

By the Committee on Regulated Industries; and Senator Bradley

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1                                   A bill to be entitled  
2       An act relating to condominium and cooperative  
3       associations; amending s. 468.4334, F.S.; revising the  
4       circumstances under which community association  
5       managers or management firms must comply with a  
6       specified provision; amending s. 553.899, F.S.;  
7       revising legislative findings; revising the definition  
8       of the terms "milestone inspection" and "substantial  
9       structural deterioration"; revising who must have  
10      milestone inspections performed for buildings;  
11      authorizing local enforcement agencies to make certain  
12      determinations relating to milestone inspections after  
13      a building reaches a specified age; revising costs  
14      that condominium and cooperative associations are  
15      responsible for; requiring certain parties to obtain  
16      milestone inspection reports; authorizing local  
17      enforcement agencies to extend deadlines for milestone  
18      inspections under certain circumstances; revising  
19      requirements relating to written notice of required  
20      inspections; requiring architects or engineers  
21      performing milestone inspections to submit a specified  
22      progress report to a local enforcement agency within a  
23      specified timeframe under certain circumstances;  
24      specifying that associations must distribute copies of  
25      certain inspection reports within a specified  
26      timeframe and in a specified manner; authorizing  
27      municipal governing bodies to adopt certain ordinances  
28      relating to association repairs; requiring the Florida  
29      Building Commission to adopt rules by a specified

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30 date; providing requirements for such rules;  
31 conforming provisions; amending s. 627.351, F.S.;  
32 revising the types of policyholders not required to  
33 purchase flood insurance as a condition for  
34 maintaining certain policies issued by the Citizens  
35 Property Insurance Corporation; amending s. 718.103,  
36 F.S.; defining the term "alternative funding method";  
37 revising the definition of the term "structural  
38 integrity reserve study"; amending s. 718.111, F.S.;  
39 making a technical change; amending s. 718.112, F.S.;  
40 revising condominium association reserve account  
41 requirements; revising requirements relating to  
42 waiving reserve requirements or providing less  
43 reserves than required by law; revising requirements  
44 relating to using reserve funds or interest accrued on  
45 reserve funds for certain purposes; revising  
46 requirements for structural integrity reserve studies;  
47 providing applicability; conforming provisions to  
48 changes made by the act; amending s. 718.1255, F.S.;  
49 revising the definition of the term "dispute";  
50 specifying that certain disputes are not subject to  
51 nonbinding arbitration and must be submitted to  
52 presuit mediation; amending s. 718.113, F.S.; revising  
53 requirements relating to maintenance, repair, and  
54 replacement of common elements and condominium  
55 property; amending s. 718.503, F.S.; revising the  
56 documents developers are required to provide to  
57 prospective buyers or lessees; requiring specified  
58 disclosures relating to milestone inspections and

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59 structural integrity reserve studies for certain  
60 contracts entered into after a specified date;  
61 amending s. 719.103, F.S.; revising the definition of  
62 the term "structural integrity reserve study";  
63 amending s. 719.104, F.S.; revising rights relating to  
64 the official records of a cooperative association;  
65 providing maintenance requirements for cooperative  
66 associations; amending s. 719.106, F.S.; revising  
67 cooperative association reserve account requirements;  
68 revising requirements relating to waiving reserve  
69 requirements or providing less reserves than required  
70 by law; revising a prohibition on using reserve funds  
71 or interest accrued on reserve funds for certain  
72 purposes; revising requirements for structural  
73 integrity reserve studies; providing applicability;  
74 conforming provisions to changes made by the act;  
75 amending s. 719.503, F.S.; revising the types of  
76 documents developers are required to provide to  
77 prospective buyers and lessees; requiring specified  
78 disclosures relating to milestone inspections and  
79 structural integrity reserve studies for certain  
80 contracts entered into after a specified date;  
81 amending ss. 558.002, 718.116, and 720.3085, F.S.;  
82 conforming cross-references; reenacting s. 719.1255,  
83 F.S., relating to alternative resolution of disputes,  
84 to incorporate amendments made to s. 718.1255, F.S.,  
85 in a reference thereto; reenacting ss. 718.501(1)(f)  
86 and 719.501(1)(f), F.S., relating to the rulemaking  
87 authority of the Division of Florida Condominiums,

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88 Timeshares, and Mobile Homes of the Department of  
89 Business and Professional Regulation; providing  
90 effective dates.

91

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

93

94 Section 1. Paragraph (b) of subsection (1) of section  
95 468.4334, Florida Statutes, is amended to read:

96 468.4334 Professional practice standards; liability.-

97 (1)

98 (b) If a community association manager or a community  
99 association management firm has a contract with a community  
100 association that ~~has a building on the association's property~~  
101 ~~that~~ is subject to s. 553.899, the community association manager  
102 or the community association management firm must comply with  
103 that section as directed by the board.

104 Section 2. Subsections (1) through (6), paragraph (b) of  
105 subsection (7), and subsections (8), (9), (11), and (12) of  
106 section 553.899, Florida Statutes, are amended to read:

107 553.899 Mandatory structural inspections for condominium  
108 and cooperative buildings.-

109 (1) The Legislature finds that maintaining the structural  
110 integrity of a building throughout the life of the building ~~its~~  
111 ~~service life~~ is of paramount importance in order to ensure that  
112 buildings are structurally sound so as to not pose a threat to  
113 the public health, safety, or welfare. As such, the Legislature  
114 finds that the imposition of a statewide structural inspection  
115 program for aging condominium and cooperative buildings in this  
116 state is necessary to ensure that such buildings are safe for

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117 continued use.

118 (2) As used in this section, the terms:

119 (a) "Milestone inspection" means a structural inspection of  
120 a building, including an inspection of load-bearing elements  
121 ~~walls~~ and the primary structural members and primary structural  
122 systems as those terms are defined in s. 627.706, by an a  
123 ~~licensed~~ architect licensed under chapter 481 or engineer  
124 licensed under chapter 471 authorized to practice in this state  
125 for the purposes of attesting to the life safety and adequacy of  
126 the structural components of the building and, to the extent  
127 reasonably possible, determining the general structural  
128 condition of the building as it affects the safety of such  
129 building, including a determination of any necessary  
130 maintenance, repair, or replacement of any structural component  
131 of the building. The purpose of such inspection is not to  
132 determine if the condition of an existing building is in  
133 compliance with the Florida Building Code or the firesafety  
134 code. The milestone inspection services may be provided by a  
135 team of professionals with an architect or engineer acting as a  
136 registered design professional in responsible charge with all  
137 work and reports signed and sealed by the appropriate qualified  
138 team member.

139 (b) "Substantial structural deterioration" means  
140 substantial structural distress or substantial structural  
141 weakness that negatively affects a building's general structural  
142 condition and integrity. The term does not include surface  
143 imperfections such as cracks, distortion, sagging, deflections,  
144 misalignment, signs of leakage, or peeling of finishes unless  
145 the licensed engineer or architect performing the phase one or

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146 phase two inspection determines that such surface imperfections  
147 are a sign of substantial structural deterioration.

148 (3) An owner or owners of a building that is three stories  
149 or more in height that is subject, in whole or in part, to the  
150 condominium or cooperative form of ownership as a residential  
151 condominium association under chapter 718 or and a residential  
152 cooperative association under chapter 719 must have a milestone  
153 inspection performed for each building that is three stories or  
154 more in height by December 31 of the year in which the building  
155 reaches 30 years of age, based on the date the certificate of  
156 occupancy for the building was issued, and every 10 years  
157 thereafter. The local enforcement agency may determine that  
158 local circumstances, including environmental conditions such as  
159 proximity to salt water as defined in s. 379.101, require that  
160 If the building is located within 3 miles of a coastline as  
161 defined in s. 376.031, the condominium association or  
162 cooperative association must have a milestone inspection must be  
163 performed by December 31 of the year in which the building  
164 reaches 25 years of age, based on the date the certificate of  
165 occupancy for the building was issued, and every 10 years  
166 thereafter. The milestone inspection report must be arranged by  
167 a condominium or cooperative association and any owner of any  
168 portion of the building which is not subject to the condominium  
169 or cooperative form of ownership. The owner or owners of the  
170 building, including the condominium association or cooperative  
171 association, are each must arrange for the milestone inspection  
172 to be performed and is responsible for ensuring compliance with  
173 the requirements of this section. The condominium association or  
174 cooperative association is responsible for all costs associated

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175 with the milestone inspection attributable to the portions of a  
176 building which the association is responsible to maintain under  
177 the governing documents of the association. This subsection does  
178 not apply to a single-family, two-family, or three-family  
179 dwelling with three or fewer habitable stories above ground.

180 (4) If a milestone inspection is required under this  
181 section and the building's certificate of occupancy was issued  
182 on or before July 1, 1992, the building's initial milestone  
183 inspection must be performed before December 31, 2024. The local  
184 enforcement agency may extend the deadline for a building's  
185 initial milestone inspection upon a showing of good cause by the  
186 owner or owners of the building that the inspection cannot be  
187 timely completed if the owner or owners have entered into a  
188 contract with an architect or engineer to perform the milestone  
189 inspection and the inspection cannot reasonably be completed  
190 before the deadline or other circumstance to justify an  
191 extension. If the date of issuance for the certificate of  
192 occupancy is not available, the date of issuance of the  
193 building's certificate of occupancy shall be the date of  
194 occupancy evidenced in any record of the local building  
195 official.

