

By Senator Pizzo

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1 A bill to be entitled
 2 An act relating to the Division of Florida
 3 Condominiums, Timeshares, and Mobile Homes;
 4 transferring the division to the Department of Legal
 5 Affairs by a type two transfer on a date certain;
 6 requiring the Department of Business and Professional
 7 Regulation and the Department of Legal Affairs to
 8 enter into a memorandum of agreement by a date
 9 certain; requiring the Department of Legal Affairs to
 10 develop rules and procedures for resolving certain
 11 disputes to include all possible means of alternative
 12 dispute resolution; amending ss. 20.165, 192.037,
 13 213.053, 326.002, 455.116, 475.011, 475.455, 546.10,
 14 558.002, 714.17, 718.103, 718.112, 718.116, 718.117,
 15 718.1255, 718.503, 719.103, 719.108, 719.1255,
 16 719.501, 719.503, 720.301, 720.30851, 721.05, 721.11,
 17 721.13, 723.003, 721.82, 723.061, 723.0611, and
 18 723.06115, F.S.; conforming provisions to changes made
 19 by the act; conforming cross-references; amending s.
 20 723.006, F.S.; deleting obsolete language; providing
 21 effective dates.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Effective July 1, 2025, all powers, duties,
 26 functions, records, offices, personnel, associated
 27 administrative support positions, property, pending issues,
 28 existing contracts, administrative authority, administrative
 29 rules, and unexpended balances of appropriations, allocations,

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30 and other funds for the Division of Florida Condominiums,
31 Timeshares, and Mobile Homes of the Department of Business and
32 Professional Regulation are transferred by a type two transfer,
33 as defined in s. 20.06(2), Florida Statutes, to the Department
34 of Legal Affairs.

35 Section 2. Effective July 1, 2024, the Department of
36 Business and Professional Regulation and the Department of Legal
37 Affairs shall enter into a memorandum of agreement regarding the
38 type two transfer of the Division of Florida Condominiums,
39 Timeshares, and Mobile Homes before January 1, 2025. The
40 agreement must address all aspects of the transfer identified in
41 section 1 of this act after the July 1, 2025, type two transfer
42 of authority.

43 Section 3. Upon the transfer of the Division of Florida
44 Condominiums, Timeshares, and Mobile Homes to the Department of
45 Legal Affairs, the Department of Legal Affairs shall adopt rules
46 and procedures for resolving disputes related to condominiums,
47 timeshares, and mobile homes to include all possible means of
48 alternative dispute resolution under s. 718.501, Florida
49 Statutes.

50 Section 4. Paragraph (e) of subsection (2) of section
51 20.165, Florida Statutes, is amended to read:

52 20.165 Department of Business and Professional Regulation.—
53 There is created a Department of Business and Professional
54 Regulation.

55 (2) The following divisions of the Department of Business
56 and Professional Regulation are established:

57 ~~(c) Division of Florida Condominiums, Timeshares, and~~
58 ~~Mobile Homes.~~

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59 Section 5. Paragraph (e) of subsection (6) of section
60 192.037, Florida Statutes, is amended to read:

61 192.037 Fee timeshare real property; taxes and assessments;
62 escrow.—

63 (6)

64 (e) On or before May 1 of each year, a statement of
65 receipts and disbursements of the escrow account must be filed
66 with the Division of Florida Condominiums, Timeshares, and
67 Mobile Homes of the Department of Legal Affairs ~~Business and~~
68 ~~Professional Regulation, which may enforce this paragraph~~
69 ~~pursuant to s. 721.26~~. This statement must appropriately show
70 the amount of principal and interest in such account.

71 Section 6. Paragraph (i) of subsection (8) of section
72 213.053, Florida Statutes, is amended to read:

73 213.053 Confidentiality and information sharing.—

74 (8) Notwithstanding any other provision of this section,
75 the department may provide:

76 (i) Information relative to chapters 212 and 326 to the
77 Division of Florida Condominiums, Timeshares, and Mobile Homes
78 of the Department of Legal Affairs ~~Business and Professional~~
79 ~~Regulation~~ in the conduct of its official duties.

80

81 Disclosure of information under this subsection shall be
82 pursuant to a written agreement between the executive director
83 and the agency. Such agencies, governmental or nongovernmental,
84 shall be bound by the same requirements of confidentiality as
85 the Department of Revenue. Breach of confidentiality is a
86 misdemeanor of the first degree, punishable as provided by s.
87 775.082 or s. 775.083.

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88 Section 7. Subsection (2) of section 326.002, Florida
89 Statutes, is amended to read:

90 326.002 Definitions.—As used in ss. 326.001-326.006, the
91 term:

92 (2) "Division" means the Division of Florida Condominiums,
93 Timeshares, and Mobile Homes of the Department of Legal Affairs
94 ~~Business and Professional Regulation~~.

95 Section 8. Subsection (5) of section 455.116, Florida
96 Statutes, is amended to read:

97 455.116 Regulation trust funds.—The following trust funds
98 shall be placed in the department:

99 ~~(5) Division of Florida Condominiums, Timeshares, and~~
100 ~~Mobile Homes Trust Fund.~~

101 Section 9. Paragraph (b) of subsection (8) of section
102 475.011, Florida Statutes, is amended to read:

103 475.011 Exemptions.—This part does not apply to:

104 (8)

105 (b) An exchange company, as that term is defined by s.
106 721.05 ~~s. 721.05(15)~~, but only to the extent that the exchange
107 company is engaged in exchange program activities as described
108 in and is in compliance with s. 721.18.

109 Section 10. Section 475.455, Florida Statutes, is amended
110 to read:

111 475.455 Exchange of disciplinary information.—The
112 commission shall inform the Division of Florida Condominiums,
113 Timeshares, and Mobile Homes of the Department of Legal Affairs
114 ~~Business and Professional Regulation~~ of any disciplinary action
115 the commission has taken against any of its licensees. The
116 division shall inform the commission of any disciplinary action

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117 the division has taken against any broker or sales associate
118 registered with the division.

119 Section 11. Subsection (6) of section 546.10, Florida
120 Statutes, is amended to read:

121 546.10 Amusement games or machines.—

122 (6) (a) A Type B amusement game or machine may only be
123 operated at:

124 1. A facility as defined in s. 721.05 ~~s. 721.05(17)~~ that is
125 under the control of a timeshare plan.

126 2. A public lodging establishment or public food service
127 establishment licensed pursuant to chapter 509.

128 3. The following premises, if the owner or operator of the
129 premises has a current license issued by the Department of
130 Business and Professional Regulation pursuant to chapter 509,
131 chapter 561, chapter 562, chapter 563, chapter 564, chapter 565,
132 chapter 567, or chapter 568:

133 a. An arcade amusement center;

134 b. A bowling center, as defined in s. 849.141; or

135 c. A truck stop.

