A bill to be entitled
An act relating to condominium and cooperative associations; amending s. 468.436, F.S.; providing grounds for disciplinary action; amending ss. 718.103 and 719.103, F.S.; providing definitions; amending s. 718.111, F.S.; revising documents that constitute official records; requiring certain official records to be maintained for a specified period of time; providing that a renter of a unit has a right to copy and inspect certain written reports; revising documents that must be included online; conforming a cross-reference; amending ss. 718.112 and 719.106, F.S.; specifying the method for determining reserve amounts; prohibiting members and certain associations from waiving or reducing reserves for certain items after a specified date; requiring certain associations to receive approval before waiving or reducing reserves for certain items; prohibiting certain associations from using reserve funds, or interest thereon, for certain purposes after a specified date; requiring certain associations to have a reserve study completed at specified intervals; providing requirements for the reserve study; specifying that certain associations must have a reserve study completed for certain buildings by a specified date;
conforming provisions to changes made by the act;
amending s. 718.116, F.S.; conforming a cross-
reference; amending s. 718.117, F.S.; providing that
certain condominiums may be terminated by a majority
vote under certain circumstances; specifying the
method for determining a condominium's fair market
value; conforming a cross-reference; creating ss.
718.132 and 719.132, F.S.; providing definitions;
requiring the recertification of specified buildings;
requiring phase 2 inspections under certain
circumstances; providing requirements for such
recertifications and inspections; providing notice
requirements; providing requirements for certain
associations and local building officials; authorizing
local building officials to prescribe penalties, which
must be posted on the building department's website;
amending ss. 718.301 and 719.301, F.S.; requiring
developers to deliver certain information to certain
associations when transferring control; amending ss.
718.501 and 719.501, F.S.; revising matters that the
Division of Florida Condominiums, Timeshares, and
Mobile Homes has jurisdiction to investigate;
requiring certain associations to provide certain
information and updates to the division within a
specified time and by a specified date; amending ss.
718.503 and 719.503, F.S.; requiring a developer or unit owner, as applicable, to deliver certain documents to a buyer or lessee of a unit; amending ss. 718.504 and 719.504, F.S.; requiring certain information to be included in a prospectus or an offering circular; amending s. 719.104, F.S.; revising documents that constitute official records; amending ss. 720.303, 720.311, and 721.15, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 468.436, Florida Statutes, is amended to read:

468.436 Disciplinary proceedings.—
(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:
   (b)1. Violation of any provision of this part.
   2. Violation of any lawful order or rule rendered or adopted by the department or the council.
   3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.
   4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.
5. Committing acts of gross misconduct or gross negligence in connection with the profession.

6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is not disclosed.

7. Violating any provision of chapter 718, chapter 719, or chapter 720 during the course of performing community association management services pursuant to a contract with a community association as defined in s. 468.431(1).

8. Failing to provide a written recertification report to a local building official in accordance with s. 718.132 or s. 719.132 during the course of performing community association management services pursuant to a contract with a condominium, as defined in s. 718.103, or a cooperative, as defined in s. 719.103.

Section 2. Subsection (22) and subsections (23) through (30) of section 718.103, Florida Statutes, are renumbered as subsection (23) and subsections (25) through (32), respectively, and new subsections (22) and (24) are added to that section to read:

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

(22) "Primary structural member" has the same meaning as in s. 627.706(2).

(24) "Reserve study" means a study of the reserve funds required for future major repairs and replacement of the common
elements based on a visual inspection of the common elements by
an engineer licensed under chapter 471 or an architect licensed
under chapter 481. At a minimum, a reserve study must identify
the common elements being visually inspected, state the
estimated remaining useful life and the estimated replacement
cost or deferred maintenance expense of the common elements
being visually inspected, and provide a recommended annual
reserve amount that achieves the estimated replacement cost or
defered maintenance expense of each common element being
visually inspected by the end of the estimated remaining useful
life of each common element.

Section 3. Paragraph (b) of subsection (7) and paragraphs
(a), (b), (c), and (g) of subsection (12) of section 718.111,
Florida Statutes, are amended to read:

718.111 The association.—
(7) TITLE TO PROPERTY.—
(b) Subject to s. 718.112(2)(n) the provisions of s.
718.112(2)(m), the association, through its board, has the
limited power to convey a portion of the common elements to a
condemning authority for the purposes of providing utility
easements, right-of-way expansion, or other public purposes,
whether negotiated or as a result of eminent domain proceedings.
(12) OFFICIAL RECORDS.—
(a) From the inception of the association, the association
shall maintain each of the following items, if applicable, which
constitutes the official records of the association:

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

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

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

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

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

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

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

However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for
receiving electronic transmission of notices.

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

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

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

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

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

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

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

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

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

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

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

15. A copy of the inspection report as described in s. 718.301(4)(p).

16. Bids for materials, equipment, or services.

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

18. All written recertification reports and written phase 2 inspection reports if required under s. 718.132.

19. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.
(b) The official records specified in subparagraphs (a)1.-6. and 18. must be permanently maintained from the inception of the association. Bids for work to be performed or for materials, equipment, or services must be maintained for at least 1 year after receipt of the bid. Reserve studies must be maintained for at least 15 years after the study is completed. All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law. The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. However, such distance requirement does not apply to an association governing a timeshare condominium. This paragraph may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property, or the association may offer the option of making the records available to a unit owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative in compliance with this chapter unless the association has an affirmative duty not to disclose such information under this
chapter.