196 (5) Upon determining that a building must have a milestone  
197 inspection, the local enforcement agency must provide written  
198 notice of such required inspection to the condominium  
199 association or cooperative association and to any other owner of  
200 the building by certified mail, return receipt requested.

201 (6) Phase one of the milestone inspection must be completed  
202 within 180 days after the owner or owners of the building  
203 receive ~~receiving~~ the written notice under subsection (5), ~~the~~

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204 ~~condominium association or cooperative association must complete~~  
205 ~~phase one of the milestone inspection.~~ For purposes of this  
206 section, completion of phase one of the milestone inspection  
207 means the licensed engineer or architect who performed the phase  
208 one inspection submitted the inspection report by e-mail, United  
209 States Postal Service, or commercial delivery service to the  
210 local enforcement agency.

211 (7) A milestone inspection consists of two phases:

212 (b) A phase two of the milestone inspection must be  
213 performed if any substantial structural deterioration is  
214 identified during phase one. A phase two inspection may involve  
215 destructive or nondestructive testing at the inspector's  
216 direction. The inspection may be as extensive or as limited as  
217 necessary to fully assess areas of structural distress in order  
218 to confirm that the building is structurally sound and safe for  
219 its intended use and to recommend a program for fully assessing  
220 and repairing distressed and damaged portions of the building.  
221 When determining testing locations, the inspector must give  
222 preference to locations that are the least disruptive and most  
223 easily repairable while still being representative of the  
224 structure. If a phase two inspection is required, within 180  
225 days after submitting a phase one inspection report the  
226 architect or engineer performing the phase two inspection must  
227 submit a phase two progress report to the local enforcement  
228 agency with a timeline for completion of the phase two  
229 inspection. An inspector who completes a phase two milestone  
230 inspection shall prepare and submit an inspection report  
231 pursuant to subsection (8).

232 (8) Upon completion of a phase one or phase two milestone



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233 inspection, the architect or engineer who performed the  
234 inspection must submit a sealed copy of the inspection report  
235 with a separate summary of, at minimum, the material findings  
236 and recommendations in the inspection report to the condominium  
237 association or cooperative association, to any other owner of  
238 the building, and to the building official of the local  
239 government which has jurisdiction. The inspection report must,  
240 at a minimum, meet all of the following criteria:

241 (a) Bear the seal and signature, or the electronic  
242 signature, of the licensed engineer or architect who performed  
243 the inspection.

244 (b) Indicate the manner and type of inspection forming the  
245 basis for the inspection report.

246 (c) Identify any substantial structural deterioration,  
247 within a reasonable professional probability based on the scope  
248 of the inspection, describe the extent of such deterioration,  
249 and identify any recommended repairs for such deterioration.

250 (d) State whether unsafe or dangerous conditions, as those  
251 terms are defined in the Florida Building Code, were observed.

252 (e) Recommend any remedial or preventive repair for any  
253 items that are damaged but are not substantial structural  
254 deterioration.

255 (f) Identify and describe any items requiring further  
256 inspection.

257 (9) Within 30 days after receiving the applicable  
258 inspection report, the condominium or cooperative association  
259 must distribute a copy of the inspector-prepared summary of the  
260 inspection report to each condominium unit owner or cooperative  
261 unit owner, regardless of the findings or recommendations in the

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262 report, by United States mail or personal delivery at the  
263 mailing address, property address, or any other address of the  
264 owner provided to fulfill the association's notice requirements  
265 under chapter 718 or chapter 719, as applicable, and by  
266 electronic transmission to the e-mail address or facsimile  
267 number provided to fulfill the association's notice requirements  
268 to unit owners who previously consented to receive notice by  
269 electronic transmission; must post a copy of the inspector-  
270 prepared summary in a conspicuous place on the condominium or  
271 cooperative property; and must publish the full report and  
272 inspector-prepared summary on the association's website, if the  
273 association is required to have a website.

274 (11) A board of county commissioners or municipal governing  
275 body may adopt an ordinance requiring that a condominium or  
276 cooperative association and any other owner that is subject to  
277 this section schedule or commence repairs for substantial  
278 structural deterioration within a specified timeframe after the  
279 local enforcement agency receives a phase two inspection report;  
280 however, such repairs must be commenced within 365 days after  
281 receiving such report. If an owner of the building association  
282 fails to submit proof to the local enforcement agency that  
283 repairs have been scheduled or have commenced for substantial  
284 structural deterioration identified in a phase two inspection  
285 report within the required timeframe, the local enforcement  
286 agency must review and determine if the building is unsafe for  
287 human occupancy.

288 (12) By December 31, 2024, the Florida Building Commission  
289 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to  
290 establish a building safety program for the implementation of

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291 this section within the Florida Building Code: Existing  
292 Building. The building inspection program must, at minimum,  
293 include inspection criteria, testing protocols, standardized  
294 inspection and reporting forms that are adaptable to an  
295 electronic format, and record maintenance requirements for the  
296 local authority ~~review the milestone inspection requirements~~  
297 ~~under this section and make recommendations, if any, to the~~  
298 ~~Legislature to ensure inspections are sufficient to determine~~  
299 ~~the structural integrity of a building. The commission must~~  
300 ~~provide a written report of any recommendations to the Governor,~~  
301 ~~the President of the Senate, and the Speaker of the House of~~  
302 ~~Representatives by December 31, 2022.~~

303 Section 3. Paragraph (aa) of subsection (6) of section  
304 627.351, Florida Statutes, is amended to read:

305 627.351 Insurance risk apportionment plans.—

306 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

307 (aa) Except as otherwise provided in this paragraph, the  
308 corporation shall require the securing and maintaining of flood  
309 insurance as a condition of coverage of a personal lines  
310 residential risk. The insured or applicant must execute a form  
311 approved by the office affirming that flood insurance is not  
312 provided by the corporation and that if flood insurance is not  
313 secured by the applicant or insured from an insurer other than  
314 the corporation and in addition to coverage by the corporation,  
315 the risk will not be eligible for coverage by the corporation.  
316 The corporation may deny coverage of a personal lines  
317 residential risk to an applicant or insured who refuses to  
318 secure and maintain flood insurance. The requirement to purchase  
319 flood insurance shall be implemented as follows:

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- 320 1. Except as provided in subparagraphs 2. and 3., all  
321 personal lines residential policyholders must have flood  
322 coverage in place for policies effective on or after:
- 323 a. January 1, 2024, for property valued at \$600,000 or  
324 more.
- 325 b. January 1, 2025, for property valued at \$500,000 or  
326 more.
- 327 c. January 1, 2026, for property valued at \$400,000 or  
328 more.
- 329 d. January 1, 2027, for all other personal lines  
330 residential property insured by the corporation.
- 331 2. All personal lines residential policyholders whose  
332 property insured by the corporation is located within the  
333 special flood hazard area defined by the Federal Emergency  
334 Management Agency must have flood coverage in place:
- 335 a. At the time of initial policy issuance for all new  
336 personal lines residential policies issued by the corporation on  
337 or after April 1, 2023.
- 338 b. By the time of the policy renewal for all personal lines  
339 residential policies renewing on or after July 1, 2023.
- 340 3. Policyholders ~~whose policies issued by the corporation~~  
341 ~~do not provide coverage for the peril of wind~~ are not required  
342 to purchase flood insurance as a condition for maintaining the  
343 following their policies issued by with the corporation:
- 344 a. Policies that do not provide coverage for the peril of  
345 wind.
- 346 b. Policies that provide coverage under a condominium unit  
347 owners form if the risk insured by the policy is:
- 348 (I) Insured under a master policy that provides flood

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349 coverage for personal property within the unit; or

350 (II) Located within an area designated by the Federal  
351 Emergency Management Agency:

352 (A) As a V-zone special flood hazard area, and the risk is  
353 on the fifth floor or above;

354 (B) As an A-zone special flood hazard area, and the risk is  
355 on the third floor or above; or

356 (C) As being outside of a special flood hazard area, and  
357 the risk is on the second floor or above.

358  
359 The flood insurance required under this paragraph must meet, at  
360 a minimum, the coverage available from the National Flood  
361 Insurance Program or the requirements of subparagraphs s.  
362 627.715(1)(a)1., 2., and 3.

363 Section 4. Present subsections (1) through (31) of section  
364 718.103, Florida Statutes, are redesignated as subsections (2)  
365 through (32), respectively, a new subsection (1) is added to  
366 that section, and present subsection (25) of that section is  
367 amended, to read:

368 718.103 Definitions.—As used in this chapter, the term:

369 (1) "Alternative funding method" means a method approved by  
370 the division for funding the capital expenditures and deferred  
371 maintenance obligations for a multicondominium association which  
372 may reasonably be expected to fully satisfy the association's  
373 reserve funding obligations, including, but not limited to, the  
374 allocation of funds in the annual operating budget.