136 (b) A Type C amusement game or machine may only be operated
137 at:

138 1. A facility as defined in s. 721.05 ~~s. 721.05(17)~~ that is
139 under the control of a timeshare plan;

140 2. An arcade amusement center;

141 3. A bowling center, as defined in s. 849.141;

142 4. The premises of a retailer, as defined in s. 212.02;

143 5. A public lodging establishment or public food service
144 establishment licensed pursuant to chapter 509;

145 6. A truck stop; or

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146 7. The premises of a veterans' service organization granted
 147 a federal charter under Title 36, U.S.C., or a division,
 148 department, post, or chapter of such organization, for which an
 149 alcoholic beverage license has been issued.

150 Section 12. Subsection (2) of section 558.002, Florida
 151 Statutes, is amended to read:

152 558.002 Definitions.—As used in this chapter, the term:

153 (2) "Association" has the same meaning as in s. 718.103, s.
 154 719.103 ~~s. 719.103(2)~~, s. 720.301(9), or s. 723.075.

155 Section 13. Subsection (1) of section 714.17, Florida
 156 Statutes, is amended to read:

157 714.17 Executory contract.—

158 (1) For the purposes of this section, the term "timeshare
 159 interest" has the same meaning as in s. 721.05 ~~s. 721.05(36)~~.

160 Section 14. Subsections (17) through (32) of section
 161 718.103, Florida Statutes, are renumbered as subsections (18)
 162 through (33), respectively, present subsections (18) and (24)
 163 are amended, and a new subsection (17) is added to that section,
 164 to read:

165 718.103 Definitions.—As used in this chapter, the term:

166 (17) "Department" means the Department of Legal Affairs.

167 (19) ~~(18)~~ "Division" means the Division of Florida
 168 Condominiums, Timeshares, and Mobile Homes of the Department of
 169 Legal Affairs ~~Business and Professional Regulation~~.

170 (20) ~~(24)~~ "Residential condominium" means a condominium
 171 consisting of two or more units, any of which are intended for
 172 use as a private temporary or permanent residence, except that a
 173 condominium is not a residential condominium if the use for
 174 which the units are intended is primarily commercial or

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175 industrial and not more than three units are intended to be used
176 for private residence, and are intended to be used as housing
177 for maintenance, managerial, janitorial, or other operational
178 staff of the condominium. With respect to a condominium that is
179 not a timeshare condominium, a residential unit includes a unit
180 intended as a private temporary or permanent residence as well
181 as a unit not intended for commercial or industrial use. With
182 respect to a timeshare condominium, the timeshare instrument as
183 defined in s. 721.05 ~~s. 721.05(35)~~ shall govern the intended use
184 of each unit in the condominium. If a condominium is a
185 residential condominium but contains units intended to be used
186 for commercial or industrial purposes, then, with respect to
187 those units which are not intended for or used as private
188 residences, the condominium is not a residential condominium. A
189 condominium which contains both commercial and residential units
190 is a mixed-use condominium and is subject to the requirements of
191 s. 718.404.

192 Section 15. Paragraph (k) of subsection (2) of section
193 718.112, Florida Statutes, is amended to read:

194 718.112 Bylaws.—

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

198 (k) *Transfer fees.*—An association may not charge a fee in
199 connection with the sale, mortgage, lease, sublease, or other
200 transfer of a unit unless the association is required to approve
201 such transfer and a fee for such approval is provided for in the
202 declaration, articles, or bylaws. Any such fee may be preset but
203 may not exceed \$150 per applicant. For the purpose of

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204 calculating the fee, spouses or a parent or parents and any
205 dependent children are considered one applicant. However, if the
206 lease or sublease is a renewal of a lease or sublease with the
207 same lessee or sublessee, a charge may not be made. Such fees
208 must be adjusted every 5 years in an amount equal to the total
209 of the annual increases occurring in the Consumer Price Index
210 for All Urban Consumers, U.S. City Average, All Items during
211 that 5-year period. The division ~~Department of Business and~~
212 ~~Professional Regulation~~ shall periodically calculate the fees,
213 rounded to the nearest dollar, and publish the amounts, as
214 adjusted, on its website. The foregoing notwithstanding, if the
215 authority to do so appears in the declaration, articles, or
216 bylaws, an association may require that a prospective lessee
217 place a security deposit, in an amount not to exceed the
218 equivalent of 1 month's rent, into an escrow account maintained
219 by the association. The security deposit shall protect against
220 damages to the common elements or association property. Payment
221 of interest, claims against the deposit, refunds, and disputes
222 under this paragraph shall be handled in the same fashion as
223 provided in part II of chapter 83.

224 Section 16. Paragraph (i) of subsection (8) of section
225 718.116, Florida Statutes, is amended to read:

226 718.116 Assessments; liability; lien and priority;
227 interest; collection.—

228 (8) Within 10 business days after receiving a written or
229 electronic request therefor from a unit owner or the unit
230 owner's designee, or a unit mortgagee or the unit mortgagee's
231 designee, the association shall issue the estoppel certificate.
232 Each association shall designate on its website a person or

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233 entity with a street or e-mail address for receipt of a request
234 for an estoppel certificate issued pursuant to this section. The
235 estoppel certificate must be provided by hand delivery, regular
236 mail, or e-mail to the requestor on the date of issuance of the
237 estoppel certificate.

238 (i) The fees specified in this subsection shall be adjusted
239 every 5 years in an amount equal to the total of the annual
240 increases for that 5-year period in the Consumer Price Index for
241 All Urban Consumers, U.S. City Average, All Items. The division
242 ~~Department of Business and Professional Regulation~~ shall
243 periodically calculate the fees, rounded to the nearest dollar,
244 and publish the amounts, as adjusted, on its website.

245 Section 17. Paragraph (c) of subsection (2) of section
246 718.117, Florida Statutes, is amended to read:

247 718.117 Termination of condominium.—

248 (2) TERMINATION BECAUSE OF ECONOMIC WASTE OR
249 IMPOSSIBILITY.—

250 (c) Notwithstanding paragraph (a), a condominium that
251 includes units and timeshare estates where the improvements have
252 been totally destroyed or demolished may be terminated pursuant
253 to a plan of termination proposed by a unit owner upon the
254 filing of a petition in court seeking equitable relief. Within
255 10 days after the filing of a petition as provided in this
256 paragraph and in lieu of the requirements of paragraph (15) (a),
257 the petitioner shall record the proposed plan of termination and
258 mail a copy of the proposed plan and a copy of the petition to:

259 1. If the association has not been dissolved as a matter of
260 law, each member of the board of directors of the association
261 identified in the most recent annual report filed with the

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262 Department of State and the registered agent of the association;

263 2. The managing entity as defined in s. 721.05 ~~s.~~

264 ~~721.05(22)~~;

265 3. Each unit owner and each timeshare estate owner at the
266 address reflected in the official records of the association,
267 or, if the association records cannot be obtained by the
268 petitioner, each unit owner and each timeshare estate owner at
269 the address listed in the office of the tax collector for tax
270 notices; and

271 4. Each holder of a recorded mortgage lien affecting a unit
272 or timeshare estate at the address appearing on the recorded
273 mortgage or any recorded assignment thereof.