(c)1. The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, and the association's bylaws and rules, and, if applicable, the association's written recertification reports and written phase 2 inspection reports as described in s. 718.132. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of
the records who, directly or indirectly, knowingly denied access to the records.

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

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

  a. Any record protected by the lawyer-client privilege as
described in s. 90.502 and any record protected by the work-
product privilege, including a record prepared by an association
attorney or prepared at the attorney's express direction, which
reflects a mental impression, conclusion, litigation strategy,
or legal theory of the attorney or the association, and which
was prepared exclusively for civil or criminal litigation or for
adversarial administrative proceedings, or which was prepared in
anticipation of such litigation or proceedings until the
conclusion of the litigation or proceedings.

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

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

  d. Medical records of unit owners.

  e. Social security numbers, driver license numbers, credit
card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

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

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

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

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

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

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

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

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

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

2. A current copy of the following documents must be
posted in digital format on the association's website or
application:
   a. The recorded declaration of condominium of each
   condominium operated by the association and each amendment to
each declaration.
   b. The recorded bylaws of the association and each
   amendment to the bylaws.
   c. The articles of incorporation of the association, or
   other documents creating the association, and each amendment to
   the articles of incorporation or other documents. The copy
   posted pursuant to this sub-subparagraph must be a copy of the
   articles of incorporation filed with the Department of State.
   d. The rules of the association.
   e. A list of all executory contracts or documents to which
   the association is a party or under which the association or the
   unit owners have an obligation or responsibility and, after
   bidding for the related materials, equipment, or services has
   closed, a list of bids received by the association within the
   past year. Summaries of bids for materials, equipment, or
   services which exceed $500 must be maintained on the website or
application for 1 year. In lieu of summaries, complete copies of
the bids may be posted.

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

g. The financial report required by subsection (13) and
    any monthly income or expense statement to be considered at a
    meeting.

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

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

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

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

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

m. The association's most recent reserve study, if
applicable.

n. The association's most recent written recertification
report and written phase 2 inspection report as described in s.
718.132, if applicable.

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

Notwithstanding the foregoing, the association or its agent is
not liable for disclosing information that is protected or
restricted under this paragraph unless such disclosure was made
with a knowing or intentional disregard of the protected or
restricted nature of such information.
4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 4. Paragraphs (g) through (o) of subsection (2) of section 718.112, Florida Statutes, are redesignated as paragraphs (h) through (p), respectively, paragraphs (d) and (f) of that subsection are amended, and a new paragraph (g) is added to that subsection, to read:

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

(d) Unit owner meetings.—

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

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

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

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

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

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

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.
5. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

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

7. Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.
8. A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

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

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

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

(f) Annual budget.—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of

Page 29 of 95
control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do need not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000. The amount to be reserved for an item is determined by the association's most recent reserve study. If the amount to be reserved for an item is not in the association's most recent reserve study or the association has not completed a reserve study, the amount must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to an adopted budget in which The members of an association may determine have determined, by a majority vote at a duly called meeting of the association, to provide no reserves or less reserves than required by this subsection. Effective July 1, 2024, the members
of an association may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g) which are for a building on the condominium property that is three stories or higher in height.

b. Before turnover of control of an association by a developer to unit owners other than a developer under pursuant to s. 718.301, the developer-controlled association developer may not vote the voting interests allocated to its units to waive the reserves or reduce the funding of the reserves without the approval through the period expiring at the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first, after which time reserves may be waived or reduced only upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association.

Effective July 1, 2024, a developer-controlled association may not vote to waive the reserves or reduce the funding of reserves for items listed in paragraph (g) which are for a building on the condominium property that is three stories or higher in height. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and
no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

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

Effective July 1, 2024, members of an association may not vote to use reserve funds, or any interest accruing thereon, for items listed in paragraph (g) which are for a building on the condominium property that is three stories or higher in height for purposes other than their intended purpose.

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

(g) Reserve study.—
1. An association must have a reserve study completed at least every 10 years after the condominium's creation for, at a minimum, the following items for each building on the condominium property that is three stories or higher in height:

   a. Roof.
   b. Load-bearing walls or other primary structural members.
   c. Floor.
   d. Foundation.
   e. Fireproofing and fire protection systems.
   f. Plumbing.
   g. Electrical systems.
   h. Waterproofing and exterior painting.
   i. Windows.
   j. Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to
replace or maintain such item negatively affects the items listed in subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection.

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

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

Section 5. Paragraph (f) of subsection (8) of section 718.116, Florida Statutes, is amended to read:

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

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

(f) Notwithstanding any limitation on transfer fees contained in s. 718.112(2)(j) s. 718.112(2)(i), an association or its authorized agent may charge a reasonable fee for the preparation and delivery of an estoppel certificate, which may not exceed $250, if, on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable unit. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of $100. If a delinquent amount is owed to the association for the applicable unit, an additional fee for the estoppel certificate may not exceed $150.

