

26 | bear certain attestations; authorizing the governing
27 | body of a municipality to adopt certain ordinances;
28 | removing a specified review by the Florida Building
29 | Commission; removing the requirement that the
30 | commission submit a certain report to the Governor and
31 | Legislature by a specified date; requiring the
32 | commission to create standardized milestone inspection
33 | forms by a specified date; requiring local enforcement
34 | agencies to use such standardized forms to submit
35 | certain reports; conforming provisions to changes made
36 | by the act; amending s. 627.351, F.S.; revising
37 | requirements for certain condominium unit owners
38 | relating to the purchase of flood insurance as a
39 | condition for maintaining certain policies issued by
40 | Citizens Property Insurance Corporation; amending ss.
41 | 718.103 and 719.103, F.S.; revising the definition of
42 | "structural integrity reserve study"; amending ss.
43 | 718.112 and 719.106, F.S.; requiring certain items
44 | that will require maintenance, repair, or replacement
45 | within a certain timeframe to be included in reserve
46 | accounts; removing a date by which certain structural
47 | integrity reserve studies must be completed; providing
48 | an exception to the requirement of a structural
49 | integrity reserve study; requiring certain
50 | associations' budgets to include reserves, in an

51 amount determined by a specified study, for certain
52 items; requiring the structural integrity reserve
53 study to include exterior doors; authorizing certain
54 inspections to be used in place of other inspections
55 under certain circumstances; requiring that the
56 inspector-prepared summary of the inspection report be
57 provided to certain persons within a specified time
58 period; conforming provisions to changes made by the
59 act; amending s. 718.1255, F.S.; revising the
60 definition of a "dispute" for purposes of alternative
61 dispute resolution; requiring certain disputes to be
62 submitted to presuit mediation; creating ss. 718.13
63 and 719.132, F.S.; authorizing unit owners and certain
64 entities to file an action in court for certain
65 injunctive relief; amending ss. 718.301 and 719.301,
66 F.S.; conforming provisions to changes made by the
67 act; amending ss. 718.503 and 719.503, F.S.; requiring
68 that certain provisions be included in certain
69 contracts entered into after specified dates under
70 certain circumstances; conforming provisions to
71 changes made by the act; providing effective dates.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Paragraph (b) of subsection (1) of section

76 | 468.4334, Florida Statutes, is amended to read:

77 | 468.4334 Professional practice standards; liability.—

78 | (1)

79 | (b) If a community association manager or a community
80 | association management firm has a contract with a community
81 | association that ~~has a building on the association's property~~
82 | ~~that~~ is subject to s. 553.899, the community association manager
83 | or the community association management firm must comply with
84 | that section as directed by the board.

85 | Section 2. Subsection (13) of section 553.899, Florida
86 | Statutes, is renumbered as subsection (12), subsections (1)
87 | through (8) and (11) and present subsection (12) are amended,
88 | and a new subsection (13) is added to that section, to read:

89 | 553.899 Mandatory structural inspections for condominium
90 | and cooperative buildings.—

91 | (1) The Legislature finds that maintaining the structural
92 | integrity of a building throughout the ~~its service~~ life of the
93 | building is of paramount importance in order to ensure that
94 | buildings are structurally sound so as to not pose a threat to
95 | the public health, safety, or welfare. As such, the Legislature
96 | finds that the imposition of a statewide structural inspection
97 | program for aging condominium and cooperative buildings in this
98 | state is necessary to ensure that such buildings are safe for
99 | continued use.

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

101 (a) "Milestone inspection" means a structural inspection
 102 of a building, including an inspection of load-bearing elements
 103 ~~walls~~ and the primary structural members and primary structural
 104 systems as those terms are defined in s. 627.706. Phase one of
 105 the milestone inspection must be performed~~7~~ by a general
 106 contractor licensed under chapter 489 with at least 5 years'
 107 experience building or constructing threshold buildings, a
 108 building code administrator or building code inspector licensed
 109 under part XII of chapter 468 with at least 5 years' experience
 110 inspecting threshold buildings, or by a licensed architect or
 111 engineer authorized to practice in this state. Phase two of the
 112 milestone inspection must be performed by a licensed architect
 113 or engineer authorized to practice in this state. Such
 114 structural inspection must be completed with the purpose ~~for the~~
 115 ~~purposes~~ of attesting to the life safety and adequacy of the
 116 structural components of the building and, to the extent
 117 reasonably possible, determining the general structural
 118 condition of the building as it affects the safety of such
 119 building, including a determination of any necessary
 120 maintenance, repair, or replacement of any structural component
 121 of the building. The purpose of such inspection is not to
 122 determine if the condition of an existing building is in
 123 compliance with the Florida Building Code or the firesafety
 124 code.

