the association obtains new maintenance  
1582 protocols from a licensed professional engineer or architect.

1583 (b) The necessary maintenance, repair, or replacement of  
1584 cooperative property is not a material alteration or substantial  
1585 addition requiring unit owner approval.

1586 (c) The association is not liable for alternative housing  
1587 costs, lost rent, or other expenses if a unit must be vacated in  
1588 whole or in part or if access is denied to a common area for  
1589 necessary maintenance, repair, or replacement of cooperative  
1590 property.

1591 Section 14. Paragraphs (d) and (j) of subsection (1) of  
1592 section 719.106, Florida Statutes, are amended, and paragraph  
1593 (n) is added to that subsection, to read:

1594 719.106 Bylaws; cooperative ownership.—

1595 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1596 documents shall provide for the following, and if they do not,  
1597 they shall be deemed to include the following:

1598 (d) *Shareholder meetings*.—There shall be an annual meeting  
1599 of the shareholders. All members of the board of administration  
1600 shall be elected at the annual meeting unless the bylaws provide  
1601 for staggered election terms or for their election at another  
1602 meeting. Any unit owner desiring to be a candidate for board

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1603 membership must comply with subparagraph 1. The bylaws must  
1604 provide the method for calling meetings, including annual  
1605 meetings. Written notice, which must incorporate an  
1606 identification of agenda items, shall be given to each unit  
1607 owner at least 14 days before the annual meeting and posted in a  
1608 conspicuous place on the cooperative property at least 14  
1609 continuous days preceding the annual meeting. Upon notice to the  
1610 unit owners, the board must by duly adopted rule designate a  
1611 specific location on the cooperative property upon which all  
1612 notice of unit owner meetings are posted. In lieu of or in  
1613 addition to the physical posting of the meeting notice, the  
1614 association may, by reasonable rule, adopt a procedure for  
1615 conspicuously posting and repeatedly broadcasting the notice and  
1616 the agenda on a closed-circuit cable television system serving  
1617 the cooperative association. However, if broadcast notice is  
1618 used in lieu of a posted notice, the notice and agenda must be  
1619 broadcast at least four times every broadcast hour of each day  
1620 that a posted notice is otherwise required under this section.  
1621 If broadcast notice is provided, the notice and agenda must be  
1622 broadcast in a manner and for a sufficient continuous length of  
1623 time to allow an average reader to observe the notice and read  
1624 and comprehend the entire content of the notice and the agenda.  
1625 In addition to any of the authorized means of providing notice  
1626 of a meeting of the shareholders, the association may, by rule,  
1627 adopt a procedure for conspicuously posting the meeting notice

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1628 and the agenda on a website serving the cooperative association  
1629 for at least the minimum period of time for which a notice of a  
1630 meeting is also required to be physically posted on the  
1631 cooperative property. Any rule adopted shall, in addition to  
1632 other matters, include a requirement that the association send  
1633 an electronic notice in the same manner as a notice for a  
1634 meeting of the members, which must include a hyperlink to the  
1635 website where the notice is posted, to unit owners whose e-mail  
1636 addresses are included in the association's official records.  
1637 Unless a unit owner waives in writing the right to receive  
1638 notice of the annual meeting, the notice of the annual meeting  
1639 must be sent by mail, hand delivered, or electronically  
1640 transmitted to each unit owner. An officer of the association  
1641 must provide an affidavit or United States Postal Service  
1642 certificate of mailing, to be included in the official records  
1643 of the association, affirming that notices of the association  
1644 meeting were mailed, hand delivered, or electronically  
1645 transmitted, in accordance with this provision, to each unit  
1646 owner at the address last furnished to the association.

1647 1. The board of administration shall be elected by written  
1648 ballot or voting machine. A proxy may not be used in electing  
1649 the board of administration in general elections or elections to  
1650 fill vacancies caused by recall, resignation, or otherwise  
1651 unless otherwise provided in this chapter.

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1652 a. At least 60 days before a scheduled election, the  
1653 association shall mail, deliver, or transmit, whether by  
1654 separate association mailing, delivery, or electronic  
1655 transmission or included in another association mailing,  
1656 delivery, or electronic transmission, including regularly  
1657 published newsletters, to each unit owner entitled to vote, a  
1658 first notice of the date of the election. Any unit owner or  
1659 other eligible person desiring to be a candidate for the board  
1660 of administration must give written notice to the association at  
1661 least 40 days before a scheduled election. Together with the  
1662 written notice and agenda as set forth in this section, the  
1663 association shall mail, deliver, or electronically transmit a  
1664 second notice of election to all unit owners entitled to vote,  
1665 together with a ballot that lists all candidates. Upon request  
1666 of a candidate, the association shall include an information  
1667 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1668 furnished by the candidate at least 35 days before the election,  
1669 to be included with the mailing, delivery, or electronic  
1670 transmission of the ballot, with the costs of mailing, delivery,  
1671 or transmission and copying to be borne by the association. The  
1672 association is not liable for the contents of the information  
1673 sheets provided by the candidates. In order to reduce costs, the  
1674 association may print or duplicate the information sheets on  
1675 both sides of the paper. The division shall by rule establish  
1676 voting procedures consistent with this subparagraph, including

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1677 rules establishing procedures for giving notice by electronic  
1678 transmission and rules providing for the secrecy of ballots.  
1679 Elections shall be decided by a plurality of those ballots cast.  
1680 There is no quorum requirement. However, at least 20 percent of  
1681 the eligible voters must cast a ballot in order to have a valid  
1682 election. A unit owner may not permit any other person to vote  
1683 his or her ballot, and any such ballots improperly cast are  
1684 invalid. A unit owner who needs assistance in casting the ballot  
1685 for the reasons stated in s. 101.051 may obtain assistance in  
1686 casting the ballot. Any unit owner violating this provision may  
1687 be fined by the association in accordance with s. 719.303. The  
1688 regular election must occur on the date of the annual meeting.  
1689 This subparagraph does not apply to timeshare cooperatives.  
1690 Notwithstanding this subparagraph, an election and balloting are  
1691 not required unless more candidates file a notice of intent to  
1692 run or are nominated than vacancies exist on the board. Any  
1693 challenge to the election process must be commenced within 60  
1694 days after the election results are announced.