Section 6. Paragraph (c) of subsection (2) of section 718.117, Florida Statutes, is redesignated as paragraph (d), paragraph (b) of subsection (8) is amended, and a new paragraph (c) is added to subsection (2) of that section, to read:

718.117 Termination of condominium.—
(2) TERMINATION BECAUSE OF ECONOMIC WASTE OR IMPOSSIBILITY.—
(c)1. Notwithstanding paragraph (a), a condominium that has a building that has received a phase 2 inspection under s. 718.132 with recommended repairs for damage to the items listed in s. 718.112(2)(g) that exceed 65 percent of the combined fair market value of the units in the condominium after completion of
the construction or repairs may be terminated pursuant to a plan of termination approved by a majority of the voting unit owners present at a properly called meeting of the association. A bulk owner is considered a single unit owner and only has one vote under this paragraph. For purposes of this paragraph, the term "bulk owner" has the same meaning as in paragraph (3)(c).

2. The fair market value of the units in the condominium must be determined by an independent appraiser selected by the termination trustee no earlier than 90 days before the date on which the plan of termination is recorded.

(8) REPORTS AND REPLACEMENT OF RECEIVER.—

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

Section 7. Section 718.132, Florida Statutes, is created to read:

718.132 Building recertification.—

(1) As used in this section, the term:

(a) "Coastline" has the same meaning as in the Submerged Lands Act, 43 U.S.C. s. 1301(c).

(b) "Phase 2 inspection" means an inspection that includes destructive and nondestructive testing at the discretion of the person performing the inspection and a written report of such inspection. A phase 2 inspection must be performed by an
engineer licensed under chapter 471 or an architect licensed under chapter 481.

(c) "Recertification" or "recertify" means a visual inspection of a building's general structural condition and the general condition of its electrical system, including a written report of such inspection, performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481.

(d) "Visual inspection" means a visual examination of the items listed s. 718.112(2)(g).

(2)(a) An association must have any building on condominium property that is three stories or higher in height and that has been occupied for at least 30 years, or 25 years if the building is within 3 miles of the coastline of the state, recertified as determined by the local building official.

(b) An association must have any building on condominium property that is required to be recertified under paragraph (a) recertified at least every 10 years after its first recertification.

(3) Upon determining that a building on condominium property must be recertified, the local building official must provide written notice of such required recertification to the association by certified mail, return receipt requested.

(4)(a) Within 90 days after receiving the written notice under subsection (3), or within 180 days if the association receives the written notice before July 1, 2023, the association...
or the association's manager must provide the written recertification report by e-mail or United States Postal Service to the local building official and state the date on which the association received such report from the licensed engineer or architect who performed the recertification.

(b) Within 14 days after receiving the written recertification report from the licensed engineer or architect who performed the recertification, the association must provide the written recertification report by e-mail or United States Postal Service to each unit owner.

(5) Upon completing a recertification, the licensed engineer or architect who performed the recertification must provide a written recertification report by e-mail or United States Postal Service to the association. The written recertification report must, at a minimum:
(a) Bear the impressed seal and signature of the licensed engineer or architect who performed the inspection.
(b) Indicate the manner and type of inspection forming the basis for the written recertification report and a description of any items identified as requiring further inspection or remedial action.
(c) Indicate whether there is damage to the items listed in s. 718.112(2)(g), within a reasonable professional probability based on the scope of the inspection, and list any recommended repairs for such damage.
(d) Indicate whether there is substantial damage to the items listed in s. 718.112(2)(g) within a reasonable professional probability based on the scope of the inspection.

(e) State whether the building is structurally and electrically safe for its intended use within a reasonable professional probability based on the scope of the inspection.

(6)(a) If a written recertification report indicates that there is substantial damage to the items listed in s. 718.112(2)(g), within a reasonable professional probability based on the scope of the inspection, the local building official must provide written notice to the association by certified mail, return receipt requested, that the association must have a phase 2 inspection performed.

(b) Within 60 days after receiving the written notice under paragraph (a), the association must provide written notice to the local building official by e-mail or United States Postal Service that includes the start date of the phase 2 inspection and the name and contact information of the licensed engineer or architect who will perform the phase 2 inspection.

(c) The written phase 2 inspection report must, at a minimum:
   1. Bear the impressed seal and signature of the licensed engineer or architect who performed the inspection.
   2. Indicate the manner and type of inspection forming the basis for the written report.
3. State whether there is substantial damage to the items listed in s. 718.112(2)(g), within a reasonable professional probability based on the scope of the inspection, and the extent of such damage and list any recommended repairs for such damage.

4. State whether the building is structurally and electrically safe for its intended use within a reasonable professional probability based on the scope of the inspection.

(d) The licensed engineer or architect performing the phase 2 inspection must provide the written phase 2 inspection report by e-mail or United States Postal Service to the local building official and the association upon completion.

(e) Within 14 days after receiving the written phase 2 inspection report from the licensed engineer or architect who performed the phase 2 inspection, the association must provide the written phase 2 inspection report by e-mail or United States Postal Service to each unit owner.

7(a) A local building official may prescribe penalties, which must be posted on the building department's website, for failure to comply with this section.

(b) If an association fails to schedule or begin repairs to the items listed in s. 718.112(2)(g) that are identified in the written phase 2 inspection report within a time period to be determined by the county commissioners of the county where the building is located, which time period may not exceed 365 days after the local building official receives the written phase 2 inspection report.
inspection report, the local building official must determine
that the building is unsafe for human occupancy until such
repairs are scheduled or begin.