125 (b) "Substantial structural deterioration" means

126 substantial structural distress or a substantial structural
127 weakness that negatively affects a building's general structural
128 condition and integrity. The term does not include surface
129 imperfections such as cracks, distortion, sagging, deflections,
130 misalignment, signs of leakage, or peeling of finishes unless
131 the licensed general contractor, building code administrator,
132 building code inspector, engineer, or architect performing the
133 phase one or phase two inspection determines that such surface
134 imperfections are a sign of substantial structural
135 deterioration.

136 (3) A condominium association under chapter 718 and a
137 cooperative association under chapter 719 must have a milestone
138 inspection performed for each building that is three stories or
139 more in height by December 31 of the year in which the building
140 reaches 25 ~~30~~ years of age, based on the date the certificate of
141 occupancy for the building was issued, and every 10 years
142 thereafter. ~~If the building is located within 3 miles of a~~
143 ~~coastline as defined in s. 376.031, the condominium association~~
144 ~~or cooperative association must have a milestone inspection~~
145 ~~performed by December 31 of the year in which the building~~
146 ~~reaches 25 years of age, based on the date the certificate of~~
147 ~~occupancy for the building was issued, and every 10 years~~
148 ~~thereafter.~~ The condominium association or cooperative
149 association must arrange for the milestone inspection to be
150 performed and is responsible for ensuring compliance with the

151 requirements of this section. The condominium association or
152 cooperative association is responsible for all costs associated
153 with the inspection. This subsection does not apply to
154 associations that only include a single-family, two-family, or
155 three-family dwellings ~~dwelling~~ with three or fewer habitable
156 stories above ground.

157 (4) If a milestone inspection is required under this
158 section and the building's certificate of occupancy was issued
159 on or before December 31, 1994 ~~July 1, 1992~~, the building's
160 initial milestone inspection must be performed before December
161 31, 2024. If a milestone inspection is required under this
162 section and the building's certificate of occupancy was issued
163 during the period of January 1, 1995, through December 31, 2000,
164 the building's initial milestone inspection must be performed
165 before December 31, 2026. The local enforcement agency may
166 extend the deadline for a building's initial milestone
167 inspection upon a showing of good cause by the condominium or
168 cooperative association that the association has entered into a
169 contract for the performance of the milestone inspection but
170 that the inspection cannot reasonably be completed before the
171 deadline. If the date of issuance for the certificate of
172 occupancy is not available, the date of issuance of the
173 building's certificate of occupancy shall be the date of
174 occupancy evidenced in any record of the local building
175 official.

176 (5) Upon determining that a building must have a milestone
 177 inspection, the local enforcement agency must provide written
 178 notice of such required inspection to the condominium
 179 association or cooperative association by certified mail, return
 180 receipt requested. The condominium or cooperative association
 181 must notify the unit owners of the required milestone inspection
 182 within 14 days after receipt of the written notice from the
 183 local enforcement agency and provide the date that the milestone
 184 inspection must be completed.

185 (6) Within 180 days after receiving the written notice
 186 under subsection (5), the condominium association or cooperative
 187 association must complete phase one of the milestone inspection.
 188 For purposes of this section, completion of phase one of the
 189 milestone inspection means the licensed general contractor,
 190 building code administrator, building code inspector, engineer,
 191 or architect who performed the phase one inspection submitted
 192 the inspection report by e-mail, United States Postal Service,
 193 or commercial delivery service to the local enforcement agency.

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

195 (a) For phase one of the milestone inspection, a general
 196 contractor licensed under chapter 489 with at least 5 years'
 197 experience building or constructing threshold buildings, a
 198 building code administrator or building code inspector licensed
 199 under part XII of chapter 468 with at least 5 years' experience
 200 inspecting threshold buildings, or a licensed architect or

201 engineer authorized to practice in this state shall perform a
202 visual examination of habitable and nonhabitable areas of a
203 building, including the major structural components of a
204 building, and provide a qualitative assessment of the structural
205 conditions of the building. If the general contractor, building
206 code administrator, building code inspector, architect, or
207 engineer finds no signs of substantial structural deterioration
208 to any building components under visual examination, phase two
209 of the inspection, as provided in paragraph (b), is not
210 required. A general contractor, a building code administrator, a
211 building code inspector, an architect, or an engineer who
212 completes a phase one milestone inspection shall prepare and
213 submit an inspection report pursuant to subsection (8).