1695 b. Within 90 days after being elected or appointed to the  
1696 board, each new director shall do both of the following:

1697 (I) Certify in writing to the secretary of the association  
1698 that he or she has read the association's bylaws, articles of  
1699 incorporation, proprietary lease, and current written policies;  
1700 that he or she will work to uphold such documents and policies  
1701 to the best of his or her ability; and that he or she will

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1702 faithfully discharge his or her fiduciary responsibility to the  
1703 association's members. ~~Within 90 days after being elected or~~  
1704 ~~appointed to the board, in lieu of this written certification,~~  
1705 ~~the newly elected or appointed director may~~

1706       (II) Submit a certificate of having satisfactorily  
1707 completed the educational curriculum administered by an  
1708 education provider as approved by the division pursuant to the  
1709 requirements established in chapter 718 within 1 year before or  
1710 90 days after the date of election or appointment. The  
1711 educational certificate is valid and does not have to be  
1712 resubmitted as long as the director serves on the board without  
1713 interruption.

1714  
1715 A director who fails to timely file the written certification  
1716 and ~~or~~ educational certificate is suspended from service on the  
1717 board until he or she complies with this sub-subparagraph. The  
1718 board may temporarily fill the vacancy during the period of  
1719 suspension. The secretary of the association shall require ~~cause~~  
1720 the association to retain a director's written certification and  
1721 ~~or~~ educational certificate for inspection by the members for 5  
1722 years after a director's election or the duration of the  
1723 director's uninterrupted tenure, whichever is longer. Failure to  
1724 have such written certification and ~~or~~ educational certificate  
1725 on file does not affect the validity of any board action.

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1726           2. Any approval by unit owners called for by this chapter,  
1727 or the applicable cooperative documents, must be made at a duly  
1728 noticed meeting of unit owners and is subject to this chapter or  
1729 the applicable cooperative documents relating to unit owner  
1730 decisionmaking, except that unit owners may take action by  
1731 written agreement, without meetings, on matters for which action  
1732 by written agreement without meetings is expressly allowed by  
1733 the applicable cooperative documents or law which provides for  
1734 the unit owner action.

1735           3. Unit owners may waive notice of specific meetings if  
1736 allowed by the applicable cooperative documents or law. Notice  
1737 of meetings of the board of administration, shareholder  
1738 meetings, except shareholder meetings called to recall board  
1739 members under paragraph (f), and committee meetings may be given  
1740 by electronic transmission to unit owners who consent to receive  
1741 notice by electronic transmission. A unit owner who consents to  
1742 receiving notices by electronic transmission is solely  
1743 responsible for removing or bypassing filters that may block  
1744 receipt of mass emails sent to members on behalf of the  
1745 association in the course of giving electronic notices.

1746           4. Unit owners have the right to participate in meetings  
1747 of unit owners with reference to all designated agenda items.  
1748 However, the association may adopt reasonable rules governing  
1749 the frequency, duration, and manner of unit owner participation.

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1750           5. Any unit owner may tape record or videotape meetings of  
1751 the unit owners subject to reasonable rules adopted by the  
1752 division.

1753           6. Unless otherwise provided in the bylaws, a vacancy  
1754 occurring on the board before the expiration of a term may be  
1755 filled by the affirmative vote of the majority of the remaining  
1756 directors, even if the remaining directors constitute less than  
1757 a quorum, or by the sole remaining director. In the alternative,  
1758 a board may hold an election to fill the vacancy, in which case  
1759 the election procedures must conform to the requirements of  
1760 subparagraph 1. unless the association has opted out of the  
1761 statutory election process, in which case the bylaws of the  
1762 association control. Unless otherwise provided in the bylaws, a  
1763 board member appointed or elected under this subparagraph shall  
1764 fill the vacancy for the unexpired term of the seat being  
1765 filled. Filling vacancies created by recall is governed by  
1766 paragraph (f) and rules adopted by the division.

1767  
1768 Notwithstanding subparagraphs (b)2. and (d)1., an association  
1769 may, by the affirmative vote of a majority of the total voting  
1770 interests, provide for a different voting and election procedure  
1771 in its bylaws, which vote may be by a proxy specifically  
1772 delineating the different voting and election procedures. The  
1773 different voting and election procedures may provide for  
1774 elections to be conducted by limited or general proxy.

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1775 (j) *Annual budget.*—

1776 1. The proposed annual budget of common expenses shall be  
1777 detailed and shall show the amounts budgeted by accounts and  
1778 expense classifications, including, if applicable, but not  
1779 limited to, those expenses listed in s. 719.504(20). The board  
1780 of administration shall adopt the annual budget at least 14 days  
1781 prior to the start of the association's fiscal year. In the  
1782 event that the board fails to timely adopt the annual budget a  
1783 second time, it shall be deemed a minor violation and the prior  
1784 year's budget shall continue in effect until a new budget is  
1785 adopted.

1786 2. In addition to annual operating expenses, the budget  
1787 shall include reserve accounts for capital expenditures and  
1788 deferred maintenance. These accounts shall include, but not be  
1789 limited to, the maintenance and replacement of the cooperative  
1790 property identified in s. 719.301(4)(p) which are the  
1791 maintenance responsibility of the association pursuant to the  
1792 declaration ~~roof replacement, building painting, and pavement~~  
1793 ~~resurfacing, regardless of the amount of deferred maintenance~~  
1794 ~~expense or replacement cost,~~ and for any other items for which  
1795 the deferred maintenance expense or replacement cost exceeds  
1796 \$10,000. The amount to be reserved shall be computed by means of  
1797 a formula which is based upon estimated remaining useful life  
1798 and estimated replacement cost or deferred maintenance expense  
1799 of each reserve item. The association may adjust replacement

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1800 reserve assessments annually to take into account any changes in  
1801 estimates or extension of the useful life of a reserve item  
1802 caused by deferred maintenance. This paragraph shall not apply  
1803 to any budget in which the members of an association have, at a  
1804 duly called meeting of the association and by a two-thirds vote  
1805 of all the voting interests, voting in person or by proxy,  
1806 determined for a fiscal year to provide no reserves or reserves  
1807 less adequate than required by this subsection. An annual budget  
1808 adopted on or after January 1, 2024, must, at minimum:

1809 a. Identify all items for which reserves are or will be  
1810 established;

1811 b. Provide an estimate of the maintenance, repair, and  
1812 replacement costs for the structural components for which an  
1813 estimate of useful life may be determined;

1814 c. Identify any structural component for which a reserve  
1815 account is not established or reserves are not funded, because  
1816 the useful life of the component cannot be determined;

1817 d. As of the beginning of the fiscal year for which the  
1818 budget is prepared, identify the estimated current amount of  
1819 accumulated funds for each reserve component or, if the pooling  
1820 method is used, the estimated current amount of the accumulated  
1821 pooled funds;

1822 e. Provide a description of the manner in which the  
1823 association plans to fund reserves, including the use of regular

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1824 assessments, special assessments, and any other alternative  
1825 funding method; and

1826 f. Provide a description of the procedures used for  
1827 estimating the funding of reserves pursuant to this paragraph,  
1828 including, as applicable, the identity of any independent third  
1829 party who conducted the reserve study on behalf of the  
1830 association and the extent to which the association is funding  
1831 its reserve obligations consistent with the reserve study  
1832 currently in effect.