375 (26)-(25) "Structural integrity reserve study" means a study  
376 of the reserve funds required for future major repairs and  
377 replacement of the condominium property performed as required

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378 ~~under s. 718.112(2)(g) common areas based on a visual inspection~~  
379 ~~of the common areas. A structural integrity reserve study may be~~  
380 ~~performed by any person qualified to perform such study.~~  
381 ~~However, the visual inspection portion of the structural~~  
382 ~~integrity reserve study must be performed by an engineer~~  
383 ~~licensed under chapter 471 or an architect licensed under~~  
384 ~~chapter 481. At a minimum, a structural integrity reserve study~~  
385 ~~must identify the common areas being visually inspected, state~~  
386 ~~the estimated remaining useful life and the estimated~~  
387 ~~replacement cost or deferred maintenance expense of the common~~  
388 ~~areas being visually inspected, and provide a recommended annual~~  
389 ~~reserve amount that achieves the estimated replacement cost or~~  
390 ~~deferred maintenance expense of each common area being visually~~  
391 ~~inspected by the end of the estimated remaining useful life of~~  
392 ~~each common area.~~

393 Section 5. Paragraph (c) of subsection (12) of section  
394 718.111, Florida Statutes, is amended to read:

395 718.111 The association.—

396 (12) OFFICIAL RECORDS.—

397 (c)1. The official records of the association are open to  
398 inspection by any association member and any person authorized  
399 by an association member as a ~~or the authorized~~ representative  
400 of such member at all reasonable times. The right to inspect the  
401 records includes the right to make or obtain copies, at the  
402 reasonable expense, if any, of the member and of the person  
403 authorized by the association member as a ~~or authorized~~  
404 representative of such member. A renter of a unit has a right to  
405 inspect and copy only the declaration of condominium, the  
406 association's bylaws and rules, and the inspection reports

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407 described in ss. 553.899 and 718.301(4) (p). The association may  
408 adopt reasonable rules regarding the frequency, time, location,  
409 notice, and manner of record inspections and copying but may not  
410 require a member to demonstrate any purpose or state any reason  
411 for the inspection. The failure of an association to provide the  
412 records within 10 working days after receipt of a written  
413 request creates a rebuttable presumption that the association  
414 willfully failed to comply with this paragraph. A unit owner who  
415 is denied access to official records is entitled to the actual  
416 damages or minimum damages for the association's willful failure  
417 to comply. Minimum damages are \$50 per calendar day for up to 10  
418 days, beginning on the 11th working day after receipt of the  
419 written request. The failure to permit inspection entitles any  
420 person prevailing in an enforcement action to recover reasonable  
421 attorney fees from the person in control of the records who,  
422 directly or indirectly, knowingly denied access to the records.

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

431       3. The association shall maintain an adequate number of  
432 copies of the declaration, articles of incorporation, bylaws,  
433 and rules, and all amendments to each of the foregoing, as well  
434 as the question and answer sheet as described in s. 718.504 and  
435 year-end financial information required under this section, on

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436 the condominium property to ensure their availability to unit  
437 owners and prospective purchasers, and may charge its actual  
438 costs for preparing and furnishing these documents to those  
439 requesting the documents. An association shall allow a member or  
440 his or her authorized representative to use a portable device,  
441 including a smartphone, tablet, portable scanner, or any other  
442 technology capable of scanning or taking photographs, to make an  
443 electronic copy of the official records in lieu of the  
444 association's providing the member or his or her authorized  
445 representative with a copy of such records. The association may  
446 not charge a member or his or her authorized representative for  
447 the use of a portable device. Notwithstanding this paragraph,  
448 the following records are not accessible to unit owners:

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

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

462 c. Personnel records of association or management company  
463 employees, including, but not limited to, disciplinary, payroll,  
464 health, and insurance records. For purposes of this sub-



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465 subparagraph, the term "personnel records" does not include  
466 written employment agreements with an association employee or  
467 management company, or budgetary or financial records that  
468 indicate the compensation paid to an association employee.

469 d. Medical records of unit owners.

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

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

493 g. The software and operating system used by the

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494 association which allow the manipulation of data, even if the  
495 owner owns a copy of the same software used by the association.  
496 The data is part of the official records of the association.

497 h. All affirmative acknowledgments made pursuant to s.  
498 718.121(4)(c).

499 Section 6. Paragraphs (f), (g), and (h) of subsection (2)  
500 of section 718.112, Florida Statutes, are amended to read:

501 718.112 Bylaws.—

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

505 (f) *Annual budget*.—

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

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

526 2.a. In addition to annual operating expenses, the budget  
527 must include reserve accounts for capital expenditures and  
528 deferred maintenance. These accounts must include, but are not  
529 limited to, roof replacement, building painting, and pavement  
530 resurfacing, regardless of the amount of deferred maintenance  
531 expense or replacement cost, and any other item that has a  
532 deferred maintenance expense or replacement cost that exceeds  
533 \$10,000. ~~The amount to be reserved for an item is determined by~~  
534 ~~the association's most recent structural integrity reserve study~~  
535 ~~that must be completed by December 31, 2024. If the amount to be~~  
536 ~~reserved for an item is not in the association's initial or most~~  
537 ~~recent structural integrity reserve study or the association has~~  
538 ~~not completed a structural integrity reserve study, the amount~~  
539 must be computed using a formula based upon estimated remaining  
540 useful life and estimated replacement cost or deferred  
541 maintenance expense of the reserve item. In a budget adopted by  
542 an association that is required to obtain a structural integrity  
543 reserve study, reserves must be maintained for the items  
544 identified in paragraph (g) and the reserve amount for such  
545 items must be based on the findings and recommendations of the  
546 association's most recent structural integrity reserve study.  
547 With respect to items for which an estimate of useful life is  
548 not readily ascertainable, an association must reserve the  
549 amount of deferred maintenance expense, if any, which is  
550 recommended by the structural integrity reserve study for such  
551 items. The association may adjust replacement reserve

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552 assessments annually to take into account an inflation  
553 adjustment and any changes in estimates or extension of the  
554 useful life of a reserve item caused by deferred maintenance.  
555 The members of a unit-owner-controlled association may  
556 determine, by a majority vote of all the voting interests of the  
557 association, voting in person or by proxy at a duly called  
558 meeting of the association, to provide no reserves or less  
559 reserves than required by this subsection. For a budget adopted  
560 on or after ~~Effective~~ December 31, 2024, the members of a unit-  
561 owner-controlled association that must obtain a structural  
562 integrity reserve study may not determine to provide no reserves  
563 or less reserves than required by this subsection for items  
564 listed in paragraph (g), except that members of an association  
565 operating a multicondominium may determine to provide no  
566 reserves or less reserves than required by this subsection if an  
567 alternative funding method has been approved by the division.

568 b. Before turnover of control of an association by a  
569 developer to unit owners other than a developer under s.  
570 718.301, the developer-controlled association may not vote to  
571 waive the reserves or reduce funding of the reserves. If a  
572 meeting of the unit owners has been called to determine whether  
573 to waive or reduce the funding of reserves and no such result is  
574 achieved or a quorum is not attained, the reserves included in  
575 the budget shall go into effect. After the turnover, the  
576 developer may vote its voting interest to waive or reduce the  
577 funding of reserves.

578 3. Reserve funds and any interest accruing thereon shall  
579 remain in the reserve account or accounts, and may be used only  
580 for authorized reserve expenditures unless their use for other

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581 purposes is approved in advance by a majority vote of all the  
582 voting interests of the association, voting in person or by  
583 proxy at a duly called meeting of the association. Before  
584 turnover of control of an association by a developer to unit  
585 owners other than the developer pursuant to s. 718.301, the  
586 developer-controlled association may not vote to use reserves  
587 for purposes other than those for which they were intended. For  
588 a budget adopted on or after ~~Effective~~ December 31, 2024,  
589 members of a unit-owner-controlled association that must obtain  
590 a structural integrity reserve study may not vote to use reserve  
591 funds, or any interest accruing thereon, ~~that are reserved for~~  
592 ~~items listed in paragraph (g)~~ for any other purpose other than  
593 the replacement or deferred maintenance costs of the components  
594 listed in paragraph (g) their intended purpose.