Section 8. Paragraphs (r), (s), and (t) are added to
subsection (4) of section 718.301, Florida Statutes, to read:
718.301 Transfer of association control; claims of defect
by association.—

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

(r) A copy of the association's most recent reserve study.

(s) If a building on the condominium property must be
recertified under s. 718.132, a copy of the association's most
recent written recertification report.

(t) If a building on the condominium property must have a
phase 2 inspection performed under s. 718.132, a copy of the
association's most recent written phase 2 inspection report.
Section 9. Subsection (1) of section 718.501, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

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

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to investigate complaints related only to financial issues, reserve studies required under s. 718.112(2)(g), recertifications and phase 2 inspections required under s. 718.132, elections, and the maintenance of and unit owner access to association records under s. 718.111(12).

(a)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid
2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

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

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a
subpoena or to answer questions propounded by the investigating
officer and upon reasonable notice to all affected persons, the
division may apply to the circuit court for an order compelling
compliance.
(d) Notwithstanding any remedies available to unit owners
and associations, if the division has reasonable cause to
believe that a violation of any provision of this chapter or
related rule has occurred, the division may institute
enforcement proceedings in its own name against any developer,
bulk assignee, bulk buyer, association, officer, or member of
the board of administration, or its assignees or agents, as
follows:
1. The division may permit a person whose conduct or
actions may be under investigation to waive formal proceedings
and enter into a consent proceeding whereby orders, rules, or
letters of censure or warning, whether formal or informal, may
be entered against the person.
2. The division may issue an order requiring the
developer, bulk assignee, bulk buyer, association, developer-
designated officer, or developer-designated member of the board
of administration, developer-designated assignees or agents,
bulk assignee-designated assignees or agents, bulk buyer-
designated assignees or agents, community association manager,
or community association management firm to cease and desist
from the unlawful practice and take such affirmative action as
in the judgment of the division carry out the purposes of this
cchapter. If the division finds that a developer, bulk assignee,
bulk buyer, association, officer, or member of the board of
administration, or its assignees or agents, is violating or is
about to violate any provision of this chapter, any rule adopted
or order issued by the division, or any written agreement
entered into with the division, and presents an immediate danger
to the public requiring an immediate final order, it may issue
an emergency cease and desist order reciting with particularity
the facts underlying such findings. The emergency cease and
desist order is effective for 90 days. If the division begins
nonemergency cease and desist proceedings, the emergency cease
and desist order remains effective until the conclusion of the
proceedings under ss. 120.569 and 120.57.

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

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

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly
violates this chapter, an adopted rule, or a final order of the
division; may order the removal of such individual as an officer
or from the board of administration or as an officer of the
association; and may prohibit such individual from serving as an
officer or on the board of a community association for a period
of time. The term "willfully and knowingly" means that the
division informed the officer or board member that his or her
action or intended action violates this chapter, a rule adopted
under this chapter, or a final order of the division and that
the officer or board member refused to comply with the
requirements of this chapter, a rule adopted under this chapter,
or a final order of the division. The division, before
initiating formal agency action under chapter 120, must afford
the officer or board member an opportunity to voluntarily
comply, and an officer or board member who complies within 10
days is not subject to a civil penalty. A penalty may be imposed
on the basis of each day of continuing violation, but the
penalty for any offense may not exceed $5,000. The division
shall adopt, by rule, penalty guidelines applicable to possible
violations or to categories of violations of this chapter or
rules adopted by the division. The guidelines must specify a
meaningful range of civil penalties for each such violation of
the statute and rules and must be based upon the harm caused by
the violation, the repetition of the violation, and upon such
other factors deemed relevant by the division. For example, the

CODING: Words **stricken** are deletions; words *underlined* are additions.
division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty
or the cease and desist order is not effective until 20 days
after the date of such order. Any action commenced by the
division shall be brought in the county in which the division
has its executive offices or in the county where the violation
occurred.

7. If a unit owner presents the division with proof that
the unit owner has requested access to official records in
writing by certified mail, and that after 10 days the unit owner
again made the same request for access to official records in
writing by certified mail, and that more than 10 days has
elapsed since the second request and the association has still
failed or refused to provide access to official records as
required by this chapter, the division shall issue a subpoena
requiring production of the requested records where the records
are kept pursuant to s. 718.112.

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

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

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

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

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

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

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

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

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(m) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the
division shall acknowledge the complaint in writing and notify
the complainant whether the complaint is within the jurisdiction
of the division and whether additional information is needed by
the division from the complainant. The division shall conduct
its investigation and, within 90 days after receipt of the
original complaint or of timely requested additional
information, take action upon the complaint. However, the
failure to complete the investigation within 90 days does not
prevent the division from continuing the investigation,
accepting or considering evidence obtained or received after 90
days, or taking administrative action if reasonable cause exists
to believe that a violation of this chapter or a rule has
occurred. If an investigation is not completed within the time
limits established in this paragraph, the division shall, on a
monthly basis, notify the complainant in writing of the status
of the investigation. When reporting its action to the
complainant, the division shall inform the complainant of any
right to a hearing under ss. 120.569 and 120.57. The division
may adopt rules regarding the submission of a complaint against
an association.

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

(o) The division may:
   1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or
   2. Accept grants-in-aid from any source.