214 (b) A phase two of the milestone inspection must be
215 performed if any substantial structural deterioration is
216 identified during phase one. Only a licensed architect or
217 engineer authorized to practice in this state may perform a
218 phase two milestone inspection. If a phase two inspection is
219 required, the association must contract, within 90 days after
220 receipt of the phase one inspection report, with a licensed
221 architect or engineer to perform the phase two inspection. The
222 licensed architect or engineer contracted with to perform the
223 inspection must begin the phase two inspection within 90 days
224 after entering into a contract with the association. A phase two
225 inspection may involve destructive or nondestructive testing at

226 the inspector's direction. The inspection may be as extensive or
227 as limited as necessary to fully assess areas of structural
228 distress in order to confirm that the building is structurally
229 sound and safe for its intended use and to recommend a program
230 for fully assessing and repairing distressed and damaged
231 portions of the building. When determining testing locations,
232 the inspector must give preference to locations that are the
233 least disruptive and most easily repairable while still being
234 representative of the structure. An inspector who completes a
235 phase two milestone inspection shall prepare and submit an
236 inspection report pursuant to subsection (8).

237 (8) Upon completion of a phase one or phase two milestone
238 inspection, the general contractor, building code administrator,
239 building code inspector, architect, or engineer who performed
240 the inspection must submit a copy, or a sealed copy, if
241 applicable, of the inspection report with a separate summary of,
242 at minimum, the material findings and recommendations in the
243 inspection report to the condominium association or cooperative
244 association, and to the building official of the local
245 government which has jurisdiction. The inspection report must,
246 at a minimum, meet all of the following criteria:

247 (a)1. Bear an attestation and signature, or electronic
248 signature, of the licensed general contractor, building code
249 administrator, or building code inspector who performed the
250 inspection; or

251 2. Bear the seal and signature, or the electronic
 252 signature, of the licensed engineer or architect who performed
 253 the inspection,

254
 255 indicating that such report complies with the statutory
 256 requirements for the inspection.

257 (b) Indicate the manner and type of inspection forming the
 258 basis for the inspection report.

259 (c) Identify any substantial structural deterioration,
 260 within a reasonable professional probability based on the scope
 261 of the inspection, describe the extent of such deterioration,
 262 and identify any recommended repairs for such deterioration.

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

265 (e) Recommend any remedial or preventive repair for any
 266 items that are damaged but are not substantial structural
 267 deterioration.

268 (f) Identify and describe any items requiring further
 269 inspection.

270 (11) A board of county commissioners or the governing body
 271 of a municipality may adopt an ordinance requiring that a
 272 condominium or cooperative association schedule or commence
 273 repairs for substantial structural deterioration within a
 274 specified timeframe after the local enforcement agency receives
 275 a phase two inspection report; however, such repairs must be

276 commenced within 365 days after receiving such report. If an
 277 association fails to submit proof to the local enforcement
 278 agency that repairs have been scheduled or have commenced for
 279 substantial structural deterioration identified in a phase two
 280 inspection report within the required timeframe, the local
 281 enforcement agency must review and determine if the building is
 282 unsafe for human occupancy.

283 ~~(12) The Florida Building Commission shall review the~~
 284 ~~milestone inspection requirements under this section and make~~
 285 ~~recommendations, if any, to the Legislature to ensure~~
 286 ~~inspections are sufficient to determine the structural integrity~~
 287 ~~of a building. The commission must provide a written report of~~
 288 ~~any recommendations to the Governor, the President of the~~
 289 ~~Senate, and the Speaker of the House of Representatives by~~
 290 ~~December 31, 2022.~~

291 (13) By October 1, 2023, the Florida Building Commission
 292 shall create a standardized milestone inspection report form for
 293 the submission of such reports to local enforcement agencies by
 294 general contractors, building code administrators, building code
 295 inspectors, engineers, and architects. Local enforcement
 296 agencies must require that the standardized form be used to
 297 submit such reports.