274

275 The association, if it has not been dissolved as a matter of
276 law, acting as class representative, or the managing entity as
277 defined in s. 721.05 ~~s. 721.05(22)~~, any unit owner, any
278 timeshare estate owner, or any holder of a recorded mortgage
279 lien affecting a unit or timeshare estate may intervene in the
280 proceedings to contest the proposed plan of termination brought
281 pursuant to this paragraph. The provisions of subsection (9), to
282 the extent inconsistent with this paragraph, and subsection (16)
283 are not applicable to a party contesting a plan of termination
284 under this paragraph. If no party intervenes to contest the
285 proposed plan within 45 days after the filing of the petition,
286 the petitioner may move the court to enter a final judgment to
287 authorize implementation of the plan of termination. If a party
288 timely intervenes to contest the proposed plan, the plan may not
289 be implemented until a final judgment has been entered by the
290 court finding that the proposed plan of termination is fair and

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291 reasonable and authorizing implementation of the plan.

292 Section 18. Subsection (4) of section 718.1255, Florida
293 Statutes, is amended to read:

294 718.1255 Alternative dispute resolution; mediation;
295 nonbinding arbitration; applicability.—

296 (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The
297 Division of Florida Condominiums, Timeshares, and Mobile Homes
298 of the Department of Legal Affairs ~~Business and Professional~~
299 ~~Regulation~~ may employ full-time attorneys to act as arbitrators
300 to conduct the arbitration hearings provided by this chapter.
301 The division may also certify attorneys who are not employed by
302 the division to act as arbitrators to conduct the arbitration
303 hearings provided by this chapter. A person may not be employed
304 by the department as a full-time arbitrator unless he or she is
305 a member in good standing of The Florida Bar. A person may only
306 be certified by the division to act as an arbitrator if he or
307 she has been a member in good standing of The Florida Bar for at
308 least 5 years and has mediated or arbitrated at least 10
309 disputes involving condominiums in this state during the 3 years
310 immediately preceding the date of application, mediated or
311 arbitrated at least 30 disputes in any subject area in this
312 state during the 3 years immediately preceding the date of
313 application, or attained board certification in real estate law
314 or condominium and planned development law from The Florida Bar.
315 Arbitrator certification is valid for 1 year. An arbitrator who
316 does not maintain the minimum qualifications for initial
317 certification may not have his or her certification renewed. The
318 department may not enter into a legal services contract for an
319 arbitration hearing under this chapter with an attorney who is

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320 not a certified arbitrator unless a certified arbitrator is not
321 available within 50 miles of the dispute. The department shall
322 adopt rules of procedure to govern such arbitration hearings
323 including mediation incident thereto. The decision of an
324 arbitrator is final; however, a decision is not deemed final
325 agency action. ~~Nothing in This subsection does not provision~~
326 ~~shall be construed to~~ foreclose parties from proceeding in a
327 trial de novo unless the parties have agreed that the
328 arbitration is binding. If judicial proceedings are initiated,
329 the final decision of the arbitrator is admissible in evidence
330 in the trial de novo.

331 (a) Before the institution of court litigation, a party to
332 a dispute, other than an election or recall dispute, shall
333 either petition the division for nonbinding arbitration or
334 initiate presuit mediation as provided in subsection (5).
335 Arbitration is binding on the parties if all parties in
336 arbitration agree to be bound in a writing filed in arbitration.
337 The petition must be accompanied by a filing fee in the amount
338 of \$50. Filing fees collected under this section must be used to
339 defray the expenses of the alternative dispute resolution
340 program.

341 (b) The petition must recite, and have attached thereto,
342 supporting proof that the petitioner gave the respondents all of
343 the following:

- 344 1. Advance written notice of the specific nature of the
345 dispute.~~.~~
- 346 2. A demand for relief, and a reasonable opportunity to
347 comply or to provide the relief.~~.~~~~and~~
- 348 3. Notice of the intention to file an arbitration petition

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349 or other legal action in the absence of a resolution of the
350 dispute.

351
352 Failure to include the allegations or proof of compliance with
353 these prerequisites requires dismissal of the petition without
354 prejudice.

355 (c) Upon receipt, ~~the petition shall be promptly reviewed~~
356 ~~by~~ the division shall promptly review the petition to determine
357 the existence of a dispute and compliance with the requirements
358 of paragraphs (a) and (b). If emergency relief is required and
359 is not available through arbitration, a motion to stay the
360 arbitration may be filed. The motion must be accompanied by a
361 verified petition alleging facts that, if proven, would support
362 entry of a temporary injunction, and if an appropriate motion
363 and supporting papers are filed, the division may abate the
364 arbitration pending a court hearing and disposition of a motion
365 for temporary injunction.

366 (d) Upon determination by the division that a dispute
367 exists and that the petition substantially meets the
368 requirements of paragraphs (a) and (b) and any other applicable
369 rules, the division shall assign or enter into a contract with
370 an arbitrator and serve a copy of the petition upon all
371 respondents. The arbitrator shall conduct a hearing within 30
372 days after being assigned or entering into a contract unless the
373 petition is withdrawn or a continuance is granted for good cause
374 shown.

375 (e) Before or after the filing of the respondents' answer
376 to the petition, any party may request that the arbitrator refer
377 the case to mediation under this section and any rules adopted

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378 by the division. Upon receipt of a request for mediation, the
379 division shall promptly contact the parties to determine if
380 there is agreement that mediation would be appropriate. If all
381 parties agree, the dispute must be referred to mediation.
382 Notwithstanding a lack of an agreement by all parties, the
383 arbitrator may refer a dispute to mediation at any time.

384 (f) Upon referral of a case to mediation, the parties must
385 select a mutually acceptable mediator. To assist in the
386 selection, the arbitrator shall provide the parties with a list
387 of both volunteer and paid mediators who ~~that~~ have been
388 certified by the division under s. 718.501. If the parties are
389 unable to agree on a mediator within the time allowed by the
390 arbitrator, the arbitrator shall appoint a mediator from the
391 list of certified mediators. If a case is referred to mediation,
392 the parties shall attend a mediation conference, as scheduled by
393 the parties and the mediator. If any party fails to attend a
394 duly noticed mediation conference, without the permission or
395 approval of the arbitrator or mediator, the arbitrator must
396 impose sanctions against the party, including the striking of
397 any pleadings filed, the entry of an order of dismissal or
398 default if appropriate, and the award of costs and attorney fees
399 incurred by the other parties. Unless otherwise agreed to by the
400 parties or as provided by order of the arbitrator, a party is
401 deemed to have appeared at a mediation conference by the
402 physical presence of the party or its representative having full
403 authority to settle without further consultation, provided that
404 an association may comply by having one or more representatives
405 present with full authority to negotiate a settlement and
406 recommend that the board of administration ratify and approve

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407 such a settlement within 5 days after ~~from~~ the date of the
408 mediation conference. The parties shall share equally the
409 expense of mediation, unless they agree otherwise.

410 (g) The purpose of mediation as provided for by this
411 section is to present the parties with an opportunity to resolve
412 the underlying dispute in good faith, and with a minimum
413 expenditure of time and resources.