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

(q) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

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

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

(3)(a) Within 1 year after being created, each condominium association must provide to the division in writing, by e-mail or United States Postal Service, the number of buildings on the condominium property that are three stories or higher in height, the total number of units in all such buildings, and the addresses of all such buildings. Each condominium association must provide an update to the division if there is any change in the number of buildings on the condominium property that are three stories or higher in height or the total number of units in all such buildings. An association must provide the update in writing, by e-mail or United States Postal Service, to the division within 6 months after the change.

(b) Condominium associations existing on or before July 1, 2022, must provide the required information in paragraph (a) to the division no later than January 1, 2023.
Section 10. Paragraphs (b) and (c) of subsection (2) section 718.503, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and paragraph (b) of subsection (1) and paragraph (a) of subsection (2) are amended to read:

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

(1) DEVELOPER DISCLOSURE.—

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

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

2. The documents creating the association.

3. The bylaws.

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

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

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

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

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

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

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

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

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

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

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

15. A copy of all covenants and restrictions that which
will affect the use of the property and which are not contained
in the foregoing.
16. If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1), or a statement that such acceptance or approval has not been acquired or received.

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

18. A copy of the association's most recent reserve study or a statement that the association has not completed a reserve study.

19. If the unit is located in a building on the condominium property that must be recertified under s. 718.132, a copy of the association's most recent written recertification report or a statement that the association has not completed the required recertification.

20. If the unit is located in a building on the condominium property that must have a phase 2 inspection performed under s. 718.132, a copy of the association's most recent written phase 2 inspection report or a statement that the association has not completed the required phase 2 inspection.

(2) NONDEVELOPER DISCLOSURE.—
(a) Each unit owner who is not a developer as defined by this chapter must [underline]shall comply with the provisions of this...
subsection before prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of all of the following:

1. The declaration of condominium.
2. Articles of incorporation of the association.
3. Bylaws and rules of the association.
4. Financial information required by s. 718.111.
5. The association's most recent reserve study or a statement that the association has not completed a reserve study.
6. If the unit is located in a building on the condominium property that must be recertified under s. 718.132, the association's most recent written recertification report or a statement that the association has not completed the required recertification.
7. If the unit is located in a building on the condominium property that must have a phase 2 inspection performed under s. 718.132, the association's most recent written phase 2 inspection report or a statement that the association has not completed the required phase 2 inspection.
8. The document entitled "Frequently Asked Questions and Answers" required by s. 718.504.

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

1. The role of the board in conducting the day-to-day affairs of the association on behalf of, and in the best interests of, the owners.
2. The board's responsibility to provide advance notice of board and membership meetings.
3. The rights of owners to attend and speak at board and membership meetings.
4. The responsibility of the board and of owners with respect to maintenance of the condominium property.
5. The responsibility of the board and owners to abide by the condominium documents, this chapter, rules adopted by the division, and reasonable rules adopted by the board.
6. Owners' rights to inspect and copy association records and the limitations on such rights.
7. Remedies available to owners with respect to actions by the board which may be abusive or beyond the board's power and authority.
8. The right of the board to hire a property management firm, subject to its own primary responsibility for such
management.

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

10. The voting rights of owners.

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

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

Section 11. Paragraph (f) of subsection (24) of section 718.504, Florida Statutes, is amended, and paragraphs (q) and (r) are added to that subsection, to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20
residential units, or which is part of a group of residential
condominiums which will be served by property to be used in
common by unit owners of more than 20 residential units, shall
prepare a prospectus or offering circular and file it with the
Division of Florida Condominiums, Timeshares, and Mobile Homes
prior to entering into an enforceable contract of purchase and
sale of any unit or lease of a unit for more than 5 years and
shall furnish a copy of the prospectus or offering circular to
each buyer. In addition to the prospectus or offering circular,
each buyer shall be furnished a separate page entitled
"Frequently Asked Questions and Answers," which shall be in
accordance with a format approved by the division and a copy of
the financial information required by s. 718.111. This page
shall, in readable language, inform prospective purchasers
regarding their voting rights and unit use restrictions,
including restrictions on the leasing of a unit; shall indicate
whether and in what amount the unit owners or the association is
obligated to pay rent or land use fees for recreational or other
commonly used facilities; shall contain a statement identifying
that amount of assessment which, pursuant to the budget, would
be levied upon each unit type, exclusive of any special
assessments, and which shall further identify the basis upon
which assessments are levied, whether monthly, quarterly, or
otherwise; shall state and identify any court cases in which the
association is currently a party of record in which the
association may face liability in excess of $100,000; and which
shall further state whether membership in a recreational
facilities association is mandatory, and if so, shall identify
the fees currently charged per unit type. The division shall by
rule require such other disclosure as in its judgment will
assist prospective purchasers. The prospectus or offering
circular may include more than one condominium, although not all
such units are being offered for sale as of the date of the
prospectus or offering circular. The prospectus or offering
circular must contain the following information:

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

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

(g) If the unit is located in a building on the
condominium property that must be recertified under s. 718.132,
the association's most recent written recertification report or
a statement that the association has not completed the required
recertification.

(r) If the unit is located in a building on the
condominium property that must have a phase 2 inspection
performed under s. 718.132, the association's most recent
written phase 2 inspection report or a statement that the
association has not completed the required phase 2 inspection.