298 Section 3. Paragraph (aa) of subsection (6) of section
 299 627.351, Florida Statutes, is amended to read:

300 627.351 Insurance risk apportionment plans.—

301 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

315 1. Except as provided in subparagraphs 2. and 3., all
 316 personal lines residential policyholders must have flood
 317 coverage in place for policies effective on or after:

318 a. January 1, 2024, for property valued at \$600,000 or
 319 more.

320 b. January 1, 2025, for property valued at \$500,000 or
 321 more.

322 c. January 1, 2026, for property valued at \$400,000 or
 323 more.

324 d. January 1, 2027, for all other personal lines
 325 residential property insured by the corporation.

326 2. All personal lines residential policyholders whose
 327 property insured by the corporation is located within the
 328 special flood hazard area defined by the Federal Emergency
 329 Management Agency must have flood coverage in place:

330 a. At the time of initial policy issuance for all new
 331 personal lines residential policies issued by the corporation on
 332 or after April 1, 2023.

333 b. By the time of the policy renewal for all personal
 334 lines residential policies renewing on or after July 1, 2023.

335 3. Policyholders ~~whose policies issued by the corporation~~
 336 ~~do not provide coverage for the peril of wind~~ are not required
 337 to purchase flood insurance as a condition for maintaining their
 338 policies issued by ~~with~~ the corporation, if such policy:

339 a. Does not provide coverage for the peril of wind.

340 b. Provides coverage under a condominium unit owners or
 341 condominium tenant form and the policyholder's unit is covered
 342 under a master flood policy issued to someone other than the
 343 policyholder.

344 c. Provides coverage under a condominium unit owners or
 345 condominium tenant form and the policyholder resides in a
 346 condominium unit with occupiable space that is not less than 40
 347 feet above the grade plane, as defined in the Florida Building
 348 Code. A unit located on the fifth floor above the grade plane or
 349 higher is deemed to be not less than 40 feet above the grade
 350 plane, as defined in the Florida Building Code. A unit owner or

351 a condominium association may submit a certification from an
 352 engineer licensed under chapter 471, a surveyor and mapper
 353 licensed under chapter 472, or an architect licensed under
 354 chapter 481, detailing which units in the condominium
 355 association are not less than 40 feet above the grade plane, as
 356 defined in the Florida Building Code, and the corporation may
 357 rely on such certification.

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. Subsection (25) of section 718.103, Florida
 364 Statutes, is amended to read:

365 718.103 Definitions.—As used in this chapter, the term:

366 (25) "Structural integrity reserve study" means a study of
 367 the reserve funds required for future major repairs and
 368 replacement of the common areas based on a visual inspection of
 369 the common areas. A structural integrity reserve study may be
 370 performed by any person qualified to perform such study.
 371 However, the visual inspection portion of the structural
 372 integrity reserve study must be performed by an engineer
 373 licensed under chapter 471, a general contractor licensed under
 374 chapter 489 with at least 5 years' experience building or
 375 constructing threshold buildings as defined in s. 553.71, a

376 building code administrator or building code inspector licensed
377 under part XII of chapter 468 with at least 5 years' experience
378 inspecting threshold buildings as defined in s. 553.71, or an
379 architect licensed under chapter 481. At a minimum, a structural
380 integrity reserve study must identify the common areas being
381 visually inspected, state the estimated remaining useful life
382 and the estimated replacement cost or deferred maintenance
383 expense of the common areas being visually inspected, and
384 provide a recommended annual reserve amount that achieves the
385 estimated replacement cost or deferred maintenance expense of
386 each common area being visually inspected by the end of the
387 estimated remaining useful life of each common area.

388 Section 5. Paragraphs (f), (g), and (h) of subsection (2)
389 of section 718.112, Florida Statutes, are amended to read:

390 718.112 Bylaws.—

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

394 (f) Annual budget.—

395 1. The proposed annual budget of estimated revenues and
396 expenses must be detailed and must show the amounts budgeted by
397 accounts and expense classifications, including, at a minimum,
398 any applicable expenses listed in s. 718.504(21). The board
399 shall adopt the annual budget at least 14 days before the start
400 of the association's fiscal year. In the event that the board

401 fails to timely adopt the annual budget a second time, it is
402 deemed a minor violation and the prior year's budget shall
403 continue in effect until a new budget is adopted. A
404 multicondominium association must adopt a separate budget of
405 common expenses for each condominium the association operates
406 and must adopt a separate budget of common expenses for the
407 association. In addition, if the association maintains limited
408 common elements with the cost to be shared only by those
409 entitled to use the limited common elements as provided for in
410 s. 718.113(1), the budget or a schedule attached to it must show
411 the amount budgeted for this maintenance. If, after turnover of
412 control of the association to the unit owners, any of the
413 expenses listed in s. 718.504(21) are not applicable, they do
414 not need to be listed.