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

609 (g) *Structural integrity reserve study.*—

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- 610           1. A residential condominium ~~An~~ association must have a  
611 structural integrity reserve study completed at least every 10  
612 years after the condominium's creation for each building on the  
613 condominium property that is three stories or higher in height  
614 which includes, at a minimum, a study of the following items as  
615 related to the structural integrity and safety of the building:
- 616           a. Roof.
  - 617           b. Load-bearing walls or other primary structural members.
  - 618           c. ~~Floor.~~
  - 619           ~~d.~~ Foundation.
  - 620           ~~d.e.~~ Fireproofing and fire protection systems.
  - 621           ~~e.f.~~ Plumbing.
  - 622           ~~f.g.~~ Electrical systems.
  - 623           ~~g.h.~~ Waterproofing and exterior painting.
  - 624           ~~h.i.~~ Windows.
  - 625           ~~i.j.~~ Any other item that has a deferred maintenance expense  
626 or replacement cost that exceeds \$10,000 and the failure to  
627 replace or maintain such item negatively affects the items  
628 listed in sub-subparagraphs a.-h. ~~sub-subparagraphs a.-i.~~, as  
629 determined by the ~~licensed engineer or architect performing the~~  
630 visual inspection portion of the structural integrity reserve  
631 study.
- 632           2. A structural integrity reserve study is based on a  
633 visual inspection of the condominium property. A structural  
634 integrity reserve study may be performed by any person qualified  
635 to perform such study. However, the visual inspection portion of  
636 the structural integrity reserve study must be performed or  
637 verified by an engineer licensed under chapter 471, an architect  
638 licensed under chapter 481, or a person who is certified as a

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639 reserve specialist or professional reserve analyst by the  
640 Community Associations Institute or the Association of  
641 Professional Reserve Analysts. At a minimum, a structural  
642 integrity reserve study must identify each item of the  
643 condominium property being visually inspected, state the  
644 estimated remaining useful life and the estimated replacement  
645 cost or deferred maintenance expense of each item of the  
646 condominium property being visually inspected, and provide a  
647 reserve funding schedule with a recommended annual reserve  
648 amount that achieves the estimated replacement cost or deferred  
649 maintenance expense of each item of condominium property being  
650 visually inspected by the end of the estimated remaining useful  
651 life of the item. The structural integrity reserve study may  
652 recommend that reserves do not need to be maintained for any  
653 item for which an estimate of useful life and an estimate of  
654 replacement cost or deferred maintenance expense cannot be  
655 determined, or the study may recommend a deferred maintenance  
656 expense amount for such item. This paragraph does not apply to  
657 buildings less than three stories in height; single-family, two-  
658 family, or three-family dwellings with three or fewer habitable  
659 stories above ground; any portion or component of a building  
660 that has not been submitted to the condominium form of  
661 ownership; or any portion or component of a building that is  
662 maintained by a party other than the association.

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

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668       ~~4.3.~~ Associations existing on or before July 1, 2022, which  
669 are controlled by unit owners other than the developer, must  
670 have a structural integrity reserve study completed by December  
671 31, 2024, for each building on the condominium property that is  
672 three stories or higher in height.

673       ~~5.4.~~ If an association fails to complete a structural  
674 integrity reserve study pursuant to this paragraph, such failure  
675 is a breach of an officer's and director's fiduciary  
676 relationship to the unit owners under s. 718.111(1).

677       (h) *Mandatory milestone inspections.*—If an association is  
678 required to have a milestone inspection performed pursuant to s.  
679 553.899, the association must arrange for the milestone  
680 inspection to be performed and is responsible for ensuring  
681 compliance with the requirements of s. 553.899. The association  
682 is responsible for all costs associated with the milestone  
683 inspection attributable to the portions of the building which  
684 the association is responsible for maintaining under the  
685 governing documents of the association. If the officers or  
686 directors of an association willfully and knowingly fail to have  
687 a milestone inspection performed pursuant to s. 553.899, such  
688 failure is a breach of the officers' and directors' fiduciary  
689 relationship to the unit owners under s. 718.111(1)(a). Within  
690 30 days after receiving ~~Upon completion of~~ a phase one or phase  
691 two milestone inspection ~~and receipt of the inspector-prepared~~  
692 ~~summary of the inspection~~ report from the architect or engineer  
693 who performed the inspection, the association must distribute a  
694 copy of the inspector-prepared summary of the inspection report  
695 to each unit owner, regardless of the findings or  
696 recommendations in the report, by United States mail or personal



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697 delivery at the mailing address, property address, or any other  
698 address of the owner provided to fulfill the association's  
699 notice requirements under this chapter and by electronic  
700 transmission to the e-mail address or facsimile number provided  
701 to fulfill the association's notice requirements to unit owners  
702 who previously consented to receive notice by electronic  
703 transmission; must post a copy of the inspector-prepared summary  
704 in a conspicuous place on the condominium property; and must  
705 publish the full report and inspector-prepared summary on the  
706 association's website, if the association is required to have a  
707 website.

708 Section 7. Effective July 1, 2027, subsection (5) of  
709 section 718.1255, Florida Statutes, is amended, and paragraph  
710 (d) is added to subsection (1) of that section, to read:

711 718.1255 Alternative dispute resolution; mediation;  
712 nonbinding arbitration; applicability.—

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

716 (d) The failure of a governing body, when required by this  
717 chapter or an association document, to:

718 1. Obtain the milestone inspection required under s.  
719 553.899.

720 2. Obtain a structural integrity reserve study required  
721 under s. 718.112(2)(g).

722 3. Fund reserves as required for an item identified in s.  
723 718.112(2)(g).

724 4. Make or provide necessary maintenance or repairs of  
725 condominium property recommended by a milestone inspection or a

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726 structural integrity reserve study.

727

728 "Dispute" does not include any disagreement that primarily  
729 involves: title to any unit or common element; the  
730 interpretation or enforcement of any warranty; the levy of a fee  
731 or assessment, or the collection of an assessment levied against  
732 a party; the eviction or other removal of a tenant from a unit;  
733 alleged breaches of fiduciary duty by one or more directors; or  
734 claims for damages to a unit based upon the alleged failure of  
735 the association to maintain the common elements or condominium  
736 property.

737 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
738 nonbinding arbitration as provided in subsections (1)-(4), a  
739 party may submit a dispute to presuit mediation in accordance  
740 with s. 720.311; however, election and recall disputes are not  
741 eligible for mediation and such disputes must be arbitrated by  
742 the division or filed in a court of competent jurisdiction.  
743 Disputes identified in paragraph (1)(d) are not subject to  
744 nonbinding arbitration under subsection (4) and must be  
745 submitted to presuit mediation in accordance with s. 720.311.

746 Section 8. Subsection (1) of section 718.113, Florida  
747 Statutes, is amended to read:

748 718.113 Maintenance; limitation upon improvement; display  
749 of flag; hurricane shutters and protection; display of religious  
750 decorations.—

751 (1) Maintenance of the common elements is the  
752 responsibility of the association, except for any maintenance  
753 responsibility for limited common elements assigned to the unit  
754 owner by the declaration. The association shall provide for the

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755 maintenance, repair, and replacement of the condominium property  
756 for which it bears responsibility pursuant to the declaration of  
757 condominium. After turnover of control of the association to the  
758 unit owners, the association must perform any required  
759 maintenance identified by the developer pursuant to s.  
760 718.301(4)(p) until the association obtains new maintenance  
761 protocols from a licensed professional engineer or architect.  
762 The declaration may provide that certain limited common elements  
763 shall be maintained by those entitled to use the limited common  
764 elements or that the association shall provide the maintenance,  
765 either as a common expense or with the cost shared only by those  
766 entitled to use the limited common elements. If the maintenance  
767 is to be by the association at the expense of only those  
768 entitled to use the limited common elements, the declaration  
769 shall describe in detail the method of apportioning such costs  
770 among those entitled to use the limited common elements, and the  
771 association may use the provisions of s. 718.116 to enforce  
772 payment of the shares of such costs by the unit owners entitled  
773 to use the limited common elements.

774 Section 9. Paragraph (b) of subsection (1) of section  
775 718.503, Florida Statutes, is amended, and paragraph (d) is  
776 added to that subsection and paragraph (e) is added to  
777 subsection (2) of that section, to read:

778 718.503 Developer disclosure prior to sale; nondeveloper  
779 unit owner disclosure prior to sale; voidability.—

780 (1) DEVELOPER DISCLOSURE.—

781 (b) *Copies of documents to be furnished to prospective*  
782 *buyer or lessee.*—Until such time as the developer has furnished  
783 the documents listed below to a person who has entered into a

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784 contract to purchase a residential unit or lease it for more  
785 than 5 years, the contract may be voided by that person,  
786 entitling the person to a refund of any deposit together with  
787 interest thereon as provided in s. 718.202. The contract may be  
788 terminated by written notice from the proposed buyer or lessee  
789 delivered to the developer within 15 days after the buyer or  
790 lessee receives all of the documents required by this section.  
791 The developer may not close for 15 days after the execution of  
792 the agreement and delivery of the documents to the buyer as  
793 evidenced by a signed receipt for documents unless the buyer is  
794 informed in the 15-day voidability period and agrees to close  
795 before the expiration of the 15 days. The developer shall retain  
796 in his or her records a separate agreement signed by the buyer  
797 as proof of the buyer's agreement to close before the expiration  
798 of the voidability period. The developer must retain such proof  
799 for a period of 5 years after the date of the closing of the  
800 transaction. The documents to be delivered to the prospective  
801 buyer are the prospectus or disclosure statement with all  
802 exhibits, if the development is subject to s. 718.504, or, if  
803 not, then copies of the following which are applicable:

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

809 2. The documents creating the association.

810 3. The bylaws.

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

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

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

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

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

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

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

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

836           12. If the condominium is a conversion of existing  
837 improvements, the statements and disclosure required by s.  
838 718.616.

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

840           14. A copy of the floor plan of the unit and the plot plan  
841 showing the location of the residential buildings and the

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842 recreation and other common areas.

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

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

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

855 18. A copy of the inspector-prepared summary of the  
856 milestone inspection report as described in ss. 553.899 and  
857 718.301(4)(p) or a statement in conspicuous type indicating that  
858 the association has not completed the milestone inspection  
859 described in ss. 553.899 and 718.301(4)(p) or that the  
860 association is not required to perform a milestone inspection,  
861 as applicable.