Section 12. Subsection (21) and subsections (22) through (28) of section 719.103, Florida Statutes, are renumbered as subsection (22) and subsections (24) through (30), respectively, and new subsections (21) and (23) are added to that section to read:

719.103 Definitions.—As used in this chapter:

(21) "Primary structural member" has the same meaning as in s. 627.706(2).

(23) "Reserve study" means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas by an engineer licensed under chapter 471 or an architect licensed under chapter 481. At a minimum, a reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.

Section 13. Paragraph (a) of subsection (2) of section 719.104, Florida Statutes, is amended to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—
(2) OFFICIAL RECORDS.—

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

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

2. A photocopy of the cooperative documents.

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

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

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

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

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

9. Accounting records for the association and separate accounting records for each unit it operates, according to good accounting practices. The accounting records shall include, but not be limited to:
   a. Accurate, itemized, and detailed records of all receipts and expenditures.
   b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid upon the account, and the balance due.
   c. All audits, reviews, accounting statements, reserve studies, and financial reports of the association. Reserve studies must be maintained for at least 15 years after the study is completed.
   d. All contracts for work to be performed. Bids for work to be performed shall also be considered official records and shall be maintained for a period of 1 year.

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

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

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

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

14. All written recertification reports and written phase 2 inspection reports as described in s. 719.132, if applicable, which must be permanently maintained.

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

Section 14. Paragraphs (k) through (m) of subsection (1) of section 719.106, Florida Statutes, are redesignated as paragraphs (l) through (n), respectively, paragraph (j) of subsection (1) is amended, and a new paragraph (k) is added to subsection (1) of that section, to read:

719.106 Bylaws; cooperative ownership.—

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

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

2. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds $10,000. The amount to be reserved for an item is determined by the association's most recent reserve study. If the amount to be reserved for an item is not in the association's most recent reserve study or the association has not completed a reserve study, the amount must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the each reserve item. The association may adjust replacement...
reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This paragraph shall not apply to any budget in which the members of an association may determine have, at a duly called meeting of the association, determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves without the approval of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. Effective July 1, 2024, an association, including a developer-controlled association, may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k) which are for a building on the cooperative property that is three stories or higher in height. However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 719.301, the developer may vote to waive the reserves or reduce the funding of reserves for the first 2 years of the operation of the association after which time reserves may only be waived or reduced upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly...
called meeting of the association. If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the voting interests, voting in person or by limited proxy at a duly called meeting of the association. Prior to turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association. Effective July 1, 2024, an association, including a developer-controlled association, may not vote to use reserve funds, or any interest thereon, for items listed in paragraph (k) which are for a building on the cooperative property that is three stories or higher in height for purposes other than their intended purpose.

(k) Reserve study.—

1. An association must have a reserve study completed at least every 10 years for, at a minimum, the following items for
each building on the cooperative property that is three stories or higher in height:

a. Roof.
b. Load-bearing walls or other primary structural members.
c. Floor.
d. Foundation.
e. Fireproofing and fire protection systems.
f. Plumbing.
g. Electrical systems.
h. Waterproofing and exterior painting.
i. Windows.
j. Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to replace or maintain such item negatively affects the items listed in subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection.

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

3. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a reserve study completed by July 1, 2024, for each building on the cooperative property that is three stories or higher in height.
Section 15. Section 719.132, Florida Statutes, is created to read:

719.132  Building recertification.—
(1)  As used in this section, the term:
(a)  "Coastline" has the same meaning as in the Submerged Lands Act, 43 U.S.C. s. 1301(c).
(b)  "Phase 2 inspection" means an inspection that includes destructive and nondestructive testing at the discretion of the person performing the inspection and a written report of such inspection. A phase 2 inspection must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481.
(c)  "Recertification" or "recertify" means a visual inspection of a building's general structural condition and general condition of its electrical system, including a written report of such inspection, performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481.
(d)  "Visual inspection" means a visual examination of the items listed s. 719.106(1)(k).
(2)(a)  An association must have any building on the cooperative property that is three stories or higher in height and that has been occupied for at least 30 years, or 25 years if the building is within 3 miles of the coastline of the state, recertified as determined by the local building official.
(b)  An association must have any building on the
cooperative property that is required to be recertified under paragraph (a) recertified at least every 10 years after its first recertification.

(3) Upon determining that a building on the cooperative property must be recertified, the local building official must provide written notice of such required recertification to the association by certified mail, return receipt requested.

(4)(a) Within 90 days after receiving the written notice under subsection (3), or within 180 days if the association receives the written notice before July 1, 2023, the association or the association's manager must provide the written recertification report by e-mail or United States Postal Service to the local building official and state the date on which the association received such report from the licensed engineer or architect who performed the recertification.

(b) Within 14 days after receiving the written recertification report from the licensed engineer or architect who performed the recertification, the association must provide the written recertification report by e-mail or United States Postal Service to each unit owner.