415 2.a. In addition to annual operating expenses, the budget
416 must include reserve accounts for capital expenditures and
417 deferred maintenance. These accounts must include, but are not
418 limited to, roof replacement, building painting, and pavement
419 resurfacing, regardless of the amount of deferred maintenance
420 expense or replacement cost, ~~and~~ any other item that has a
421 deferred maintenance expense or replacement cost that exceeds
422 \$10,000, and those items listed in paragraph (g) that will
423 require maintenance, repair, or replacement within the next 25
424 years. The amount to be reserved for an item is determined by
425 the association's most recent structural integrity reserve study

426 that must be completed as provided in paragraph (g) ~~by December~~
427 ~~31, 2024~~. If the amount to be reserved for an item is not in the
428 association's initial or most recent structural integrity
429 reserve study or the association has not completed a structural
430 integrity reserve study, the amount must be computed using a
431 formula based upon estimated remaining useful life and estimated
432 replacement cost or deferred maintenance expense of the reserve
433 item. However, any item with a remaining useful life greater
434 than 25 years is not required to be included in the study. If an
435 association is required to complete a structural integrity
436 reserve study, the association's budget must maintain reserves,
437 in the amount recommended in the association's most recent
438 structural integrity reserve study, for the items listed in
439 paragraph (g). The association may adjust replacement reserve
440 assessments annually to take into account any changes in
441 estimates or extension of the useful life of a reserve item
442 caused by deferred maintenance. The members of a unit-owner-
443 controlled association may determine, by a majority vote at a
444 duly called meeting of the association, to provide no reserves
445 or less reserves than required by this subsection. Effective
446 December 31, 2024, the members of a unit-owner-controlled
447 association that is required to complete a structural integrity
448 reserve study may not determine to provide no reserves or less
449 reserves than required by this subsection for items listed in
450 paragraph (g).

451 b. Before turnover of control of an association by a
452 developer to unit owners other than a developer under s.
453 718.301, the developer-controlled association may not vote to
454 waive the reserves or reduce funding of the reserves. If a
455 meeting of the unit owners has been called to determine whether
456 to waive or reduce the funding of reserves and no such result is
457 achieved or a quorum is not attained, the reserves included in
458 the budget shall go into effect. After the turnover, the
459 developer may vote its voting interest to waive or reduce the
460 funding of reserves.

461 3. Reserve funds and any interest accruing thereon shall
462 remain in the reserve account or accounts, and may be used only
463 for authorized reserve expenditures unless their use for other
464 purposes is approved in advance by a majority vote at a duly
465 called meeting of the association. Before turnover of control of
466 an association by a developer to unit owners other than the
467 developer pursuant to s. 718.301, the developer-controlled
468 association may not vote to use reserves for purposes other than
469 those for which they were intended. Effective December 31, 2024,
470 members of a unit-owner-controlled association that is required
471 to complete a structural integrity reserve study may not vote to
472 use reserve funds, or any interest accruing thereon, that are
473 reserved for items listed in paragraph (g) for any other purpose
474 other than their intended purpose.

475 4. The only voting interests that are eligible to vote on

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

489 (g) Structural integrity reserve study.—

490 1. An association must have a structural integrity reserve
491 study completed at least every 10 years after the condominium's
492 creation for each building on the condominium property that is
493 three stories or higher in height which includes, at a minimum,
494 a study of the following items as related to the structural
495 integrity and safety of the building:

- 496 a. Roof.
497 b. Load-bearing walls or other primary structural members.
498 c. Floor.
499 d. Foundation.
500 e. Fireproofing and fire protection systems.

501 f. Plumbing.

502 g. Electrical systems.

503 h. Waterproofing and exterior painting.

504 i. Windows and exterior doors.