414 (h) Mediation proceedings must generally be conducted in
415 accordance with the Florida Rules of Civil Procedure, and these
416 proceedings are privileged and confidential to the same extent
417 as court-ordered mediation. Persons who are not parties to the
418 dispute are not allowed to attend the mediation conference
419 without the consent of all parties, with the exception of
420 counsel for the parties and corporate representatives designated
421 to appear for a party. If the mediator declares an impasse after
422 a mediation conference has been held, the arbitration proceeding
423 terminates, unless all parties agree in writing to continue the
424 arbitration proceeding, in which case the arbitrator's decision
425 is ~~shall be~~ binding or nonbinding, as agreed upon by the
426 parties. ~~+~~ In the arbitration proceeding, the arbitrator may
427 ~~shall~~ not consider any evidence relating to the unsuccessful
428 mediation except in a proceeding to impose sanctions for failure
429 to appear at the mediation conference. If the parties do not
430 agree to continue arbitration, the arbitrator shall enter an
431 order of dismissal, and either party may institute a suit in a
432 court of competent jurisdiction. The parties may seek to recover
433 any costs and attorney fees incurred in connection with
434 arbitration and mediation proceedings under this section as part
435 of the costs and fees that may be recovered by the prevailing

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436 party in any subsequent litigation.

437 (i) Arbitration must ~~shall~~ be conducted according to rules
438 adopted by the division. The filing of a petition for
439 arbitration tolls ~~shall toll~~ the applicable statute of
440 limitations.

441 (j) At the request of any party to the arbitration, the
442 arbitrator shall issue subpoenas for the attendance of witnesses
443 and the production of books, records, documents, and other
444 evidence and any party on whose behalf a subpoena is issued may
445 apply to the court for orders compelling such attendance and
446 production. Subpoenas must ~~shall~~ be served and are ~~shall be~~
447 enforceable in the manner provided by the Florida Rules of Civil
448 Procedure. Discovery may, in the discretion of the arbitrator,
449 be permitted in the manner provided by the Florida Rules of
450 Civil Procedure. Rules adopted by the division may authorize any
451 reasonable sanctions except contempt for a violation of the
452 arbitration procedural rules of the division or for the failure
453 of a party to comply with a reasonable nonfinal order issued by
454 an arbitrator which is not under judicial review.

455 (k) The arbitration decision must ~~shall~~ be rendered within
456 30 days after the hearing and presented to the parties in
457 writing. An arbitration decision is final in those disputes in
458 which the parties have agreed to be bound. An arbitration
459 decision is also final if a complaint for a trial de novo is not
460 filed in a court of competent jurisdiction in which the
461 condominium is located within 30 days after receipt of the
462 arbitration decision. The right to file for a trial de novo
463 entitles the parties to file a complaint in the appropriate
464 trial court for a judicial resolution of the dispute. The

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465 prevailing party in an arbitration proceeding shall be awarded
466 the costs of the arbitration and reasonable attorney fees in an
467 amount determined by the arbitrator. Such an award must ~~shall~~
468 include the costs and reasonable attorney fees incurred in the
469 arbitration proceeding as well as the costs and reasonable
470 attorney fees incurred in preparing for and attending any
471 scheduled mediation. An arbitrator's failure to render a written
472 decision within 30 days after the hearing may result in the
473 cancellation of his or her arbitration certification.

474 (l) The party who files a complaint for a trial de novo
475 shall be assessed the other party's arbitration costs, court
476 costs, and other reasonable costs, including attorney fees,
477 investigation expenses, and expenses for expert or other
478 testimony or evidence incurred after the arbitration hearing if
479 the judgment upon the trial de novo is not more favorable than
480 the arbitration decision. If the judgment is more favorable, the
481 party who filed a complaint for trial de novo shall be awarded
482 reasonable court costs and attorney fees.

483 (m) Any party to an arbitration proceeding may enforce an
484 arbitration award by filing a petition in a court of competent
485 jurisdiction in which the condominium is located. A petition may
486 not be granted unless the time for appeal by the filing of a
487 complaint for trial de novo has expired. If a complaint for a
488 trial de novo has been filed, a petition may not be granted with
489 respect to an arbitration award that has been stayed. If the
490 petition for enforcement is granted, the petitioner shall
491 recover reasonable attorney fees and costs incurred in enforcing
492 the arbitration award. A mediation settlement may also be
493 enforced through the county or circuit court, as applicable, and

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494 any costs and fees incurred in the enforcement of a settlement
495 agreement reached at mediation must be awarded to the prevailing
496 party in any enforcement action.

497 Section 19. Paragraph (d) of subsection (1) and paragraphs
498 (b) and (e) of subsection (2) of section 718.503, Florida
499 Statutes, are amended to read:

500 718.503 Developer disclosure prior to sale; nondeveloper
501 unit owner disclosure prior to sale; voidability.—

502 (1) DEVELOPER DISCLOSURE.—

503 (d) *Milestone inspection, turnover inspection report, or*
504 *structural integrity reserve study.*—If the association is
505 required to have completed a milestone inspection as described
506 in s. 553.899, a turnover inspection report for a turnover
507 inspection performed on or after July 1, 2023, or a structural
508 integrity reserve study, and the association has not completed
509 the milestone inspection, the turnover inspection report, or the
510 structural integrity reserve study, each contract entered into
511 after December 31, 2024, for the sale of a residential unit
512 shall contain in conspicuous type a statement indicating that
513 the association is required to have a milestone inspection, a
514 turnover inspection report, or a structural integrity reserve
515 study and has not completed such inspection, report, or study,
516 as appropriate. If the association is not required to have a
517 milestone inspection as described in s. 553.899 or a structural
518 integrity reserve study, each contract entered into after
519 December 31, 2024, for the sale of a residential unit shall
520 contain in conspicuous type a statement indicating that the
521 association is not required to have a milestone inspection or a
522 structural integrity reserve study, as appropriate. If the

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523 association has completed a milestone inspection as described in
524 s. 553.899, a turnover inspection report for a turnover
525 inspection performed on or after July 1, 2023, or a structural
526 integrity reserve study, each contract entered into after
527 December 31, 2024, for the sale of a residential unit shall
528 contain in conspicuous type:

529 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
530 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
531 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
532 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
533 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
534 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
535 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
536 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
537 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
538 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO
539 EXECUTION OF THIS CONTRACT; and

540 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
541 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
542 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
543 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
544 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
545 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
546 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
547 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
548 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
549 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
550 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
551 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED

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552 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
553 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
554 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
555 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
556 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
557 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
558 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
559 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
560 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
561 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF
562 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
563 TERMINATE AT CLOSING.

564
565 A contract that does not conform to the requirements of this
566 paragraph is voidable at the option of the purchaser before
567 ~~prior to~~ closing.

568 (2) NONDEVELOPER DISCLOSURE.—

569 (b) The prospective purchaser is also entitled to receive
570 from the seller a copy of a governance form. Such form shall be
571 provided by the division summarizing governance of condominium
572 associations. In addition to such other information as the
573 division considers helpful to a prospective purchaser in
574 understanding association governance, the governance form shall
575 address the following subjects:

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

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

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

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

585 5. The responsibility of the board and owners to abide by
586 the condominium documents, this chapter, rules adopted by the
587 division, and reasonable rules adopted by the board.