862 19. A copy of the association's most recent structural  
863 integrity reserve study or a statement in conspicuous type  
864 indicating that the association has not completed a structural  
865 integrity reserve study or that the association is not required  
866 to perform a structural integrity reserve study, as applicable.

867 (d) Milestone inspection or structural integrity reserve  
868 study.—If the association is required to have completed a  
869 milestone inspection as described in ss. 553.899 and  
870 718.301(4)(p) or a structural integrity reserve study, and the

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871 association has failed to complete the milestone inspection or  
872 the structural integrity reserve study, each contract entered  
873 into after December 31, 2024, for the sale of a residential unit  
874 shall contain in conspicuous type a statement indicating that  
875 the association is required to have a milestone inspection or a  
876 structural integrity reserve study and has failed to complete  
877 such inspection or study, as appropriate. If the association is  
878 not required to have a milestone inspection as described in ss.  
879 553.899 and 718.301(4) (p) or a structural integrity reserve  
880 study, each contract entered into after December 31, 2024, for  
881 the sale of a residential unit shall contain in conspicuous type  
882 a statement indicating that the association is not required to  
883 have a milestone inspection or a structural integrity reserve  
884 study, as appropriate. If the association is required to have  
885 completed a milestone inspection as described in ss. 553.899 and  
886 718.301(4) (p) or a structural integrity reserve study, each  
887 contract entered into after December 31, 2024, for the sale of a  
888 residential unit shall contain in conspicuous type:

889 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
890 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
891 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
892 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A  
893 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
894 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
895 718.112(2) (g), FLORIDA STATUTES, MORE THAN 15 DAYS, EXCLUDING  
896 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
897 THIS CONTRACT; and

898 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
899 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO

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900 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
901 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
902 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
903 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
904 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A  
905 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
906 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
907 718.112(2) (g), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE  
908 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE  
909 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS,  
910 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE  
911 BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY  
912 OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS  
913 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE  
914 ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY  
915 DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2) (g), FLORIDA  
916 STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS  
917 AGREEMENT SHALL TERMINATE AT CLOSING.

918  
919 A contract that does not conform to the requirements of this  
920 paragraph is voidable at the option of the purchaser prior to  
921 closing.

922 (2) NONDEVELOPER DISCLOSURE.—

923 (e) If the association is required to have completed a  
924 milestone inspection as described in ss. 553.899 and  
925 718.301(4) (p) or a structural integrity reserve study, and the  
926 association has failed to complete the milestone inspection or  
927 the structural integrity reserve study, each contract entered  
928 into 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 or a  
931 structural integrity reserve study and has failed to complete  
932 such inspection or study, as appropriate. If the association is  
933 not required to have a milestone inspection as described in ss.  
934 553.899 and 718.301(4) (p) or a structural integrity reserve  
935 study, each contract entered into after December 31, 2024, for  
936 the sale of a residential unit shall contain in conspicuous type  
937 a statement indicating that the association is not required to  
938 have a milestone inspection or a structural integrity reserve  
939 study, as appropriate. If the association is required to have  
940 completed a milestone inspection as described in ss. 553.899 and  
941 718.301(4) (p) or a structural integrity reserve study, each  
942 contract entered into after December 31, 2024, for the resale of  
943 a residential unit shall contain in conspicuous type:

944 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
945 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
946 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
947 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A  
948 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
949 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
950 718.112(2) (g), FLORIDA STATUTES, MORE THAN 3 DAYS, EXCLUDING  
951 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
952 THIS CONTRACT; and

953 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
954 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
955 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
956 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
957 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-

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958 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
 959 IN SECTIONS 553.899 AND 718.301(4) (p), FLORIDA STATUTES; AND A  
 960 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
 961 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND  
 962 718.112(2) (g), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE  
 963 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE  
 964 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING  
 965 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES  
 966 A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE  
 967 MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS 553.899 AND  
 968 718.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE ASSOCIATION'S  
 969 MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN  
 970 SECTIONS 718.103(26) AND 718.112(2) (g) FLORIDA STATUTES, IF  
 971 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
 972 TERMINATE AT CLOSING.

973  
 974 A contract that does not conform to the requirements of this  
 975 paragraph is voidable at the option of the purchaser prior to  
 976 closing.

977 Section 10. Subsection (24) of section 719.103, Florida  
 978 Statutes, is amended to read:

979 719.103 Definitions.—As used in this chapter:

980 (24) "Structural integrity reserve study" means a study of  
 981 the reserve funds required for future major repairs and  
 982 replacement of the cooperative property performed as required  
 983 under s. 719.106(1) (k) common areas based on a visual inspection  
 984 of the common areas. A structural integrity reserve study may be  
 985 performed by any person qualified to perform such study.  
 986 ~~However, the visual inspection portion of the structural~~

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987 ~~integrity reserve study must be performed by an engineer~~  
988 ~~licensed under chapter 471 or an architect licensed under~~  
989 ~~chapter 481. At a minimum, a structural integrity reserve study~~  
990 ~~must identify the common areas being visually inspected, state~~  
991 ~~the estimated remaining useful life and the estimated~~  
992 ~~replacement cost or deferred maintenance expense of the common~~  
993 ~~areas being visually inspected, and provide a recommended annual~~  
994 ~~reserve amount that achieves the estimated replacement cost or~~  
995 ~~deferred maintenance expense of each common area being visually~~  
996 ~~inspected by the end of the estimated remaining useful life of~~  
997 ~~each common area.~~

998 Section 11. Present subsections (5) through (11) of section  
999 719.104, Florida Statutes, are redesignated as subsections (6)  
1000 through (12), respectively, a new subsection (5) is added to  
1001 that section, and paragraph (c) of subsection (2) of that  
1002 section is amended, to read:

1003 719.104 Cooperatives; access to units; records; financial  
1004 reports; assessments; purchase of leases.—

1005 (2) OFFICIAL RECORDS.—

1006 (c) The official records of the association are open to  
1007 inspection by any association member and any person authorized  
1008 by an association member as a ~~or the authorized~~ representative  
1009 of such member at all reasonable times. The right to inspect the  
1010 records includes the right to make or obtain copies, at the  
1011 reasonable expense, if any, of the association member and of the  
1012 person authorized by the association member as a representative  
1013 of such member. A renter of a unit has a right to inspect and  
1014 copy only the association's bylaws and rules and the inspection  
1015 reports described in ss. 553.899 and 719.301(4) (p). The

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1016 association may adopt reasonable rules regarding the frequency,  
1017 time, location, notice, and manner of record inspections and  
1018 copying, but may not require a member to demonstrate any purpose  
1019 or state any reason for the inspection. The failure of an  
1020 association to provide the records within 10 working days after  
1021 receipt of a written request creates a rebuttable presumption  
1022 that the association willfully failed to comply with this  
1023 paragraph. A member who is denied access to official records is  
1024 entitled to the actual damages or minimum damages for the  
1025 association's willful failure to comply. The minimum damages are  
1026 \$50 per calendar day for up to 10 days, beginning on the 11th  
1027 working day after receipt of the written request. The failure to  
1028 permit inspection entitles any person prevailing in an  
1029 enforcement action to recover reasonable attorney fees from the  
1030 person in control of the records who, directly or indirectly,  
1031 knowingly denied access to the records. Any person who knowingly  
1032 or intentionally defaces or destroys accounting records that are  
1033 required by this chapter to be maintained during the period for  
1034 which such records are required to be maintained, or who  
1035 knowingly or intentionally fails to create or maintain  
1036 accounting records that are required to be created or  
1037 maintained, with the intent of causing harm to the association  
1038 or one or more of its members, is personally subject to a civil  
1039 penalty under s. 719.501(1)(d). The association shall maintain  
1040 an adequate number of copies of the declaration, articles of  
1041 incorporation, bylaws, and rules, and all amendments to each of  
1042 the foregoing, as well as the question and answer sheet as  
1043 described in s. 719.504 and year-end financial information  
1044 required by the department, on the cooperative property to

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1045 ensure their availability to members and prospective purchasers,  
1046 and may charge its actual costs for preparing and furnishing  
1047 these documents to those requesting the same. An association  
1048 shall allow a member or his or her authorized representative to  
1049 use a portable device, including a smartphone, tablet, portable  
1050 scanner, or any other technology capable of scanning or taking  
1051 photographs, to make an electronic copy of the official records  
1052 in lieu of the association providing the member or his or her  
1053 authorized representative with a copy of such records. The  
1054 association may not charge a member or his or her authorized  
1055 representative for the use of a portable device. Notwithstanding  
1056 this paragraph, the following records shall not be accessible to  
1057 members:

1058       1. Any record protected by the lawyer-client privilege as  
1059 described in s. 90.502 and any record protected by the work-  
1060 product privilege, including any record prepared by an  
1061 association attorney or prepared at the attorney's express  
1062 direction which reflects a mental impression, conclusion,  
1063 litigation strategy, or legal theory of the attorney or the  
1064 association, and which was prepared exclusively for civil or  
1065 criminal litigation or for adversarial administrative  
1066 proceedings, or which was prepared in anticipation of such  
1067 litigation or proceedings until the conclusion of the litigation  
1068 or proceedings.

1069       2. Information obtained by an association in connection  
1070 with the approval of the lease, sale, or other transfer of a  
1071 unit.