1833 3. However, Prior to turnover of control of an association  
1834 by a developer to unit owners other than a developer pursuant to  
1835 s. 719.301, the developer may not vote to waive the reserves or  
1836 reduce the funding of reserves. ~~for the first 2 years of the~~  
1837 ~~operation of the association after which time~~ Reserves may only  
1838 be waived or reduced upon the vote of two-thirds ~~a majority~~ of  
1839 all nondeveloper voting interests, voting in person or by  
1840 limited proxy at a duly called meeting of the association. If a  
1841 meeting of the unit owners has been called to determine to  
1842 provide no reserves, or reserves less adequate than required,  
1843 and such result is not attained or a quorum is not attained, the  
1844 reserves as included in the budget shall go into effect.

1845 ~~4.3.~~ Reserve funds and any interest accruing thereon shall  
1846 remain in the reserve account or accounts, and shall be used  
1847 only for authorized reserve expenditures unless their use for  
1848 other purposes is approved in advance by a vote of two-thirds

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1849 ~~the majority~~ of all the voting interests, voting in person or by  
1850 limited proxy at a duly called meeting of the association;  
1851 provided that the use of reserve funds for a purpose other than  
1852 authorized reserve expenditures is authorized in the exercise of  
1853 the association's emergency powers under s. 719.128. Prior to  
1854 turnover of control of an association by a developer to unit  
1855 owners other than the developer under s. 719.301, the developer  
1856 may not vote to use reserves for purposes other than that for  
1857 which they were intended without the approval of two-thirds a  
1858 ~~majority~~ of all nondeveloper voting interests, voting in person  
1859 or by limited proxy at a duly called meeting of the association.

1860 5. Effective January 1, 2024, an association with a  
1861 residential cooperative building that is three stories or more  
1862 in height and subject to the milestone inspection requirements  
1863 in s. 553.899 must conduct a study of the amount of reserve  
1864 funds needed to fund reserves for the maintenance, repair,  
1865 replacement, and restoration of the cooperative property. The  
1866 reserve study must be conducted at least every 5 years. The  
1867 board shall review the results of such study at least annually  
1868 to determine if reserves are sufficient to meet the  
1869 association's reserve obligations and to make any adjustments  
1870 the board deems necessary to maintain reserves, as appropriate.  
1871 The division shall adopt rules setting forth uniform financial  
1872 standards and forms for reserve studies. The reserve study must  
1873 include, without limitation:

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1874 a. A visual inspection by a licensed architect, engineer,  
1875 or other independent professional with demonstrated experience  
1876 or knowledge preparing reserve studies for the purpose of  
1877 estimating the useful life and estimated replacement cost or  
1878 deferred maintenance expense. The visual inspection shall be  
1879 performed on or before January 1, 2024, and at least once every  
1880 10 years thereafter. The inspection may be the milestone  
1881 inspection required under s. 553.899;

1882 b. A summary of any inspection of the major components of  
1883 the cooperative property identified in sub-subparagraph a. and  
1884 any other portion of the cooperative property for which the  
1885 association is required to establish a reserve account or  
1886 accounts;

1887 c. If applicable, a summary of the findings and  
1888 recommendations of the milestone inspection report required  
1889 under s. 553.899 and any other structural or life safety  
1890 inspection of the cooperative property considered in the reserve  
1891 study;

1892 d. An identification of the structural components of the  
1893 building for which necessary reserves may be reasonably  
1894 projected and an identification of the structural components of  
1895 the building with an indefinite useful life for which a  
1896 reasonable determination of necessary reserves may not be  
1897 estimated;

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1898       e. An estimate of the useful life of the structural  
1899 components of the building identified in sub-subparagraph a. for  
1900 which an estimate of useful life may be determined as attested  
1901 to by a licensed architect or engineer in the turnover  
1902 inspection required under s. 719.301(4) (p), a milestone  
1903 inspection, or any other structural or life safety inspection of  
1904 the cooperative property by a licensed architect or engineer,  
1905 whichever is most recent;

1906       f. An estimate of the remaining useful life of any other  
1907 portion of the cooperative property for which the association is  
1908 required to establish a reserve account or accounts;

1909       g. An estimate of the cost of maintenance, repair,  
1910 replacement, or restoration of each major component of the  
1911 condominium property identified in s. 719.301(4) (p) and any  
1912 other portion of the condominium property identified pursuant to  
1913 sub-subparagraph d.;

1914       h. An estimate of the total annual assessment that may be  
1915 necessary to cover the cost of maintaining, repairing,  
1916 replacing, or restoring the major components of the cooperative  
1917 property identified in sub-subparagraph a. and any other portion  
1918 of the cooperative property identified pursuant to sub-  
1919 paragraph f.;

1920       i. A description of the funding plan, including any  
1921 alternative funding method, to provide adequate funding for the  
1922 required reserves; and

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1923 j. A schedule for the full funding of reserves. A reserve  
1924 account is fully funded when the actual or projected reserve  
1925 balance in the reserve account is equal in direct proportion to  
1926 the fraction of useful life that has expired for a given  
1927 component or components multiplied by the current replacement  
1928 costs for the component or components.