588 6. Owners' rights to inspect and copy association records
589 and the limitations on such rights.

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

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

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

600 10. The voting rights of owners.

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

604

605 The governance form shall also include the following statement
606 in conspicuous type: "This publication is intended as an
607 informal educational overview of condominium governance. In the
608 event of a conflict, the provisions of chapter 718, Florida
609 Statutes, rules adopted by the Division of Florida Condominiums,

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610 Timeshares, and Mobile Homes of the Department of Legal Affairs
611 ~~Business and Professional Regulation~~, the provisions of the
612 condominium documents, and reasonable rules adopted by the
613 condominium association's board of administration prevail over
614 the contents of this publication."

615 (e) If the association is required to have completed a
616 milestone inspection as described in s. 553.899, a turnover
617 inspection report for a turnover inspection performed on or
618 after July 1, 2023, or a structural integrity reserve study, and
619 the association has not completed the milestone inspection, the
620 turnover inspection report, or the structural integrity reserve
621 study, each contract entered into after December 31, 2024, for
622 the sale of a residential unit shall contain in conspicuous type
623 a statement indicating that the association is required to have
624 a milestone inspection, a turnover inspection report, or a
625 structural integrity reserve study and has not completed such
626 inspection, report, or study, as appropriate. If the association
627 is not required to have a milestone inspection as described in
628 s. 553.899 or a structural integrity reserve study, each
629 contract entered into after December 31, 2024, for the sale of a
630 residential unit shall contain in conspicuous type a statement
631 indicating that the association is not required to have a
632 milestone inspection or a structural integrity reserve study, as
633 appropriate. If the association has completed a milestone
634 inspection as described in s. 553.899, a turnover inspection
635 report for a turnover inspection performed on or after July 1,
636 2023, or a structural integrity reserve study, each contract
637 entered into after December 31, 2024, for the resale of a
638 residential unit shall contain in conspicuous type:

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639 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
640 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
641 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
642 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
643 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
644 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
645 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
646 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
647 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3
648 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO
649 EXECUTION OF THIS CONTRACT; and

650 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
651 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
652 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
653 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
654 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
655 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
656 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
657 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
658 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
659 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
660 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND
661 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
662 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
663 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3
664 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
665 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
666 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
667 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER

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668 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
669 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
670 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
671 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF
672 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
673 TERMINATE AT CLOSING.

674
675 A contract that does not conform to the requirements of this
676 paragraph is voidable at the option of the purchaser before
677 ~~prior to~~ closing.

678 Section 20. Subsections (16) through (29) of section
679 719.103, Florida Statutes, are renumbered as subsections (17)
680 through (30), respectively, present subsection (17) is amended,
681 and a new subsection (16) is added to that section, to read:

682 719.103 Definitions.—As used in this chapter:

683 (16) "Department" means the Department of Legal Affairs.

684 (18) ~~(17)~~ "Division" means the Division of Florida
685 Condominiums, Timeshares, and Mobile Homes of the Department of
686 Legal Affairs ~~Business and Professional Regulation.~~

687 Section 21. Paragraph (i) of subsection (6) of section
688 719.108, Florida Statutes, is amended to read:

689 719.108 Rents and assessments; liability; lien and
690 priority; interest; collection; cooperative ownership.—

691 (6) Within 10 business days after receiving a written or
692 electronic request for an estoppel certificate from a unit owner
693 or the unit owner's designee, or a unit mortgagee or the unit
694 mortgagee's designee, the association shall issue the estoppel
695 certificate. Each association shall designate on its website a
696 person or entity with a street or e-mail address for receipt of

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697 a request for an estoppel certificate issued pursuant to this
698 section. The estoppel certificate must be provided by hand
699 delivery, regular mail, or e-mail to the requestor on the date
700 of issuance of the estoppel certificate.

701 (i) The fees specified in this subsection shall be adjusted
702 every 5 years in an amount equal to the total of the annual
703 increases for that 5-year period in the Consumer Price Index for
704 All Urban Consumers, U.S. City Average, All Items. The division
705 ~~Department of Business and Professional Regulation~~ shall
706 periodically calculate the fees, rounded to the nearest dollar,
707 and publish the amounts, as adjusted, on its website.

708 Section 22. Section 719.1255, Florida Statutes, is amended
709 to read:

710 719.1255 Alternative resolution of disputes.—The Division
711 of Florida Condominiums, Timeshares, and Mobile Homes of the
712 Department of Legal Affairs ~~Business and Professional Regulation~~
713 shall provide for alternative dispute resolution in accordance
714 with s. 718.1255.

715 Section 23. Subsection (1) of section 719.501, Florida
716 Statutes, is amended to read:

717 719.501 Powers and duties of the Division of Florida
718 Condominiums, Timeshares, and Mobile Homes.—

719 (1) The Division of Florida Condominiums, Timeshares, and
720 Mobile Homes of the Department of Legal Affairs ~~Business and~~
721 ~~Professional Regulation~~, referred to as the "division" in this
722 part, in addition to other powers and duties prescribed by
723 chapter 718, has the power to enforce and ensure compliance with
724 this chapter and adopted rules relating to the development,
725 construction, sale, lease, ownership, operation, and management

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726 of residential cooperative units; complaints related to the
727 procedural completion of the structural integrity reserve
728 studies under s. 719.106(1)(k); and complaints related to the
729 procedural completion of milestone inspections under s. 553.899.
730 In performing its duties, the division has ~~shall have~~ the
731 following powers and duties:

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

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

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

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755 compliance.

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

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

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

776 3. The division may bring an action in circuit court on
777 behalf of a class of unit owners, lessees, or purchasers for
778 declaratory relief, injunctive relief, or restitution.

779 4. The division may impose a civil penalty against a
780 developer or an association, or its assignees or agents, for any
781 violation of this chapter or related rule. The division may
782 impose a civil penalty individually against any officer or board
783 member who willfully and knowingly violates ~~a provision~~ of this

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784 chapter, a rule adopted pursuant to this chapter, or a final
785 order of the division. The term "willfully and knowingly" means
786 that the division informed the officer or board member that his
787 or her action or intended action violates this chapter, a rule
788 adopted under this chapter, or a final order of the division,
789 and that the officer or board member refused to comply with the
790 requirements of this chapter, a rule adopted under this chapter,
791 or a final order of the division. The division, before ~~prior to~~
792 initiating formal agency action under chapter 120, shall provide
793 notice to ~~afford~~ the officer or board member ~~an~~ opportunity to
794 voluntarily comply with this chapter, a rule adopted under this
795 chapter, or a final order of the division. An officer or a board
796 member who complies within 10 days after receiving notice from
797 the division is not subject to a civil penalty. A penalty may be
798 imposed on the basis of each day of continuing violation, but ~~in~~
799 ~~no event shall~~ the penalty may not ~~for any offense~~ exceed \$5,000
800 for any offense. The division shall adopt, by rule, penalty
801 guidelines applicable to possible violations or to categories of
802 violations of this chapter or rules adopted by the division. The
803 guidelines must specify a meaningful range of civil penalties
804 for each such violation of the statute and rules and must be
805 based upon the harm caused by the violation, upon the repetition
806 of the violation, and upon such other factors deemed relevant by
807 the division. For example, the division may consider whether the
808 violations were committed by a developer or an owner-controlled
809 association, the size of the association, and other factors. The
810 guidelines must designate the possible mitigating or aggravating
811 circumstances that justify a departure from the range of
812 penalties provided by the rules. It is the legislative intent