1072       3. Personnel records of association or management company  
1073 employees, including, but not limited to, disciplinary, payroll,

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1074 health, and insurance records. For purposes of this  
1075 subparagraph, the term "personnel records" does not include  
1076 written employment agreements with an association employee or  
1077 management company, or budgetary or financial records that  
1078 indicate the compensation paid to an association employee.

1079 4. Medical records of unit owners.

1080 5. Social security numbers, driver license numbers, credit  
1081 card numbers, e-mail addresses, telephone numbers, facsimile  
1082 numbers, emergency contact information, addresses of a unit  
1083 owner other than as provided to fulfill the association's notice  
1084 requirements, and other personal identifying information of any  
1085 person, excluding the person's name, unit designation, mailing  
1086 address, property address, and any address, e-mail address, or  
1087 facsimile number provided to the association to fulfill the  
1088 association's notice requirements. Notwithstanding the  
1089 restrictions in this subparagraph, an association may print and  
1090 distribute to unit owners a directory containing the name, unit  
1091 address, and all telephone numbers of each unit owner. However,  
1092 an owner may exclude his or her telephone numbers from the  
1093 directory by so requesting in writing to the association. An  
1094 owner may consent in writing to the disclosure of other contact  
1095 information described in this subparagraph. The association is  
1096 not liable for the inadvertent disclosure of information that is  
1097 protected under this subparagraph if the information is included  
1098 in an official record of the association and is voluntarily  
1099 provided by an owner and not requested by the association.

1100 6. Electronic security measures that are used by the  
1101 association to safeguard data, including passwords.

1102 7. The software and operating system used by the

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1103 association which allow the manipulation of data, even if the  
1104 owner owns a copy of the same software used by the association.  
1105 The data is part of the official records of the association.

1106 8. All affirmative acknowledgments made pursuant to s.  
1107 719.108(3)(b)3.

1108 (5) MAINTENANCE.—Maintenance of the common elements is the  
1109 responsibility of the association, except for any maintenance  
1110 responsibility for limited common elements assigned to the unit  
1111 owner by the declaration. The association shall provide for the  
1112 maintenance, repair, and replacement of the cooperative property  
1113 for which it bears responsibility pursuant to the declaration of  
1114 cooperative. After turnover of control of the association to the  
1115 unit owners, the association must perform any required  
1116 maintenance identified by the developer pursuant to s.  
1117 719.301(4)(p) until the association obtains new maintenance  
1118 protocols from a licensed professional engineer or architect.  
1119 The declaration may provide that certain limited common elements  
1120 shall be maintained by those entitled to use the limited common  
1121 elements or that the association shall provide the maintenance,  
1122 either as a common expense or with the cost shared only by those  
1123 entitled to use the limited common elements. If the maintenance  
1124 is to be by the association at the expense of only those  
1125 entitled to use the limited common elements, the declaration  
1126 shall describe in detail the method of apportioning such costs  
1127 among those entitled to use the limited common elements, and the  
1128 association may use the provisions of s. 719.108 to enforce  
1129 payment of the shares of such costs by the unit owners entitled  
1130 to use the limited common elements.

1131 Section 12. Paragraphs (j), (k), and (l) of subsection (1)

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1132 of section 719.106, Florida Statutes, are amended to read:

1133 719.106 Bylaws; cooperative ownership.—

1134 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1135 documents shall provide for the following, and if they do not,  
1136 they shall be deemed to include the following:

1137 (j) *Annual budget*.—

1138 1. The proposed annual budget of common expenses must be  
1139 detailed and must show the amounts budgeted by accounts and  
1140 expense classifications, including, if applicable, but not  
1141 limited to, those expenses listed in s. 719.504(20). The board  
1142 of administration shall adopt the annual budget at least 14 days  
1143 before the start of the association's fiscal year. In the event  
1144 that the board fails to timely adopt the annual budget a second  
1145 time, it is deemed a minor violation and the prior year's budget  
1146 shall continue in effect until a new budget is adopted.

1147 2. In addition to annual operating expenses, the budget  
1148 must include reserve accounts for capital expenditures and  
1149 deferred maintenance. These accounts must include, but not be  
1150 limited to, roof replacement, building painting, and pavement  
1151 resurfacing, regardless of the amount of deferred maintenance  
1152 expense or replacement cost, and for any other items for which  
1153 the deferred maintenance expense or replacement cost exceeds  
1154 \$10,000. The amount to be reserved ~~for an item is determined by~~  
1155 ~~the association's most recent structural integrity reserve study~~  
1156 ~~that must be completed by December 31, 2024. If the amount to be~~  
1157 ~~reserved for an item is not in the association's initial or most~~  
1158 ~~recent structural integrity reserve study or the association has~~  
1159 ~~not completed a structural integrity reserve study, the amount~~  
1160 must be computed by means of a formula which is based upon



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1161 estimated remaining useful life and estimated replacement cost  
1162 or deferred maintenance expense of the reserve item. In a budget  
1163 adopted by an association that is required to obtain a  
1164 structural integrity reserve study, reserves must be maintained  
1165 for the items identified in paragraph (k) and the reserve amount  
1166 for such items must be based on the findings and recommendations  
1167 of the association's most recent structural integrity reserve  
1168 study. With respect to items for which an estimate of useful  
1169 life is not readily ascertainable, an association must reserve  
1170 the amount of deferred maintenance expense, if any, which is  
1171 recommended by the structural integrity reserve study for such  
1172 items. The association may adjust replacement reserve  
1173 assessments annually to take into account an inflation  
1174 adjustment and any changes in estimates or extension of the  
1175 useful life of a reserve item caused by deferred maintenance.  
1176 The members of a unit-owner-controlled association may  
1177 determine, by a majority vote of all the voting interests of the  
1178 association, voting in person or by proxy at a duly called  
1179 meeting of the association, for a fiscal year to provide no  
1180 reserves or reserves less adequate than required by this  
1181 subsection. Before turnover of control of an association by a  
1182 developer to unit owners other than a developer under s.  
1183 719.301, the developer-controlled association may not vote to  
1184 waive the reserves or reduce funding of the reserves. For a  
1185 budget adopted on or after ~~Effective~~ December 31, 2024, a unit-  
1186 owner-controlled association that must obtain a structural  
1187 integrity reserve study may not determine to provide no reserves  
1188 or reserves less adequate than required by this paragraph for  
1189 items listed in paragraph (k). If a meeting of the unit owners

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1190 has been called to determine to provide no reserves, or reserves  
1191 less adequate than required, and such result is not attained or  
1192 a quorum is not attained, the reserves as included in the budget  
1193 shall go into effect.

1194 3. Reserve funds and any interest accruing thereon shall  
1195 remain in the reserve account or accounts, and shall be used  
1196 only for authorized reserve expenditures unless their use for  
1197 other purposes is approved in advance by a vote of the majority  
1198 of the voting interests, voting in person or by limited proxy at  
1199 a duly called meeting of the association. Before turnover of  
1200 control of an association by a developer to unit owners other  
1201 than the developer under s. 719.301, the developer may not vote  
1202 to use reserves for purposes other than that for which they were  
1203 intended. For a budget adopted on or after ~~Effective~~ December  
1204 31, 2024, members of a unit-owner-controlled association that  
1205 must obtain a structural integrity reserve study may not vote to  
1206 use reserve funds, or any interest accruing thereon, ~~that are~~  
1207 ~~reserved for items listed in paragraph (k)~~ for purposes other  
1208 than the replacement or deferred maintenance costs of the  
1209 components listed in paragraph (k) ~~their intended purpose~~.

1210 (k) *Structural integrity reserve study.*—

1211 1. A residential cooperative ~~An~~ association must have a  
1212 structural integrity reserve study completed at least every 10  
1213 years for each building on the cooperative property that is  
1214 three stories or higher in height that includes, at a minimum, a  
1215 study of the following items as related to the structural  
1216 integrity and safety of the building:

1217 a. Roof.

1218 b. Load-bearing walls or other primary structural members.

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1219 c. ~~Floor.~~  
1220 ~~d.~~ Foundation.  
1221 ~~d.e.~~ Fireproofing and fire protection systems.  
1222 ~~e.f.~~ Plumbing.  
1223 ~~f.g.~~ Electrical systems.  
1224 ~~g.h.~~ Waterproofing and exterior painting.  
1225 ~~h.i.~~ Windows.  
1226 ~~i.j.~~ Any other item that has a deferred maintenance expense  
1227 or replacement cost that exceeds \$10,000 and the failure to  
1228 replace or maintain such item negatively affects the items  
1229 listed in sub-subparagraphs a.-h. ~~sub-subparagraphs a.-i.~~, as  
1230 determined by the ~~licensed engineer or architect performing the~~  
1231 visual inspection portion of the structural integrity reserve  
1232 study.