1929 6. If the association has voted to waive reserves or to  
1930 use existing reserve funds for purposes other than the purposes  
1931 for which the reserves were intended, the budget must contain  
1932 the following statement in conspicuous type: THE OWNERS HAVE  
1933 ELECTED TO WAIVE RESERVES, IN WHOLE OR IN PART, OR ALLOWED  
1934 ALTERNATIVE USES OF EXISTING RESERVES UNDER SECTION  
1935 719.106(1)(j), FLORIDA STATUTES. THE WAIVING OR ALTERNATIVE USE  
1936 OF RESERVE FUNDS MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT  
1937 OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1938 7. On or after January 1, 2026, if the association is  
1939 required to perform a reserve study under this paragraph and the  
1940 budget of the association does not fund the association's  
1941 reserve obligations consistent with the reserve study currently  
1942 in effect, the budget must also contain the following statement  
1943 in conspicuous type: THE ASSOCIATION'S LAST RESERVE STUDY IS  
1944 DATED ..... THE RESERVE AMOUNT BUDGETED AND/OR COLLECTED IS LESS  
1945 THAN REQUIRED BY THE RESERVE STUDY SCHEDULE. THE BUDGET OF THE  
1946 ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED RESERVE ACCOUNTS  
1947 FOR CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE CONSISTENT

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1948 WITH THE ASSOCIATION'S RESERVE STUDY. FAILURE TO FUND RESERVES  
1949 CONSISTENT WITH THE ASSOCIATION'S RESERVE STUDY MAY RESULT IN  
1950 UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1951 (n) *Mandatory milestone inspections.*—If an association is  
1952 required to have a milestone inspection performed pursuant to s.  
1953 553.899, the association must arrange for the milestone  
1954 inspection to be performed and is responsible for ensuring  
1955 compliance with the requirements of s. 553.899. The association  
1956 is responsible for all costs associated with the inspection. If  
1957 the officers or directors of an association willfully and  
1958 knowingly fail to have a milestone inspection performed pursuant  
1959 to s. 553.899, such failure is a breach of the officers' and  
1960 directors' fiduciary relationship to the unit owners under s.  
1961 719.104(8)(a). Upon completion of a phase one or phase two  
1962 milestone inspection and receipt of the inspector-prepared  
1963 summary of the inspection report from the architect or engineer  
1964 who performed the inspection, the association must distribute a  
1965 copy of the inspector-prepared summary of the inspection report  
1966 to each unit owner, regardless of the findings or  
1967 recommendations in the report, by United States mail or personal  
1968 delivery and by electronic transmission to unit owners who  
1969 previously consented to receive notice by electronic  
1970 transmission; must post a copy of the inspector-prepared summary  
1971 in a conspicuous place on the cooperative property; and must  
1972 publish the full report and inspector-prepared summary on the

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1973 association's website, if the association is required to have a  
1974 website.

1975 Section 15. Paragraphs (p) and (q) are added to subsection  
1976 (4) of section 719.301, Florida Statutes, to read:

1977 719.301 Transfer of association control.-

1978 (4) When unit owners other than the developer elect a  
1979 majority of the members of the board of administration of an  
1980 association, the developer shall relinquish control of the  
1981 association, and the unit owners shall accept control.

1982 Simultaneously, or for the purpose of paragraph (c) not more  
1983 than 90 days thereafter, the developer shall deliver to the  
1984 association, at the developer's expense, all property of the  
1985 unit owners and of the association held or controlled by the  
1986 developer, including, but not limited to, the following items,  
1987 if applicable, as to each cooperative operated by the  
1988 association:

1989 (p) Notwithstanding when the certificate of occupancy was  
1990 issued or the height of the building, a milestone inspection  
1991 report in compliance with s. 553.899 included in the official  
1992 records, under seal of an architect or engineer authorized to  
1993 practice in this state, attesting to required maintenance,  
1994 condition, useful life, and replacement costs of the following  
1995 applicable cooperative property comprising a turnover inspection  
1996 report:

1997 1. Roof.

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1998 |        2. Structure, including load-bearing walls and primary  
1999 | structural members and primary structural systems as those terms  
2000 | are defined in s. 627.706.

2001 |        3. Fireproofing and fire protection systems.

2002 |        4. Elevators.

2003 |        5. Heating and cooling systems.

2004 |        6. Plumbing.

2005 |        7. Electrical systems.

2006 |        8. Swimming pool or spa and equipment.

2007 |        9. Seawalls.

2008 |        10. Pavement and parking areas.

2009 |        11. Drainage systems.

2010 |        12. Painting.

2011 |        13. Irrigation systems.

2012 |        14. Waterproofing.

2013 |        (g) A copy of the most recent reserve study required under  
2014 | s. 719.106(1)(j), along with the statements indicating the  
2015 | status of the reserves required under s. 719.106(1)(j)6. and 7.,  
2016 | if applicable, or a statement in conspicuous type indicating  
2017 | that the association has not completed the required reserve  
2018 | study or that the association is not required to perform a  
2019 | reserve study, as applicable.

2020 |        Section 16. Subsection (3) is added to section 719.501,  
2021 | Florida Statutes, to read:

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2022 719.501 Powers and duties of Division of Florida  
2023 Condominiums, Timeshares, and Mobile Homes.—

2024 (3) (a) On or before January 1, 2023, cooperative  
2025 associations existing on or before July 1, 2022, must provide  
2026 the following information to the division in writing, by e-mail,  
2027 United States Postal Service, commercial delivery service, or  
2028 hand delivery, at a physical address or e-mail address provided  
2029 by the division and on a form posted on the division's website:

2030 1. The number of buildings on the cooperative property  
2031 that are three stories or higher in height.

2032 2. The total number of units in all such buildings.

2033 3. The addresses of all such buildings.

2034 4. The counties in which all such buildings are located.

2035 (b) The division must compile a list of the number of  
2036 buildings on cooperative property that are three stories or  
2037 higher in height, which is searchable by county, and must post  
2038 the list on the division's website. This list must include all  
2039 of the following information:

2040 1. The name of each association with buildings on the  
2041 cooperative property that are three stories or higher in height.

2042 2. The number of such buildings on each association's  
2043 property.

2044 3. The addresses of all such buildings.

2045 4. The counties in which all such buildings are located.

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2046           (c) An association must provide an update in writing to  
2047 the division if there are any changes to the information in the  
2048 list under paragraph (b) within 6 months after the change.