505 j. Any other item that has a deferred maintenance expense

506 or replacement cost that exceeds \$10,000 and the failure to

507 replace or maintain such item negatively affects the items

508 listed in sub-subparagraphs a.-i., as determined by the licensed

509 engineer, general contractor, building code administrator,

510 building code inspector, or architect performing the visual

511 inspection portion of the structural integrity reserve study.

512 2. Before a developer turns over control of an association

513 to unit owners other than the developer, the developer must have

514 a structural integrity reserve study completed for each building

515 on the condominium property that is three stories or higher in

516 height.

517 3. Associations that ~~existing on or before July 1, 2022,~~

518 ~~which~~ are controlled by unit owners other than the developer,

519 must have a structural integrity reserve study completed by

520 December 31, 2024, for each building on the condominium property

521 that is three stories or higher in height. An association that

522 is required to complete a milestone inspection on or before

523 December 31, 2026, in accordance with s. 553.899, may complete

524 the structural integrity reserve study simultaneously with the

525 milestone inspection. In no event may the structural integrity

526 reserve study be completed after December 31, 2026.

527 4. If an association fails to complete a structural
528 integrity reserve study pursuant to this paragraph, such failure
529 is a breach of an officer's and director's fiduciary
530 relationship to the unit owners under s. 718.111(1).

531 5. If the milestone inspection required by s. 553.899, or
532 an inspection completed for a similar local requirement, was
533 performed within the past 5 years and meets the requirements of
534 this paragraph, such inspection may be used in place of the
535 visual inspection portion of the structural integrity reserve
536 study.

537 (h) Mandatory milestone inspections.—If an association is
538 required to have a milestone inspection performed pursuant to s.
539 553.899, the association must arrange for the milestone
540 inspection to be performed and is responsible for ensuring
541 compliance with the requirements of s. 553.899. The association
542 is responsible for all costs associated with the inspection. If
543 the officers or directors of an association willfully and
544 knowingly fail to have a milestone inspection performed pursuant
545 to s. 553.899, such failure is a breach of the officers' and
546 directors' fiduciary relationship to the unit owners under s.
547 718.111(1)(a). Within 60 days after ~~Upon completion of a phase~~
548 ~~one or phase two milestone inspection and~~ receipt of the
549 inspector-prepared summary of the milestone inspection report
550 from any phase one or phase two milestone inspection ~~from the~~

551 ~~architect or engineer who performed the inspection,~~ the
552 association must distribute a copy of the inspector-prepared
553 summary of the inspection report to each unit owner, regardless
554 of the findings or recommendations in the report, by United
555 States mail or personal delivery and by electronic transmission
556 to unit owners who previously consented to receive notice by
557 electronic transmission; must post a copy of the inspector-
558 prepared summary in a conspicuous place on the condominium
559 property; and must publish the full report and inspector-
560 prepared summary on the association's website, if the
561 association is required to have a website. If the visual
562 inspection portion of the structural integrity reserve study
563 required under paragraph (g) was performed within the past 5
564 years and meets the requirements for a milestone inspection in
565 s. 553.899, such inspection may be used in place of the phase
566 one milestone inspection.

567 Section 6. Effective July 1, 2027, subsection (5) of
568 section 718.1255, Florida Statutes, is amended, and paragraph
569 (d) is added to subsection (1) of that section, to read:

570 718.1255 Alternative dispute resolution; mediation;
571 nonbinding arbitration; applicability.—

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

575 (d) The failure of a board of administration, when

- 576 required by this chapter or a governing document of the
 577 association, to:
- 578 1. Obtain a milestone inspection as required under s.
 579 553.899.
 - 580 2. Obtain a structural integrity reserve study as required
 581 under s. 718.112(2)(g).
 - 582 3. Fund reserve accounts as required for an item
 583 identified in s. 718.112(2)(g).
 - 584 4. Make or provide necessary maintenance or repairs of the
 585 condominium property as recommended by a milestone inspection or
 586 a structural integrity reserve study.

587
 588 "Dispute" does not include any disagreement that primarily
 589 involves: title to any unit or common element; the
 590 interpretation or enforcement of any warranty; the levy of a fee
 591 or assessment, or the collection of an assessment levied against
 592 a party; the eviction or other removal of a tenant from a unit;
 593 alleged breaches of fiduciary duty by one or more directors; or
 594 claims for damages to a unit based upon the alleged failure of
 595 the association to maintain the common elements or condominium
 596 property.