1233 2. A structural integrity reserve study is based on a  
1234 visual inspection of the cooperative property. A structural  
1235 integrity reserve study may be performed by any person qualified  
1236 to perform such study. However, the visual inspection portion of  
1237 the structural integrity reserve study must be performed or  
1238 verified by an engineer licensed under chapter 471, an architect  
1239 licensed under chapter 481, or a person who is certified as a  
1240 reserve specialist or professional reserve analyst by the  
1241 Community Associations Institute or the Association of  
1242 Professional Reserve Analysts. At a minimum, a structural  
1243 integrity reserve study must identify each item of the  
1244 cooperative property being visually inspected, state the  
1245 estimated remaining useful life and the estimated replacement  
1246 cost or deferred maintenance expense of each item of the  
1247 cooperative property being visually inspected, and provide a

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1248 reserve funding schedule with a recommended annual reserve  
1249 amount that achieves the estimated replacement cost or deferred  
1250 maintenance expense of each item of cooperative property being  
1251 visually inspected by the end of the estimated remaining useful  
1252 life of the item. The structural integrity reserve study may  
1253 recommend that reserves do not need to be maintained for any  
1254 item for which an estimate of useful life and an estimate of  
1255 replacement cost or deferred maintenance expense cannot be  
1256 determined, or the study may recommend a deferred maintenance  
1257 expense amount for such item. This paragraph does not apply to  
1258 buildings less than three stories in height; single-family, two-  
1259 family, or three-family dwellings with three or fewer habitable  
1260 stories above ground; any portion or component of a building  
1261 that has not been submitted to the cooperative form of  
1262 ownership; or any portion or component of a building that is  
1263 maintained by a party other than the association.

1264       3. Before a developer turns over control of an association  
1265 to unit owners other than the developer, the developer must have  
1266 a structural integrity reserve study completed for each building  
1267 on the cooperative property that is three stories or higher in  
1268 height.

1269       ~~4.3.~~ Associations existing on or before July 1, 2022, which  
1270 are controlled by unit owners other than the developer, must  
1271 have a structural integrity reserve study completed by December  
1272 31, 2024, for each building on the cooperative property that is  
1273 three stories or higher in height.

1274       ~~5.4.~~ If an association fails to complete a structural  
1275 integrity reserve study pursuant to this paragraph, such failure  
1276 is a breach of an officer's and director's fiduciary

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1277 relationship to the unit owners under s. 719.104(9) ~~s.~~  
1278 ~~719.104(8)~~.

1279 (1) *Mandatory milestone inspections.*—If an association is  
1280 required to have a milestone inspection performed pursuant to s.  
1281 553.899, the association must arrange for the milestone  
1282 inspection to be performed and is responsible for ensuring  
1283 compliance with the requirements of s. 553.899. The association  
1284 is responsible for all costs associated with the milestone  
1285 inspection attributable to the portions of the building which  
1286 the association is responsible to maintain under the governing  
1287 documents of the association. If the officers or directors of an  
1288 association willfully and knowingly fail to have a milestone  
1289 inspection performed pursuant to s. 553.899, such failure is a  
1290 breach of the officers' and directors' fiduciary relationship to  
1291 the unit owners under s. 719.104(9)(a) ~~s. 719.104(8)(a)~~. Within  
1292 30 days after receiving ~~Upon completion of~~ a phase one or phase  
1293 two milestone inspection ~~and receipt of the inspector-prepared~~  
1294 ~~summary of the inspection~~ report from the architect or engineer  
1295 who performed the inspection, the association must distribute a  
1296 copy of the inspector-prepared summary of the inspection report  
1297 to each unit owner, regardless of the findings or  
1298 recommendations in the report, by United States mail or personal  
1299 delivery at the mailing address, property address, or any other  
1300 address of the owner provided to fulfill the association's  
1301 notice requirements under this chapter and by electronic  
1302 transmission to the e-mail address or facsimile number provided  
1303 to fulfill the association's notice requirements to unit owners  
1304 who previously consented to receive notice by electronic  
1305 transmission; must post a copy of the inspector-prepared summary

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1306 in a conspicuous place on the cooperative property; and must  
1307 publish the full report and inspector-prepared summary on the  
1308 association's website, if the association is required to have a  
1309 website.

1310 Section 13. Paragraph (b) of subsection (1) of section  
1311 719.503, Florida Statutes, is amended, paragraph (d) is added to  
1312 that subsection, and paragraph (d) is added to subsection (2) of  
1313 that section, to read:

1314 719.503 Disclosure prior to sale.—

1315 (1) DEVELOPER DISCLOSURE.—

1316 (b) *Copies of documents to be furnished to prospective*  
1317 *buyer or lessee.*—Until such time as the developer has furnished  
1318 the documents listed below to a person who has entered into a  
1319 contract to purchase a unit or lease it for more than 5 years,  
1320 the contract may be voided by that person, entitling the person  
1321 to a refund of any deposit together with interest thereon as  
1322 provided in s. 719.202. The contract may be terminated by  
1323 written notice from the proposed buyer or lessee delivered to  
1324 the developer within 15 days after the buyer or lessee receives  
1325 all of the documents required by this section. The developer may  
1326 not close for 15 days after the execution of the agreement and  
1327 delivery of the documents to the buyer as evidenced by a receipt  
1328 for documents signed by the buyer unless the buyer is informed  
1329 in the 15-day voidability period and agrees to close before the  
1330 expiration of the 15 days. The developer shall retain in his or  
1331 her records a separate signed agreement as proof of the buyer's  
1332 agreement to close before the expiration of the voidability  
1333 period. The developer must retain such proof for a period of 5  
1334 years after the date of the closing transaction. The documents

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1335 to be delivered to the prospective buyer are the prospectus or  
1336 disclosure statement with all exhibits, if the development is  
1337 subject to s. 719.504, or, if not, then copies of the following  
1338 which are applicable:

1339 1. The question and answer sheet described in s. 719.504,  
1340 and cooperative documents, or the proposed cooperative documents  
1341 if the documents have not been recorded, which shall include the  
1342 certificate of a surveyor approximately representing the  
1343 locations required by s. 719.104.

1344 2. The documents creating the association.

1345 3. The bylaws.

1346 4. The ground lease or other underlying lease of the  
1347 cooperative.

1348 5. The management contract, maintenance contract, and other  
1349 contracts for management of the association and operation of the  
1350 cooperative and facilities used by the unit owners having a  
1351 service term in excess of 1 year, and any management contracts  
1352 that are renewable.

1353 6. The estimated operating budget for the cooperative and a  
1354 schedule of expenses for each type of unit, including fees  
1355 assessed to a shareholder who has exclusive use of limited  
1356 common areas, where such costs are shared only by those entitled  
1357 to use such limited common areas.

1358 7. The lease of recreational and other facilities that will  
1359 be used only by unit owners of the subject cooperative.

1360 8. The lease of recreational and other common areas that  
1361 will be used by unit owners in common with unit owners of other  
1362 cooperatives.

1363 9. The form of unit lease if the offer is of a leasehold.

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1364 10. Any declaration of servitude of properties serving the  
1365 cooperative but not owned by unit owners or leased to them or  
1366 the association.

1367 11. If the development is to be built in phases or if the  
1368 association is to manage more than one cooperative, a  
1369 description of the plan of phase development or the arrangements  
1370 for the association to manage two or more cooperatives.

1371 12. If the cooperative is a conversion of existing  
1372 improvements, the statements and disclosure required by s.  
1373 719.616.

1374 13. The form of agreement for sale or lease of units.

1375 14. A copy of the floor plan of the unit and the plot plan  
1376 showing the location of the residential buildings and the  
1377 recreation and other common areas.

1378 15. A copy of all covenants and restrictions that will  
1379 affect the use of the property and are not contained in the  
1380 foregoing.

1381 16. If the developer is required by state or local  
1382 authorities to obtain acceptance or approval of any dock or  
1383 marina facilities intended to serve the cooperative, a copy of  
1384 any such acceptance or approval acquired by the time of filing  
1385 with the division pursuant to s. 719.502(1) or a statement that  
1386 such acceptance or approval has not been acquired or received.

1387 17. Evidence demonstrating that the developer has an  
1388 ownership, leasehold, or contractual interest in the land upon  
1389 which the cooperative is to be developed.

1390 18. A copy of the inspector-prepared summary of the  
1391 milestone inspection report as described in ss. 553.899 and  
1392 719.301(4) (p), or a statement in conspicuous type indicating



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1393 that the association has not completed the milestone inspection  
1394 described in ss. 553.899 and 719.301(4) (p) or that the  
1395 association is not required to perform a milestone inspection,  
1396 as ~~if~~ applicable.

1397 19. A copy of the association's most recent structural  
1398 integrity reserve study or a statement in conspicuous type  
1399 indicating that the association has not completed a structural  
1400 integrity reserve study or that the association is not required  
1401 to perform a structural integrity reserve study, as applicable.