2049           Section 17. Paragraph (b) of subsection (1) and paragraph  
2050 (a) of subsection (2) of section 719.503, Florida Statutes, are  
2051 amended to read:

2052           719.503 Disclosure prior to sale.—

2053           (1) DEVELOPER DISCLOSURE.—

2054           (b) *Copies of documents to be furnished to prospective*  
2055 *buyer or lessee.*—Until such time as the developer has furnished  
2056 the documents listed below to a person who has entered into a  
2057 contract to purchase a unit or lease it for more than 5 years,  
2058 the contract may be voided by that person, entitling the person  
2059 to a refund of any deposit together with interest thereon as  
2060 provided in s. 719.202. The contract may be terminated by  
2061 written notice from the proposed buyer or lessee delivered to  
2062 the developer within 15 days after the buyer or lessee receives  
2063 all of the documents required by this section. The developer may  
2064 ~~shall~~ not close for 15 days after ~~following~~ the execution of the  
2065 agreement and delivery of the documents to the buyer as  
2066 evidenced by a receipt for documents signed by the buyer unless  
2067 the buyer is informed in the 15-day voidability period and  
2068 agrees to close before ~~prior to~~ the expiration of the 15 days.  
2069 The developer shall retain in his or her records a separate  
2070 signed agreement as proof of the buyer's agreement to close

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2071 before ~~prior to~~ the expiration of the ~~said~~ voidability period.  
2072 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for  
2073 a period of 5 years after the date of the closing transaction.  
2074 The documents to be delivered to the prospective buyer are the  
2075 prospectus or disclosure statement with all exhibits, if the  
2076 development is subject to ~~the provisions of~~ s. 719.504, or, if  
2077 not, then copies of the following which are applicable:  
2078       1. The question and answer sheet described in s. 719.504,  
2079 and cooperative documents, or the proposed cooperative documents  
2080 if the documents have not been recorded, which shall include the  
2081 certificate of a surveyor approximately representing the  
2082 locations required by s. 719.104.  
2083       2. The documents creating the association.  
2084       3. The bylaws.  
2085       4. The ground lease or other underlying lease of the  
2086 cooperative.  
2087       5. The management contract, maintenance contract, and  
2088 other contracts for management of the association and operation  
2089 of the cooperative and facilities used by the unit owners having  
2090 a service term in excess of 1 year, and any management contracts  
2091 that are renewable.  
2092       6. The estimated operating budget for the cooperative and  
2093 a schedule of expenses for each type of unit, including fees  
2094 assessed to a shareholder who has exclusive use of limited

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2095 common areas, where such costs are shared only by those entitled  
2096 to use such limited common areas.

2097 7. The lease of recreational and other facilities that  
2098 will be used only by unit owners of the subject cooperative.

2099 8. The lease of recreational and other common areas that  
2100 will be used by unit owners in common with unit owners of other  
2101 cooperatives.

2102 9. The form of unit lease if the offer is of a leasehold.

2103 10. Any declaration of servitude of properties serving the  
2104 cooperative but not owned by unit owners or leased to them or  
2105 the association.

2106 11. If the development is to be built in phases or if the  
2107 association is to manage more than one cooperative, a  
2108 description of the plan of phase development or the arrangements  
2109 for the association to manage two or more cooperatives.

2110 12. If the cooperative is a conversion of existing  
2111 improvements, the statements and disclosure required by s.  
2112 719.616.

2113 13. The form of agreement for sale or lease of units.

2114 14. A copy of the floor plan of the unit and the plot plan  
2115 showing the location of the residential buildings and the  
2116 recreation and other common areas.

2117 15. A copy of all covenants and restrictions that ~~which~~  
2118 will affect the use of the property and ~~which~~ are not contained  
2119 in the foregoing.

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2120 16. If the developer is required by state or local  
2121 authorities to obtain acceptance or approval of any dock or  
2122 marina facilities intended to serve the cooperative, a copy of  
2123 any such acceptance or approval acquired by the time of filing  
2124 with the division pursuant to s. 719.502(1) or a statement that  
2125 such acceptance or approval has not been acquired or received.

2126 17. Evidence demonstrating that the developer has an  
2127 ownership, leasehold, or contractual interest in the land upon  
2128 which the cooperative is to be developed.

2129 18. A copy of the most recent reserve study required under  
2130 s. 719.106(1)(j), along with the statements indicating the  
2131 status of the reserves required under s. 719.106(1)(j)6. and 7.,  
2132 if applicable, or a statement in conspicuous type indicating  
2133 that the association has not completed the required reserve  
2134 study or that the association is not required to perform a  
2135 reserve study, as applicable.

2136 19. A copy of the inspector-prepared summary of the  
2137 milestone inspection report as described in ss. 553.899 and  
2138 719.301(4)(p).

2139 (2) NONDEVELOPER DISCLOSURE.—

2140 (a) Each unit owner who is not a developer as defined by  
2141 this chapter must comply with ~~the provisions of~~ this subsection  
2142 before ~~prior to~~ the sale of his or her interest in the  
2143 association. Each prospective purchaser who has entered into a  
2144 contract for the purchase of an interest in a cooperative is

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2145 entitled, at the seller's expense, to a current copy of all of  
2146 the following:

- 2147       1. The articles of incorporation of the association.  
2148       2. The bylaws and rules of the association.  
2149       3. ~~as well as~~ A copy of the question and answer sheet as  
2150 provided in s. 719.504.  
2151       4. A copy of the most recent reserve study required under  
2152 s. 719.106(1)(j), along with the statements in the budget  
2153 indicating the status of the reserves required under s. 719.106  
2154 (1)(j)6. and 7., if applicable, or a statement in conspicuous  
2155 type indicating that the association has not completed the  
2156 required reserve study or that the association is not required  
2157 to perform a reserve study, as applicable.  
2158       5. A copy of the inspector-prepared summary of the  
2159 milestone inspection report as described in ss. 553.899 and  
2160 719.301(4)(p).