(5) Upon completing a recertification, the licensed engineer or architect who performed the recertification must provide a written recertification report by e-mail or United States Postal Service to the association. The written recertification report must, at a minimum:
(a) Bear the impressed seal and signature of the licensed
engineer or architect who performed the inspection.
(b) Indicate the manner and type of inspection forming the
basis for the written recertification report and a description
of any items identified as requiring further inspection or
remedial action.
(c) Indicate whether there is damage to the items listed
in s. 719.106(1)(k), within a reasonable professional
probability based on the scope of the inspection, and list any
recommended repairs for such damage.
(d) Indicate whether there is substantial damage to the
items listed s. 719.106(1)(k) within a reasonable professional
probability based on the scope of the inspection.
(e) State whether the building is structurally and
electrically safe for its intended use within a reasonable
professional probability based on the scope of the inspection.
(f)(a) If a written recertification report indicates that
there is substantial damage to the items listed in s.
719.106(1)(k), within a reasonable professional probability
based on the scope of the inspection, the local building
official must provide written notice to the association by
certified mail, return receipt requested, that the association
must have a phase 2 inspection performed.
(b) Within 60 days after receiving the written notice
under paragraph (a), the association must provide written notice
to the local building official by e-mail or United States Postal Service that includes the start date of the phase 2 inspection and the name and contact information of the licensed engineer or architect who will perform the phase 2 inspection.

(c) The written phase 2 inspection report must, at a minimum:

1. Bear the impressed seal and signature of the licensed engineer or architect who performed the inspection.

2. State the manner and type of inspection forming the basis for the written report.

3. State whether there is damage to the items listed in s. 719.106(1)(k), within a reasonable professional probability based on the scope of the inspection, and the extent of such damage and list any recommended repairs for such damage.

4. State whether the building is structurally and electrically safe for its intended use within a reasonable professional probability based on the scope of the inspection.

(d) The licensed engineer or architect performing the phase 2 inspection must provide the written phase 2 inspection report by e-mail or United States Postal Service to the local building official and the association upon completion.

(e) Within 14 days after receiving the written phase 2 inspection report from the licensed engineer or architect who performed the phase 2 inspection, the association must provide the written phase 2 inspection report by e-mail or United States
Postal Service to each unit owner.

(7)(a) A local building official may prescribe penalties, which must be posted on the building department's website, for failure to comply with this section.

(b) If an association fails to schedule or begin repairs to the items listed in s. 719.106(1)(k) that are identified in the written phase 2 inspection report within a time period to be determined by the county commissioners of the county where the building is located, which time period may not exceed 365 days after the local building official receives the written phase 2 inspection report, the local building official must determine that the building is unsafe for human occupancy until such repairs are scheduled or begin.

Section 16. Paragraphs (p), (q), and (r) are added to subsection (4) of section 719.301, Florida Statutes, to read:

719.301 Transfer of association control.—

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

(p) A copy of the association's most recent reserve study.

(q) If a building on the cooperative property must be
recertified under s. 719.132, a copy of the association's most
recent written recertification report or a statement that the
association has not completed the required recertification.

(r) If a building on the cooperative property must have a
phase 2 inspection performed under s. 719.132, a copy of the
association's most recent written phase 2 inspection report or a
statement that the association has not completed the required
phase 2 inspection.

Section 17. Subsection (1) of section 719.501, Florida
Statutes, is amended, and subsection (3) is added to that
section, to read:

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

(1) The Division of Florida Condominiums, Timeshares, and
Mobile Homes of the Department of Business and Professional
Regulation, referred to as the "division" in this part, in
addition to other powers and duties prescribed by chapter 718,
has the power to enforce and ensure compliance with this chapter
and adopted rules relating to the development, construction,
sale, lease, ownership, operation, reserve studies required
under s. 719.106(1)(k), recertifications and phase 2 inspections
required under s. 719.132, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

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

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

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

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

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

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

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.
4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be
based upon the harm caused by the violation, the repetition of
the violation, and upon such other factors deemed relevant by
the division. For example, the division may consider whether the
violations were committed by a developer or owner-controlled
association, the size of the association, and other factors. The
guidelines must designate the possible mitigating or aggravating
circumstances that justify a departure from the range of
penalties provided by the rules. It is the legislative intent
that minor violations be distinguished from those which endanger
the health, safety, or welfare of the cooperative residents or
other persons and that such guidelines provide reasonable and
meaningful notice to the public of likely penalties that may be
imposed for proscribed conduct. This subsection does not limit
the ability of the division to informally dispose of
administrative actions or complaints by stipulation, agreed
settlement, or consent order. All amounts collected shall be
deposited with the Chief Financial Officer to the credit of the
Division of Florida Condominiums, Timeshares, and Mobile Homes
Trust Fund. If a developer fails to pay the civil penalty, the
division shall thereupon issue an order directing that such
developer cease and desist from further operation until such
time as the civil penalty is paid or may pursue enforcement of
the penalty in a court of competent jurisdiction. If an
association fails to pay the civil penalty, the division shall
thereupon pursue enforcement in a court of competent
jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

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

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

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

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

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

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

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

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

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the
complaint in writing and notify the complainant whether the
complaint is within the jurisdiction of the division and whether
additional information is needed by the division from the
complainant. The division shall conduct its investigation and
shall, within 90 days after receipt of the original complaint or
timely requested additional information, take action upon the
complaint. However, the failure to complete the investigation
within 90 days does not prevent the division from continuing the
investigation, accepting or considering evidence obtained or
received after 90 days, or taking administrative action if
reasonable cause exists to believe that a violation of this
chapter or a rule of the division has occurred. If an
investigation is not completed within the time limits
established in this paragraph, the division shall, on a monthly
basis, notify the complainant in writing of the status of the
investigation. When reporting its action to the complainant, the
division shall inform the complainant of any right to a hearing
pursuant to ss. 120.569 and 120.57.