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813 that minor violations be distinguished from those which endanger
814 the health, safety, or welfare of the cooperative residents or
815 other persons and that such guidelines provide reasonable and
816 meaningful notice to the public of likely penalties that may be
817 imposed for proscribed conduct. This subsection does not limit
818 the ability of the division to informally dispose of
819 administrative actions or complaints by stipulation, agreed
820 settlement, or consent order. All amounts collected shall be
821 deposited with the Chief Financial Officer to the credit of the
822 Division of Florida Condominiums, Timeshares, and Mobile Homes
823 Trust Fund. If a developer fails to pay the civil penalty, the
824 division shall ~~thereupon~~ issue an order directing that such
825 developer cease and desist from further operation until such
826 time as the civil penalty is paid or may pursue enforcement of
827 the penalty in a court of competent jurisdiction. If an
828 association fails to pay the civil penalty, the division shall
829 ~~thereupon~~ pursue enforcement in a court of competent
830 jurisdiction, and the order imposing the civil penalty or the
831 cease and desist order may ~~shall~~ not take effect ~~become~~
832 ~~effective~~ until 20 days after the date of such order. Any action
833 commenced by the division must ~~shall~~ be brought in the county in
834 which the division has its executive offices or in the county
835 where the violation occurred.

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

840 (f) The division has authority to adopt rules pursuant to
841 ss. 120.536(1) and 120.54 to implement and enforce ~~the~~

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842 ~~provisions of~~ this chapter.

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

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

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

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

863 (k) The division shall provide training and educational
864 programs for cooperative association board members and unit
865 owners. The training may, in the division's discretion, include
866 web-based electronic media and live training and seminars in
867 various locations throughout the state. The division may review
868 and approve education and training programs for board members
869 and unit owners offered by providers and shall maintain a
870 current list of approved programs and providers and make such

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871 list available to board members and unit owners in a reasonable
872 and cost-effective manner.

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

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

897 (n) The division shall develop a program to certify both
898 volunteer and paid mediators to provide mediation of cooperative
899 disputes. The division shall provide, upon request, a list of

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900 such mediators to any association, unit owner, or other
901 participant in arbitration proceedings under s. 718.1255
902 requesting a copy of the list. The division shall include on the
903 list of voluntary mediators only persons who have received at
904 least 20 hours of training in mediation techniques or have
905 mediated at least 20 disputes. In order to become initially
906 certified by the division, paid mediators must be certified by
907 the Supreme Court to mediate court cases in county or circuit
908 courts. However, the division may adopt, by rule, additional
909 factors for the certification of paid mediators, which factors
910 must be related to experience, education, or background. Any
911 person initially certified as a paid mediator by the division
912 must, in order to continue to be certified, comply with the
913 factors or requirements imposed by rules adopted by the
914 division.

915 Section 24. Paragraph (d) of subsection (1) and paragraph
916 (d) of subsection (2) of section 719.503, Florida Statutes, are
917 amended to read:

918 719.503 Disclosure prior to sale.—

919 (1) DEVELOPER DISCLOSURE.—

920 (d) *Milestone inspection, turnover inspection report, or*
921 *structural integrity reserve study.*—If the association is
922 required to have completed a milestone inspection as described
923 in s. 553.899, a turnover inspection report for a turnover
924 inspection performed on or after July 1, 2023, or a structural
925 integrity reserve study, and the association has not completed
926 the milestone inspection, the turnover inspection report, or the
927 structural integrity reserve study, each contract entered into
928 after December 31, 2024, for the sale of a residential unit

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929 shall contain in conspicuous type a statement indicating that
930 the association is required to have a milestone inspection, a
931 turnover inspection report, or a structural integrity reserve
932 study and has not completed such inspection, report, or study,
933 as appropriate. If the association is not required to have a
934 milestone inspection as described in s. 553.899 or a structural
935 integrity reserve study, each contract entered into after
936 December 31, 2024, for the sale of a residential unit shall
937 contain in conspicuous type a statement indicating that the
938 association is not required to have a milestone inspection or a
939 structural integrity reserve study, as appropriate. If the
940 association has completed a milestone inspection as described in
941 s. 553.899, a turnover inspection report for a turnover
942 inspection performed on or after July 1, 2023, or a structural
943 integrity reserve study, each contract entered into after
944 December 31, 2024, for the sale of a residential unit shall
945 contain in conspicuous type:

946 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
947 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
948 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
949 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
950 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
951 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
952 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
953 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND
954 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
955 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO
956 EXECUTION OF THIS CONTRACT; and

957 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY

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958 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
959 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
960 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
961 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
962 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
963 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
964 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
965 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
966 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
967 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND
968 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
969 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
970 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
971 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
972 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
973 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
974 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
975 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q),
976 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
977 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
978 719.103(25) ~~719.103(24)~~ AND 719.106(1) (k), FLORIDA STATUTES, IF
979 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
980 TERMINATE AT CLOSING.

981
982 A contract that does not conform to the requirements of this
983 paragraph is voidable at the option of the purchaser before
984 ~~prior to~~ closing.

985 (2) NONDEVELOPER DISCLOSURE.—

986 (d) If the association is required to have completed a

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987 milestone inspection as described in s. 553.899, a turnover
988 inspection report for a turnover inspection performed on or
989 after July 1, 2023, or a structural integrity reserve study, and
990 the association has not completed the milestone inspection, the
991 turnover inspection report, or the structural integrity reserve
992 study, each contract entered into after December 31, 2024, for
993 the sale of a residential unit shall contain in conspicuous type
994 a statement indicating that the association is required to have
995 a milestone inspection, a turnover inspection report, or a
996 structural integrity reserve study and has not completed such
997 inspection, report, or study, as appropriate. If the association
998 is not required to have a milestone inspection as described in
999 s. 553.899 or a structural integrity reserve study, each
1000 contract entered into after December 31, 2024, for the sale of a
1001 residential unit shall contain in conspicuous type a statement
1002 indicating that the association is not required to have a
1003 milestone inspection or a structural integrity reserve study, as
1004 appropriate. If the association has completed a milestone
1005 inspection as described in s. 553.899, a turnover inspection
1006 report for a turnover inspection performed on or after July 1,
1007 2023, or a structural integrity reserve study, each contract
1008 entered into after December 31, 2024, for the resale of a
1009 residential unit shall contain in conspicuous type:

1010 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
1011 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1012 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1013 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
1014 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
1015 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A

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1016 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1017 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND
1018 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3
1019 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO
1020 EXECUTION OF THIS CONTRACT; and

1021 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
1022 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
1023 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1024 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
1025 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
1026 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1027 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
1028 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
1029 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
1030 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1031 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND
1032 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
1033 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
1034 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3
1035 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
1036 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
1037 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
1038 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
1039 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),
1040 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
1041 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
1042 719.103(25) ~~719.103(24)~~ AND 719.106(1)(k), FLORIDA STATUTES, IF
1043 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
1044 TERMINATE AT CLOSING.