2161       Section 18. Paragraph (f) of subsection (23) of section  
2162 719.504, Florida Statutes, is amended, and paragraph (q) is  
2163 added to that subsection, to read:

2164       719.504 Prospectus or offering circular.—Every developer  
2165 of a residential cooperative which contains more than 20  
2166 residential units, or which is part of a group of residential  
2167 cooperatives which will be served by property to be used in  
2168 common by unit owners of more than 20 residential units, shall  
2169 prepare a prospectus or offering circular and file it with the

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2170 Division of Florida Condominiums, Timeshares, and Mobile Homes  
2171 prior to entering into an enforceable contract of purchase and  
2172 sale of any unit or lease of a unit for more than 5 years and  
2173 shall furnish a copy of the prospectus or offering circular to  
2174 each buyer. In addition to the prospectus or offering circular,  
2175 each buyer shall be furnished a separate page entitled  
2176 "Frequently Asked Questions and Answers," which must be in  
2177 accordance with a format approved by the division. This page  
2178 must, in readable language: inform prospective purchasers  
2179 regarding their voting rights and unit use restrictions,  
2180 including restrictions on the leasing of a unit; indicate  
2181 whether and in what amount the unit owners or the association is  
2182 obligated to pay rent or land use fees for recreational or other  
2183 commonly used facilities; contain a statement identifying that  
2184 amount of assessment which, pursuant to the budget, would be  
2185 levied upon each unit type, exclusive of any special  
2186 assessments, and which identifies the basis upon which  
2187 assessments are levied, whether monthly, quarterly, or  
2188 otherwise; state and identify any court cases in which the  
2189 association is currently a party of record in which the  
2190 association may face liability in excess of \$100,000; and state  
2191 whether membership in a recreational facilities association is  
2192 mandatory and, if so, identify the fees currently charged per  
2193 unit type. The division shall by rule require such other  
2194 disclosure as in its judgment will assist prospective

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2195 purchasers. The prospectus or offering circular may include more  
2196 than one cooperative, although not all such units are being  
2197 offered for sale as of the date of the prospectus or offering  
2198 circular. The prospectus or offering circular must contain the  
2199 following information:

2200 (23) Copies of the following, to the extent they are  
2201 applicable, shall be included as exhibits:

2202 (f) The estimated operating budget for the cooperative and  
2203 the required schedule of unit owners' expenses, and the most  
2204 recent reserve study required under s. 719.106(1)(j), along with  
2205 the statements in the budget indicating the status of the  
2206 reserves required under s. 719.106(1)(j) 6. and 7., if  
2207 applicable, or a statement in conspicuous type indicating that  
2208 the association has not completed the required reserve study or  
2209 that the association is not required to perform a reserve study,  
2210 as applicable.

2211 (q) A copy of the inspector-prepared summary of the  
2212 milestone inspection report as described in ss. 553.899 and  
2213 719.301(4)(p).

2214 Section 19. Subsection (2) of section 558.002, Florida  
2215 Statutes, is amended to read:

2216 558.002 Definitions.—As used in this chapter, the term:

2217 (2) "Association" has the same meaning as in s. 718.103(3)  
2218 s. ~~718.103(2)~~, s. 719.103(3) s. ~~719.103(2)~~, s. 720.301(9), or s.  
2219 723.075.

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2220 Section 20. Paragraph (e) of subsection (1) of section  
2221 718.115, Florida Statutes, is amended to read:  
2222 718.115 Common expenses and common surplus.—  
2223 (1)  
2224 (e) The expense of installation, replacement, operation,  
2225 repair, and maintenance of hurricane shutters, impact glass,  
2226 code-compliant windows or doors, or other types of code-  
2227 compliant hurricane protection by the board pursuant to s.  
2228 718.113(6) ~~s. 718.113(5)~~ constitutes a common expense and shall  
2229 be collected as provided in this section if the association is  
2230 responsible for the maintenance, repair, and replacement of the  
2231 hurricane shutters, impact glass, code-compliant windows or  
2232 doors, or other types of code-compliant hurricane protection  
2233 pursuant to the declaration of condominium. However, if the  
2234 maintenance, repair, and replacement of the hurricane shutters,  
2235 impact glass, code-compliant windows or doors, or other types of  
2236 code-compliant hurricane protection are the responsibility of  
2237 the unit owners pursuant to the declaration of condominium, the  
2238 cost of the installation of the hurricane shutters, impact  
2239 glass, code-compliant windows or doors, or other types of code-  
2240 compliant hurricane protection is not a common expense and shall  
2241 be charged individually to the unit owners based on the cost of  
2242 installation of the hurricane shutters, impact glass, code-  
2243 compliant windows or doors, or other types of code-compliant  
2244 hurricane protection appurtenant to the unit. Notwithstanding s.

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2245 718.116(9), and regardless of whether or not the declaration  
2246 requires the association or unit owners to maintain, repair, or  
2247 replace hurricane shutters, impact glass, code-compliant windows  
2248 or doors, or other types of code-compliant hurricane protection,  
2249 a unit owner who has previously installed hurricane shutters in  
2250 accordance with s. 718.113(6) ~~s. 718.113(5)~~ that comply with the  
2251 current applicable building code shall receive a credit when the  
2252 shutters are installed; a unit owner who has previously  
2253 installed impact glass or code-compliant windows or doors that  
2254 comply with the current applicable building code shall receive a  
2255 credit when the impact glass or code-compliant windows or doors  
2256 are installed; and a unit owner who has installed other types of  
2257 code-compliant hurricane protection that comply with the current  
2258 applicable building code shall receive a credit when the same  
2259 type of other code-compliant hurricane protection is installed,  
2260 and the credit shall be equal to the pro rata portion of the  
2261 assessed installation cost assigned to each unit. However, such  
2262 unit owner remains responsible for the pro rata share of  
2263 expenses for hurricane shutters, impact glass, code-compliant  
2264 windows or doors, or other types of code-compliant hurricane  
2265 protection installed on common elements and association property  
2266 by the board pursuant to s. 718.113(6) ~~s. 718.113(5)~~ and remains  
2267 responsible for a pro rata share of the expense of the  
2268 replacement, operation, repair, and maintenance of such

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2269 shutters, impact glass, code-compliant windows or doors, or  
2270 other types of code-compliant hurricane protection.

2271 Section 21. Paragraph (b) of subsection (1) of section  
2272 718.116, Florida Statutes, is amended to read:

2273 718.116 Assessments; liability; lien and priority;  
2274 interest; collection.-

2275 (1)

2276 (b)1. The liability of a first mortgagee or its successor  
2277 or assignees who acquire title to a unit by foreclosure or by  
2278 deed in lieu of foreclosure for the unpaid assessments that  
2279 became due before the mortgagee's acquisition of title is  
2280 limited to the lesser of:

2281 a. The unit's unpaid common expenses and regular periodic  
2282 assessments which accrued or came due during the 12 months  
2283 immediately preceding the acquisition of title and for which  
2284 payment in full has not been received by the association; or

2285 b. One percent of the original mortgage debt. The  
2286 provisions of this paragraph apply only if the first mortgagee  
2287 joined the association as a defendant in the foreclosure action.  
2288 Joinder of the association is not required if, on the date the  
2289 complaint is filed, the association was dissolved or did not  
2290 maintain an office or agent for service of process at a location  
2291 which was known to or reasonably discoverable by the mortgagee.