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

(3)(a) Within 1 year after being created, each cooperative association must provide to the division in writing, by e-mail or United States Postal Service, the number of buildings on the cooperative property that are three stories or higher in height, the total number of units in all such buildings, and the addresses of all such buildings. Each cooperative association must provide an update to the division if there is any change in the number of buildings on the cooperative property that are three stories or higher in height or the total number of units in all such buildings. An association must provide the update in writing, by e-mail or United States Postal Service, to the division within 6 months after the change.

(b) Cooperative associations existing on or before July 1, 2022, must provide the required information in paragraph (a) to
the division no later than January 1, 2023.

Section 18. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 719.503, Florida Statutes, are amended to read:

719.503 Disclosure before prior to sale.—

(1) DEVELOPER DISCLOSURE.—

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

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

2. The documents creating the association.

3. The bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. A copy of the association's most recent reserve study
or a statement that the association has not completed a reserve
study.

19. If the unit is located in a building on the
cooperative property that must be recertified under s. 719.132,
a copy of the association's most recent written recertification
report or a statement that the association has not completed the
required recertification.

20. If the unit is located in a building on the
cooperative property that must have a phase 2 inspection
performed under s. 719.132, a copy of the association's most
recent written phase 2 inspection report or a statement that the
association has not completed the required phase 2 inspection.

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by
this chapter must comply with the provisions of this subsection
before prior to the sale of his or her interest in the
association. Each prospective purchaser who has entered into a
contract for the purchase of an interest in a cooperative is entitled, at the seller's expense, to a current copy of the articles of incorporation of the association, the bylaws, and rules of the association, as well as a copy of the question and answer sheet as provided in s. 719.504, a copy of the association's most recent reserve study or a statement that the association has not completed a reserve study, and, if applicable, a copy of the association's most recent written recertification report or most recent written phase 2 inspection report or a statement that the association has not completed the required recertification or required phase 2 inspection.

Section 19. Paragraphs (q), (r), and (s) are added to subsection (23) of section 719.504, Florida Statutes, to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled
"Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

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

(q) The association's most recent reserve study or a statement that the association has not completed a reserve study.

(r) If the unit is located in a building on the cooperative property that must be recertified under s. 719.132, the association's most recent written recertification report or a statement that the association has not completed the required recertification.

(s) If the unit is located in a building on the cooperative property that must have a phase 2 inspection performed under s. 719.132, the association's most recent written phase 2 inspection report or a statement that the association has not completed the required phase 2 inspection.

Section 20. Paragraphs (d) and (k) of subsection (10) of section 720.303, Florida Statutes, are amended to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(10) RECALL OF DIRECTORS.—

(d) If the board determines not to certify the written agreement or written ballots to recall a director or directors of the board or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the meeting, file an action with a court of competent jurisdiction
or file with the department a petition for binding arbitration under the applicable procedures in ss. 718.112(2)(k) and 718.1255 and the rules adopted thereunder. For the purposes of this section, the members who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration or in a court action. If the arbitrator or court certifies the recall as to any director or directors of the board, the recall will be effective upon the final order of the court or the mailing of the final order of arbitration to the association. The director or directors so recalled shall deliver to the board any and all records of the association in their possession within 5 full business days after the effective date of the recall.

(k) A board member who has been recalled may file an action with a court of competent jurisdiction or a petition under ss. 718.112(2)(k) and 718.1255 and the rules adopted challenging the validity of the recall. The petition or action must be filed within 60 days after the recall is deemed certified. The association and the parcel owner representative shall be named as respondents.

Section 21. Subsection (1) of section 720.311, Florida Statutes, is amended to read:

720.311 Dispute resolution.—

(1) The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and
trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for arbitration or the serving of a demand for presuit mediation as provided for in this section shall toll the applicable statute of limitations. Any recall dispute filed with the department under s. 720.303(10) shall be conducted by the department in accordance with the provisions of ss. 718.112(2)(k) and 718.112(2)(j) and 718.1255 and the rules adopted by the division. In addition, the department shall conduct binding arbitration of election disputes between a member and an association in accordance with s. 718.1255 and rules adopted by the division. Election disputes and recall disputes are not eligible for presuit mediation; these disputes must be arbitrated by the department or filed in a court of competent jurisdiction. At the conclusion of an arbitration proceeding, the department shall charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding. Initially, the petitioner shall remit a filing fee of at least $200 to the department. The fees paid to the department shall become a recoverable cost in the arbitration proceeding, and the prevailing party in an arbitration proceeding shall recover its reasonable costs and attorney fees in an amount found reasonable by the arbitrator. The department shall adopt rules to effectuate the purposes of this section.

Section 22. Subsection (6) of section 721.15, Florida
Statutes, is amended to read:

721.15 Assessments for common expenses.—
(6) Notwithstanding any contrary requirements of s. 718.112(2)(h) or s. 719.106(1)(g), for timeshare plans subject to this chapter, assessments against purchasers need not be made more frequently than annually.

Section 23. This act shall take effect July 1, 2022.