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

Section 25. Subsections (5) and (7) of section 720.301, Florida Statutes, are amended to read:

720.301 Definitions.—As used in this chapter, the term:
(5) "Department" means the Department of Legal Affairs ~~Business and Professional Regulation~~.

(7) "Division" means the Division of Florida Condominiums, Timeshares, and Mobile Homes in the Department of Legal Affairs ~~Business and Professional Regulation~~.

Section 26. Subsection (9) of section 720.30851, Florida Statutes, is amended to read:

720.30851 Estoppel certificates.—Within 10 business days after receiving a written or electronic request for an estoppel certificate from a parcel owner or the parcel owner's designee, or a parcel mortgagee or the parcel 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.

(9) The fees specified in this section shall be adjusted every 5 years in an amount equal to the total of the annual increases for that 5-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The division

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1074 ~~Department of Business and Professional Regulation~~ shall
1075 periodically calculate the fees, rounded to the nearest dollar,
1076 and publish the amounts, as adjusted, on its website.

1077 Section 27. Subsection (11) of section 721.05, Florida
1078 Statutes, is amended to read:

1079 721.05 Definitions.—As used in this chapter, the term:

1080 (11) "Division" means the Division of Florida Condominiums,
1081 Timeshares, and Mobile Homes of the Department of Legal Affairs
1082 ~~Business and Professional Regulation~~.

1083 Section 28. Subsections (7), (8), and (9) of section
1084 721.11, Florida Statutes, are amended to read:

1085 721.11 Advertising materials; oral statements.—

1086 (7) Notwithstanding s. 721.05(8)(b) ~~the provisions of s.~~
1087 ~~721.05(7)(b)~~, a seller may portray possible accommodations or
1088 facilities to prospective purchasers in advertising material, or
1089 a purchaser public offering statement, without such
1090 accommodations or facilities being available for use by
1091 purchasers so long as the advertising material or purchaser
1092 public offering statement complies with ~~the provisions of~~
1093 subsection (4).

1094 (8) Notwithstanding s. 721.05(8)(b) ~~the provisions of s.~~
1095 ~~721.05(7)(b)~~, a developer may portray possible accommodations or
1096 facilities to prospective purchasers by disseminating oral or
1097 written statements regarding same to broadcast or print media
1098 with no obligation on the developer's part to actually construct
1099 such accommodations or facilities or to file such accommodations
1100 or facilities with the division, but only so long as such oral
1101 or written statements are not considered advertising material
1102 pursuant to paragraph (3)(e).

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1103 (9) Notwithstanding s. 721.05(8)(b) ~~the provisions of s.~~
1104 ~~721.05(7)(b)~~, a seller of a multisite timeshare plan may portray
1105 a possible component site to prospective purchasers with no
1106 accommodations or facilities located at such component site
1107 being available for use by purchasers so long as the seller
1108 satisfies the following requirements:

1109 (a) A developer of a multisite timeshare plan may
1110 disseminate oral or written statements to broadcast or print
1111 media describing a possible component site with no obligation on
1112 the developer's part to actually add such component site to the
1113 multisite timeshare plan or to amend the developer's filing with
1114 the division, but only so long as such oral or written
1115 statements are not considered advertising material pursuant to
1116 paragraph (3)(e).

1117 (b) A seller may make representations to purchasers in
1118 advertising material or in a purchaser public offering statement
1119 regarding the possible accommodations and facilities of a
1120 possible component site without such accommodations or
1121 facilities being available for use by purchasers so long as the
1122 advertising material or purchaser public offering statement
1123 complies with ~~the provisions of~~ subsection (4).

1124 (c) In the event a seller makes any of the representations
1125 permitted by paragraph (b), the purchase agreement must contain
1126 the following conspicuous disclosure unless and until such time
1127 as the developer has committed itself in the timeshare
1128 instrument to adding the possible component site to the
1129 multisite timeshare plan, at which time the seller may portray
1130 the component site pursuant to the timeshare instrument without
1131 restriction:

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1132 *[Description of possible component site] is only a*
 1133 *possible component site which may never be added to*
 1134 *the multisite timeshare plan (or multisite vacation*
 1135 *ownership plan or multisite vacation plan or vacation*
 1136 *club). Do not purchase an interest in the multisite*
 1137 *timeshare plan (or multisite vacation ownership plan*
 1138 *or multisite vacation plan or vacation club) in*
 1139 *reliance upon the addition of this component site.*

1140 (d) Notwithstanding anything contained in this chapter to
 1141 the contrary, a developer or managing entity may communicate
 1142 with existing purchasers regarding possible component sites
 1143 without restriction, so long as all oral and written statements
 1144 made to existing purchasers pursuant to this subsection comply
 1145 with ~~the provisions of~~ subsection (4).

1146 (e) Any violation of this subsection by a developer,
 1147 seller, or managing entity constitutes ~~shall constitute~~ a
 1148 violation of this chapter. Any violation of this subsection with
 1149 respect to a purchaser whose purchase has not yet closed
 1150 provides ~~shall be deemed to provide~~ that purchaser with a new
 1151 10-day voidability period.

1152 Section 29. Paragraph (b) of subsection (2) of section
 1153 721.13, Florida Statutes, is amended to read:

1154 721.13 Management.—

1155 (2)

1156 (b) The managing entity shall invest the operating and
 1157 reserve funds of the timeshare plan in accordance with s.
 1158 518.11(1); however, the managing entity shall give safety of
 1159 capital greater weight than production of income. In no event
 1160 shall the managing entity invest timeshare plan funds with a

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1161 developer or with any entity that is not independent of any
 1162 developer or any managing entity within the meaning of s. 721.05
 1163 ~~s. 721.05(22)~~, and in no event shall the managing entity invest
 1164 timeshare plan funds in notes and mortgages related in any way
 1165 to the timeshare plan.

1166 Section 30. Subsections (1) through (21) of section
 1167 723.003, Florida Statutes, are renumbered as subsections (2)
 1168 through (22), respectively, paragraph (b) of present subsection
 1169 (7) and present subsections (2) and (18) are amended, and a new
 1170 subsection (1) is added to that section, to read:

1171 723.003 Definitions.—As used in this chapter, the term:

1172 (1) "Department" means the Department of Legal Affairs.

1173 (3)~~(2)~~ "Division" means the Division of Florida

1174 Condominiums, Timeshares, and Mobile Homes of Legal Affairs ~~the~~
 1175 ~~Department of Business and Professional Regulation.~~

1176 (8)~~(7)~~

1177 (b) For purposes of mediation under ss. 723.037 and
 1178 723.038, the term "parties" means a park owner as defined in
 1179 subsection (14) ~~(13)~~ and a homeowners' committee selected
 1180 pursuant to s. 723.037.