2292 2. An association, or its successor or assignee, that  
2293 acquires title to a unit through the foreclosure of its lien for

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2294 assessments is not liable for any unpaid assessments, late fees,  
2295 interest, or reasonable attorney's fees and costs that came due  
2296 before the association's acquisition of title in favor of any  
2297 other association, as defined in s. 718.103(3) ~~s. 718.103(2)~~ or  
2298 s. 720.301(9), which holds a superior lien interest on the unit.  
2299 This subparagraph is intended to clarify existing law.

2300 Section 22. Subsection (2) of section 718.121, Florida  
2301 Statutes, is amended to read:

2302 718.121 Liens.—

2303 (2) Labor performed on or materials furnished to a unit  
2304 may not be the basis for the filing of a lien under part I of  
2305 chapter 713, the Construction Lien Law, against the unit or  
2306 condominium parcel of any unit owner not expressly consenting to  
2307 or requesting the labor or materials. Labor performed on or  
2308 materials furnished for the installation of a natural gas fuel  
2309 station or an electric vehicle charging station under s.  
2310 718.113(9) ~~s. 718.113(8)~~ may not be the basis for filing a lien  
2311 under part I of chapter 713 against the association, but such a  
2312 lien may be filed against the unit owner. Labor performed on or  
2313 materials furnished to the common elements are not the basis for  
2314 a lien on the common elements, but if authorized by the  
2315 association, the labor or materials are deemed to be performed  
2316 or furnished with the express consent of each unit owner and may  
2317 be the basis for the filing of a lien against all condominium

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2318 parcels in the proportions for which the owners are liable for  
2319 common expenses.

2320 Section 23. Subsection (3) of section 718.706, Florida  
2321 Statutes, is amended to read:

2322 718.706 Specific provisions pertaining to offering of  
2323 units by a bulk assignee or bulk buyer.—

2324 (3) A bulk assignee, while in control of the board of  
2325 administration of the association, may not authorize, on behalf  
2326 of the association:

2327 (a) The waiver of reserves or the reduction of funding of  
2328 the reserves pursuant to s. 718.112(2)(f)2., unless approved by  
2329 a majority of the voting interests not controlled by the  
2330 developer, bulk assignee, and bulk buyer; or

2331 (b) The use of reserve expenditures for other purposes  
2332 pursuant to s. 718.112(2)(f)4. ~~s. 718.112(2)(f)3.~~, unless  
2333 approved by a majority of the voting interests not controlled by  
2334 the developer, bulk assignee, and bulk buyer.

2335 Section 24. Paragraph (d) of subsection (2) of section  
2336 720.3085, Florida Statutes, is amended to read:

2337 720.3085 Payment for assessments; lien claims.—

2338 (2)

2339 (d) An association, or its successor or assignee, that  
2340 acquires title to a parcel through the foreclosure of its lien  
2341 for assessments is not liable for any unpaid assessments, late  
2342 fees, interest, or reasonable attorney's fees and costs that

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2343 | came due before the association's acquisition of title in favor  
 2344 | of any other association, as defined in s. 718.103(3) ~~s.~~  
 2345 | ~~718.103(2)~~ or s. 720.301(9), which holds a superior lien  
 2346 | interest on the parcel. This paragraph is intended to clarify  
 2347 | existing law.

2348 |         Section 25. For the purpose of incorporating the amendment  
 2349 | made by this act to section 718.1255, Florida Statutes, in a  
 2350 | reference thereto, section 719.1255, Florida Statutes, is  
 2351 | reenacted to read:

2352 |         719.1255 Alternative resolution of disputes.—The Division  
 2353 | of Florida Condominiums, Timeshares, and Mobile Homes of the  
 2354 | Department of Business and Professional Regulation shall provide  
 2355 | for alternative dispute resolution in accordance with s.  
 2356 | 718.1255.

2357 |

2358 |

2359 |

-----  
**T I T L E   A M E N D M E N T**

2360 |

Remove lines 1684-1785 of the amendment and insert:

2361 |

An act relating to community associations; amending s.

2362 |

468.4334, F.S.; requiring community association

2363 |

managers and community association management firms to

2364 |

comply with a specified provision under certain

2365 |

circumstances; creating s. 553.899, F.S.; providing

2366 |

legislative findings; defining the terms "milestone

2367 |

inspection" and "substantial structural

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2368 deterioration"; specifying that the purpose of a  
2369 milestone inspection is not to determine compliance  
2370 with the Florida Building Code or the firesafety code;  
2371 requiring condominium associations and cooperative  
2372 associations to have milestone inspections performed  
2373 on certain buildings at specified times; specifying  
2374 that such associations are responsible for costs  
2375 relating to milestone inspections; providing  
2376 applicability; requiring that initial milestone  
2377 inspections for certain buildings be performed before  
2378 a specified date; requiring local enforcement agencies  
2379 to provide certain written notice to condominium  
2380 associations and cooperative associations; requiring  
2381 condominium associations and cooperative associations  
2382 to complete phase one of a milestone inspection within  
2383 a specified timeframe; specifying that milestone  
2384 inspections consist of two phases; providing  
2385 requirements for each phase of a milestone inspection;  
2386 requiring architects and engineers performing a  
2387 milestone inspection to submit a sealed copy of the  
2388 inspection report and a summary that includes  
2389 specified findings and recommendations to certain  
2390 entities; providing requirements for such inspection  
2391 reports; requiring condominium associations and  
2392 cooperative associations to distribute and post a copy