1402 (d) Milestone inspection or structural integrity reserve  
1403 study.—If the association is required to have completed a  
1404 milestone inspection as described in ss. 553.899 and  
1405 719.301(4) (p) or a structural integrity reserve study, and the  
1406 association has failed to complete the milestone inspection or  
1407 the structural integrity reserve study, each contract entered  
1408 into after December 31, 2024, for the sale of a residential unit  
1409 shall contain in conspicuous type a statement indicating that  
1410 the association is required to have a milestone inspection or a  
1411 structural integrity reserve study and has failed to complete  
1412 such inspection or study, as appropriate. If the association is  
1413 not required to have a milestone inspection as described in ss.  
1414 553.899 and 719.301(4) (p) or a structural integrity reserve  
1415 study, each contract entered into after December 31, 2024, for  
1416 the sale of a residential unit shall contain in conspicuous type  
1417 a statement indicating that the association is not required to  
1418 have a milestone inspection or a structural integrity reserve  
1419 study, as appropriate. If the association is required to have  
1420 completed a milestone inspection as described in ss. 553.899 and  
1421 719.301(4) (p) or a structural integrity reserve study, each

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1422 contract entered into after December 31, 2024, for the sale of a  
1423 residential unit shall contain in conspicuous type:

1424 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1425 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1426 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1427 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A  
1428 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1429 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND  
1430 719.106(1) (k), FLORIDA STATUTES, MORE THAN 15 DAYS, EXCLUDING  
1431 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
1432 THIS CONTRACT; and

1433 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1434 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1435 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1436 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1437 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1438 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1439 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A  
1440 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1441 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND  
1442 719.106(1) (k), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE  
1443 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE  
1444 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS,  
1445 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE  
1446 BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY  
1447 OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS  
1448 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE  
1449 ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY  
1450 DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA

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1451 STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS  
1452 AGREEMENT SHALL TERMINATE AT CLOSING.

1453  
1454 A contract that does not conform to the requirements of this  
1455 paragraph is voidable at the option of the purchaser prior to  
1456 closing.

1457 (2) NONDEVELOPER DISCLOSURE.—

1458 (d) If the association is required to have completed a  
1459 milestone inspection as described in ss. 553.899 and  
1460 719.301(4) (p) or a structural integrity reserve study, and the  
1461 association has failed to complete the milestone inspection or  
1462 the structural integrity reserve study, each contract entered  
1463 into after December 31, 2024, for the sale of a residential unit  
1464 shall contain in conspicuous type a statement indicating that  
1465 the association is required to have a milestone inspection or a  
1466 structural integrity reserve study and has failed to complete  
1467 such inspection or study, as appropriate. If the association is  
1468 not required to have a milestone inspection as described in ss.  
1469 553.899 and 719.301(4) (p) or a structural integrity reserve  
1470 study, each contract entered into after December 31, 2024, for  
1471 the sale of a residential unit shall contain in conspicuous type  
1472 a statement indicating that the association is not required to  
1473 have a milestone inspection or a structural integrity reserve  
1474 study, as appropriate. If the association is required to have  
1475 completed a milestone inspection as described in ss. 553.899 and  
1476 719.301(4) (p) or a structural integrity reserve study, each  
1477 contract entered into after December 31, 2024, for the resale of  
1478 a residential unit shall contain in conspicuous type:

1479 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES

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1480 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1481 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1482 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A  
1483 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1484 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND  
1485 719.106(1) (k), FLORIDA STATUTES, MORE THAN 3 DAYS, EXCLUDING  
1486 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
1487 THIS CONTRACT; and

1488 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1489 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1490 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1491 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1492 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1493 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1494 IN SECTIONS 553.899 AND 719.301(4) (p), FLORIDA STATUTES; AND A  
1495 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1496 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND  
1497 719.106(1) (k), FLORIDA STATUTES. ANY PURPORTED WAIVER OF THESE  
1498 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE  
1499 TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING  
1500 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES  
1501 A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE  
1502 MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTIONS 553.899 AND  
1503 719.301(4) (p), FLORIDA STATUTES; AND A COPY OF THE ASSOCIATION'S  
1504 MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN  
1505 SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF  
1506 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
1507 TERMINATE AT CLOSING.

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1509 A contract that does not conform to the requirements of this  
 1510 paragraph is voidable at the option of the purchaser prior to  
 1511 closing.

1512 Section 14. Subsection (2) of section 558.002, Florida  
 1513 Statutes, is amended to read:

1514 558.002 Definitions.—As used in this chapter, the term:

1515 (2) "Association" has the same meaning as in s. 718.103 ~~s.~~  
 1516 ~~718.103(2)~~, s. 719.103(2), s. 720.301(9), or s. 723.075.

1517 Section 15. Paragraph (b) of subsection (1) of section  
 1518 718.116, Florida Statutes, is amended to read:

1519 718.116 Assessments; liability; lien and priority;  
 1520 interest; collection.—

1521 (1)

1522 (b)1. The liability of a first mortgagee or its successor  
 1523 or assignees who acquire title to a unit by foreclosure or by  
 1524 deed in lieu of foreclosure for the unpaid assessments that  
 1525 became due before the mortgagee's acquisition of title is  
 1526 limited to the lesser of:

1527 a. The unit's unpaid common expenses and regular periodic  
 1528 assessments which accrued or came due during the 12 months  
 1529 immediately preceding the acquisition of title and for which  
 1530 payment in full has not been received by the association; or

1531 b. One percent of the original mortgage debt. The  
 1532 provisions of this paragraph apply only if the first mortgagee  
 1533 joined the association as a defendant in the foreclosure action.  
 1534 Joinder of the association is not required if, on the date the  
 1535 complaint is filed, the association was dissolved or did not  
 1536 maintain an office or agent for service of process at a location  
 1537 which was known to or reasonably discoverable by the mortgagee.

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1538           2. An association, or its successor or assignee, that  
1539 acquires title to a unit through the foreclosure of its lien for  
1540 assessments is not liable for any unpaid assessments, late fees,  
1541 interest, or reasonable attorney's fees and costs that came due  
1542 before the association's acquisition of title in favor of any  
1543 other association, as defined in s. 718.103 ~~s. 718.103(2)~~ or s.  
1544 720.301(9), which holds a superior lien interest on the unit.  
1545 This subparagraph is intended to clarify existing law.

1546           Section 16. Paragraph (d) of subsection (2) of section  
1547 720.3085, Florida Statutes, is amended to read:

1548           720.3085 Payment for assessments; lien claims.—

1549           (2)

1550           (d) An association, or its successor or assignee, that  
1551 acquires title to a parcel through the foreclosure of its lien  
1552 for assessments is not liable for any unpaid assessments, late  
1553 fees, interest, or reasonable attorney's fees and costs that  
1554 came due before the association's acquisition of title in favor  
1555 of any other association, as defined in s. 718.103 ~~s. 718.103(2)~~  
1556 or s. 720.301(9), which holds a superior lien interest on the  
1557 parcel. This paragraph is intended to clarify existing law.

1558           Section 17. Effective July 1, 2027, for the purpose of  
1559 incorporating the amendments made by this act to section  
1560 718.1255, Florida Statutes, in a reference thereto, section  
1561 719.1255, Florida Statutes, is reenacted to read:

1562           719.1255 Alternative resolution of disputes.—The Division  
1563 of Florida Condominiums, Timeshares, and Mobile Homes of the  
1564 Department of Business and Professional Regulation shall provide  
1565 for alternative dispute resolution in accordance with s.  
1566 718.1255.

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1567 Section 18. Paragraph (f) of subsection (1) of section  
1568 718.501, Florida Statutes, is reenacted to read:

1569 718.501 Authority, responsibility, and duties of Division  
1570 of Florida Condominiums, Timeshares, and Mobile Homes.—

1571 (1) The division may enforce and ensure compliance with  
1572 this chapter and rules relating to the development,  
1573 construction, sale, lease, ownership, operation, and management  
1574 of residential condominium units and complaints related to the  
1575 procedural completion of milestone inspections under s. 553.899.  
1576 In performing its duties, the division has complete jurisdiction  
1577 to investigate complaints and enforce compliance with respect to  
1578 associations that are still under developer control or the  
1579 control of a bulk assignee or bulk buyer pursuant to part VII of  
1580 this chapter and complaints against developers, bulk assignees,  
1581 or bulk buyers involving improper turnover or failure to  
1582 turnover, pursuant to s. 718.301. However, after turnover has  
1583 occurred, the division has jurisdiction to investigate  
1584 complaints related only to financial issues, elections, and the  
1585 maintenance of and unit owner access to association records  
1586 under s. 718.111(12), and the procedural completion of  
1587 structural integrity reserve studies under s. 718.112(2)(g).

1588 (f) The division may adopt rules to administer and enforce  
1589 this chapter.

1590 Section 19. Paragraph (f) of subsection (1) of section  
1591 719.501, Florida Statutes, is reenacted to read:

1592 719.501 Powers and duties of Division of Florida  
1593 Condominiums, Timeshares, and Mobile Homes.—

1594 (1) The Division of Florida Condominiums, Timeshares, and  
1595 Mobile Homes of the Department of Business and Professional

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1596 Regulation, referred to as the "division" in this part, in  
1597 addition to other powers and duties prescribed by chapter 718,  
1598 has the power to enforce and ensure compliance with this chapter  
1599 and adopted rules relating to the development, construction,  
1600 sale, lease, ownership, operation, and management of residential  
1601 cooperative units; complaints related to the procedural  
1602 completion of the structural integrity reserve studies under s.  
1603 719.106(1)(k); and complaints related to the procedural  
1604 completion of milestone inspections under s. 553.899. In  
1605 performing its duties, the division shall have the following  
1606 powers and duties:

1607       (f) The division has authority to adopt rules pursuant to  
1608 ss. 120.536(1) and 120.54 to implement and enforce the  
1609 provisions of this chapter.

1610       Section 20. Except as otherwise expressly provided in this  
1611 act, this act shall take effect upon becoming a law.