1181 (19)~~(18)~~ "Proportionate share" as used in subsection (18)
 1182 ~~(17)~~ means an amount calculated by dividing equally among the
 1183 affected developed lots in the park the total costs for the
 1184 necessary and actual direct costs and impact or hookup fees
 1185 incurred for governmentally mandated capital improvements
 1186 serving the recreational and common areas and all affected
 1187 developed lots in the park.

1188 Section 31. Subsection (14) of section 721.82, Florida
 1189 Statutes, is amended to read:

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1190 721.82 Definitions.—As used in this part, the term:

1191 (14) "Trustee" means an attorney who is a member in good
 1192 standing of The Florida Bar and who has been practicing law for
 1193 at least 5 years or that attorney's law firm, or a title insurer
 1194 authorized to transact business in this state under s. 624.401
 1195 and who has been authorized to transact business for at least 5
 1196 years, appointed as trustee or as substitute trustee in
 1197 accordance with s. 721.855 or s. 721.856. A receiver appointed
 1198 under s. 721.26 may act as a trustee under s. 721.855. A trustee
 1199 must be independent as defined in s. 721.05 ~~s. 721.05(20)~~.

1200 Section 32. Paragraph (d) of subsection (1) of section
 1201 723.061, Florida Statutes, is amended to read:

1202 723.061 Eviction; grounds, proceedings.—

1203 (1) A mobile home park owner may evict a mobile home owner,
 1204 a mobile home tenant, a mobile home occupant, or a mobile home
 1205 only on one or more of the following grounds:

1206 (d) Change in use of the land comprising the mobile home
 1207 park, or the portion thereof from which mobile homes are to be
 1208 evicted, from mobile home lot rentals to some other use, if:

1209 1. The park owner gives written notice to the homeowners'
 1210 association formed and operating under ss. 723.075-723.079 of
 1211 its right to purchase the mobile home park, if the land
 1212 comprising the mobile home park is changing use from mobile home
 1213 lot rentals to a different use, at the price and under the terms
 1214 and conditions set forth in the written notice.

1215 a. The notice shall be delivered to the officers of the
 1216 homeowners' association by United States mail. Within 45 days
 1217 after the date of mailing of the notice, the homeowners'
 1218 association may execute and deliver a contract to the park owner

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1219 to purchase the mobile home park at the price and under the
1220 terms and conditions set forth in the notice. If the contract
1221 between the park owner and the homeowners' association is not
1222 executed and delivered to the park owner within the 45-day
1223 period, the park owner is under no further obligation to the
1224 homeowners' association except as provided in sub-subparagraph
1225 b.

1226 b. If the park owner elects to offer or sell the mobile
1227 home park at a price lower than the price specified in her or
1228 his initial notice to the officers of the homeowners'
1229 association, the homeowners' association has an additional 10
1230 days to meet the revised price, terms, and conditions of the
1231 park owner by executing and delivering a revised contract to the
1232 park owner.

1233 c. The park owner is not obligated under this subparagraph
1234 or s. 723.071 to give any other notice to, or to further
1235 negotiate with, the homeowners' association for the sale of the
1236 mobile home park to the homeowners' association after 6 months
1237 after the date of the mailing of the initial notice under sub-
1238 subparagraph a.

1239 2. The park owner gives the affected mobile home owners and
1240 tenants at least 6 months' notice of the eviction due to the
1241 projected change in use and of their need to secure other
1242 accommodations. Within 20 days after giving an eviction notice
1243 to a mobile home owner, the park owner must provide the division
1244 with a copy of the notice. The division must provide the
1245 executive director of the Florida Mobile Home Relocation
1246 Corporation with a copy of the notice.

1247 a. The notice of eviction due to a change in use of the

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1248 land must include in a font no smaller than the body of the
1249 notice the following statement:
1250 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1251 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1252 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
1253 AVAILABLE FROM THE ~~FLORIDA~~ DEPARTMENT OF LEGAL AFFAIRS ~~BUSINESS~~
1254 ~~AND PROFESSIONAL REGULATION~~.

1255 b. The park owner may not give a notice of increase in lot
1256 rental amount within 90 days before giving notice of a change in
1257 use.

1258 Section 33. Subsection (1) of section 723.0611, Florida
1259 Statutes, is amended to read:

1260 723.0611 Florida Mobile Home Relocation Corporation.—

1261 (1) (a) There is created the Florida Mobile Home Relocation
1262 Corporation. The corporation shall be administered by a board of
1263 directors made up of six members, three of whom shall be
1264 appointed by the Attorney General ~~Secretary of Business and~~
1265 ~~Professional Regulation~~ from a list of nominees submitted by the
1266 largest nonprofit association representing mobile home owners in
1267 this state, and three of whom shall be appointed by the Attorney
1268 General ~~Secretary of Business and Professional Regulation~~ from a
1269 list of nominees submitted by the largest nonprofit association
1270 representing the manufactured housing industry in this state.
1271 All members of the board of directors, including the chair,
1272 shall be appointed to serve for staggered 3-year terms.

1273 (b) ~~A member of the board of directors shall be removed~~
1274 ~~from the board by~~ The Attorney General ~~Secretary of Business and~~
1275 ~~Professional Regulation~~, with or without cause, shall remove a
1276 member of the board of directors from the board immediately

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1277 after receiving a ~~the~~ written request for removal from the
 1278 association in paragraph (a) that originally nominated that
 1279 board member. The nominating entity must include nominees for
 1280 replacement with the request for removal, and the Attorney
 1281 General ~~secretary~~ must immediately fill the vacancy created by
 1282 the removal. The removal process may not occur more than once in
 1283 a calendar year.

1284 Section 34. Subsection (1) of section 723.06115, Florida
 1285 Statutes, is amended to read:

1286 723.06115 Florida Mobile Home Relocation Trust Fund.—

1287 (1) The Florida Mobile Home Relocation Trust Fund is
 1288 established within the Department of Legal Affairs ~~Business and~~
 1289 ~~Professional Regulation~~. The trust fund is to be used to fund
 1290 the administration and operations of the Florida Mobile Home
 1291 Relocation Corporation. All interest earned from the investment
 1292 or deposit of moneys in the trust fund shall be deposited in the
 1293 trust fund. The trust fund shall be funded from moneys collected
 1294 by the corporation from mobile home park owners under s.
 1295 723.06116, the surcharge collected by the department under s.
 1296 723.007(2), the surcharge collected by the Department of Highway
 1297 Safety and Motor Vehicles, and from other appropriated funds.

1298 Section 35. Subsection (15) of section 723.006, Florida
 1299 Statutes, is amended to read:

1300 723.006 Powers and duties of division.—In performing its
 1301 duties, the division has the following powers and duties:

1302 (15) The division shall adopt rules to implement the board
 1303 member training requirements for educational programs as
 1304 provided in this chapter. ~~The Department of Business and~~
 1305 ~~Professional Regulation shall publish a notice of proposed rule~~

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1306 ~~pursuant to s. 120.54(3)(a) by October 1, 2016.~~ Such rules shall
1307 include the requirements for content and notice of the board
1308 member training program to assure that providers meet minimum
1309 training requirements.

1310 Section 36. Except as otherwise expressly provided in this
1311 act and except for this section, which shall take effect July 1,
1312 2024, this act shall take effect July 1, 2025.