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2393 of each inspection report and summary in a specified  
2394 manner; authorizing local enforcement agencies to  
2395 prescribe timelines and penalties relating to  
2396 milestone inspections; authorizing boards of county  
2397 commissioners to adopt certain ordinances relating to  
2398 repairs for substantial structural deterioration;  
2399 requiring local enforcement agencies to review and  
2400 determine if a building is unsafe for human occupancy  
2401 under certain circumstances; requiring the Florida  
2402 Building Commission to review milestone inspection  
2403 requirements and make any recommendations to the  
2404 Governor and the Legislature by a specified date;  
2405 requiring the commission to consult with the State  
2406 Fire Marshal to provide certain recommendations to the  
2407 Governor and the Legislature by a specified date;  
2408 amending s. 718.103, F.S.; defining the term  
2409 "alternative funding method"; amending s. 718.111,  
2410 F.S.; revising the types of records that constitute  
2411 the official records of a condominium association;  
2412 requiring associations to maintain specified records  
2413 for a certain timeframe; specifying that renters of a  
2414 unit have the right to inspect and copy certain  
2415 reports; requiring associations to post a copy of  
2416 certain reports and reserve studies on the  
2417 association's website; revising rulemaking

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2418 requirements for the Division of Florida Condominiums,  
2419 Timeshares, and Mobile Homes of the Department of  
2420 Business and Professional Regulation; amending s.  
2421 718.112, F.S.; revising certification and education  
2422 requirements for directors of association boards;  
2423 revising requirements for association budgets;  
2424 revising applicability; prohibiting developers from  
2425 voting the voting interests allocated to its units to  
2426 waive the reserves or reduce funding of reserves  
2427 before turnover of control of an association;  
2428 requiring certain associations to periodically conduct  
2429 a study relating to reserves after a specified date;  
2430 requiring boards to annually review the results of  
2431 such study to determine if reserves are sufficient;  
2432 requiring the division to adopt rules; providing  
2433 requirements for the reserve study; revising  
2434 requirements for approval of using reserve funds for a  
2435 purpose other than authorized reserve expenditures;  
2436 requiring that budgets include specified disclosures  
2437 relating to reserve funds under certain circumstances  
2438 on or after a specified date; restating requirements  
2439 for associations relating to milestone inspections;  
2440 specifying that if the officers or directors of a  
2441 condominium association fail to have a milestone  
2442 inspection performed, such failure is a breach of

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2443 their fiduciary relationship to the unit owners;  
2444 amending s. 718.113, F.S.; requiring associations to  
2445 provide for the maintenance, repair, and replacement  
2446 of condominium property; providing an exception;  
2447 requiring associations to perform specified required  
2448 maintenance under certain circumstances; specifying  
2449 that necessary maintenance, repair, or replacement of  
2450 condominium property does not require unit owner  
2451 approval; specifying that associations are not liable  
2452 for certain expenses if a unit is vacated or access to  
2453 a common element is denied for specified reasons;  
2454 amending s. 718.1255, F.S.; revising the definition of  
2455 the term "dispute"; specifying that certain disputes  
2456 are not subject to certain nonbinding arbitration and  
2457 must be submitted to presuit mediation; amending s.  
2458 718.301, F.S.; revising reporting requirements  
2459 relating to the transfer of association control;  
2460 amending s. 718.501, F.S.; requiring certain  
2461 associations to provide certain information and  
2462 updates to the division by a specified date and within  
2463 a specified timeframe; requiring the division to  
2464 compile a list with certain information and post such  
2465 list on its website; amending s. 718.503, F.S.;  
2466 revising the documents that must be delivered to a  
2467 prospective buyer or lessee of a residential unit;

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2468 revising requirements for nondeveloper disclosures;  
2469 amending s. 718.504, F.S.; revising requirements for  
2470 prospectuses and offering circulars; amending s.  
2471 719.103, F.S.; defining the term "alternative funding  
2472 method"; amending s. 719.104, F.S.; revising the types  
2473 of records that constitute the official records of a  
2474 cooperative association; requiring associations to  
2475 maintain specified records for a certain timeframe;  
2476 specifying that renters of a unit have the right to  
2477 inspect and copy certain reports; revising rulemaking  
2478 requirements for the division; specifying that  
2479 maintenance of the cooperative property and common  
2480 areas is the responsibility of associations; providing  
2481 an exception; requiring associations to perform  
2482 specified required maintenance under certain  
2483 circumstances; specifying that necessary maintenance,  
2484 repair, or replacement of cooperative property does  
2485 not require unit owner approval; specifying that  
2486 associations are not liable for certain expenses if a  
2487 unit must be vacated or if access to a common area is  
2488 denied for specified reasons; amending s. 719.106,  
2489 F.S.; revising certification and education  
2490 requirements for directors of association boards;  
2491 revising requirements for association budgets;  
2492 revising applicability; prohibiting developers from

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2493 voting to waive the reserves or reduce the funding of  
2494 reserves before turnover of control of an association;  
2495 revising requirements for the use of reserve funds for  
2496 a purpose other than authorized reverse expenditures;  
2497 requiring certain associations to periodically conduct  
2498 a study relating to reserves after a specified date;  
2499 requiring boards to annually review the results of  
2500 such study to determine if reserves are sufficient;  
2501 requiring the division to adopt rules; providing  
2502 requirements for the reserve study; requiring that  
2503 budgets include specified disclosures relating to  
2504 reserve funds under certain circumstances on or after  
2505 a specified date; restating requirements for  
2506 associations relating to milestone inspections;  
2507 specifying that if the officers or directors of a  
2508 cooperative association fail to have a milestone  
2509 inspection performed, such failure is a breach of  
2510 their fiduciary relationship to the unit owners;  
2511 amending s. 719.301, F.S.; requiring developers to  
2512 deliver a turnover inspection report relating to  
2513 cooperative property under certain circumstances;  
2514 requiring developers to deliver a copy of certain  
2515 reserve studies and statements when relinquishing  
2516 control of an association; amending s. 719.501, F.S.;

2517 requiring certain associations to provide certain

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2518 information and updates to the division by a specified  
2519 date and within a specified time; requiring the  
2520 division to compile a list with certain information  
2521 and post such list on its website; amending s.  
2522 719.503, F.S.; revising the documents that must be  
2523 delivered to a prospective buyer or lessee of a  
2524 residential unit; revising nondeveloper disclosure  
2525 requirements; amending s. 719.504, F.S.; revising  
2526 requirements for prospectuses and offering circulars;  
2527 amending ss. 558.002, 718.115, 718.116, 718.121,  
2528 718.706, and 720.3085, F.S.; conforming cross-  
2529 references; reenacting s. 719.1255, F.S., relating to  
2530 alternative resolution of disputes, to incorporate the  
2531 amendment made to s. 718.1255, F.S., in a reference  
2532 thereto;

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