597 (5) PRESUIT MEDIATION.—In lieu of the initiation of
 598 nonbinding arbitration as provided in subsections (1)–(4), a
 599 party may submit a dispute to presuit mediation in accordance
 600 with s. 720.311, except for:

601 (a) Disputes listed in paragraph (1) (d) are not subject to
 602 nonbinding arbitration under subsection (4) and must be
 603 submitted to presuit mediation in accordance with s. 720.311.~~‡~~
 604 ~~however,~~

605 (b) Election and recall disputes are not eligible for
 606 mediation and such disputes must be arbitrated by the division
 607 or filed in a court of competent jurisdiction.

608 Section 7. Section 718.13, Florida Statutes, is created to
 609 read:

610 718.13 Injunctive relief.-

611 (1) A unit owner may institute an action in a court of
 612 competent jurisdiction in which the condominium is located to
 613 seek injunctive relief against the association to:

614 (a) Enforce compliance with milestone inspection
 615 requirements under s. 553.899 and structural integrity reserve
 616 study requirements under s. 718.112 (2) (g).

617 (b) Prevent irreparable injury to unit owners and the
 618 association and to protect human health, safety, and welfare
 619 caused or threatened by any violation of the milestone
 620 inspection requirements under s. 553.899 and structural
 621 integrity reserve study requirements under s. 718.112 (2) (g).

622 (2) The division may, in the name of the state, seek
 623 injunctive relief in any court of competent jurisdiction in
 624 which the condominium is located to obtain relief against the
 625 association to enforce compliance with milestone inspection

626 requirements under s. 553.899. A proceeding commenced under this
 627 subsection is in addition to, and not in lieu of, any other
 628 penalty or remedy under this chapter.

629 (3) Any local authority having jurisdiction to enforce
 630 milestone inspection requirements may seek injunctive relief
 631 from any court of competent jurisdiction in which the
 632 condominium is located against the association to enforce
 633 compliance with milestone inspection requirements under s.
 634 553.899, upon an affidavit of the local authority having
 635 jurisdiction specifying the manner in which the condominium does
 636 not conform to the requirements of s. 553.899.

637 Section 8. Paragraph (p) of subsection (4) of section
 638 718.301, Florida Statutes, is amended to read:

639 718.301 Transfer of association control; claims of defect
 640 by association.—

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

651 association:

652 (p) Notwithstanding when the certificate of occupancy was
 653 issued or the height of the building, a milestone inspection
 654 report in compliance with s. 553.899 included in the official
 655 records, under seal of an architect or engineer or under
 656 attestation of a general contractor, building code
 657 administrator, or building code inspector authorized to practice
 658 in this state indicating that such report complies with the
 659 statutory requirements for the inspection, and attesting to
 660 required maintenance, condition, useful life, and replacement
 661 costs of the following applicable condominium property
 662 comprising a turnover inspection report:

- 663 1. Roof.
- 664 2. Structure, including load-bearing walls and primary
 665 structural members and primary structural systems as those terms
 666 are defined in s. 627.706.
- 667 3. Fireproofing and fire protection systems.
- 668 4. Elevators.
- 669 5. Heating and cooling systems.
- 670 6. Plumbing.
- 671 7. Electrical systems.
- 672 8. Swimming pool or spa and equipment.
- 673 9. Seawalls.
- 674 10. Pavement and parking areas.
- 675 11. Drainage systems.

- 676 12. Painting.
- 677 13. Irrigation systems.
- 678 14. Waterproofing.

679 Section 9. Paragraph (b) of subsection (1) and paragraph
 680 (a) of subsection (2) of section 718.503, Florida Statutes, are
 681 amended, and paragraph (d) is added to subsection (1) and
 682 paragraph (e) is added to subsection (2) of that section, to
 683 read:

684 718.503 Developer disclosure prior to sale; nondeveloper
 685 unit owner disclosure prior to sale; voidability.—

- 686 (1) DEVELOPER DISCLOSURE.—
- 687 (b) Copies of documents to be furnished to prospective
 688 buyer or lessee.—Until such time as the developer has furnished
 689 the documents listed below to a person who has entered into a
 690 contract to purchase a residential unit or lease it for more
 691 than 5 years, the contract may be voided by that person,
 692 entitling the person to a refund of any deposit together with
 693 interest thereon as provided in s. 718.202. The contract may be
 694 terminated by written notice from the proposed buyer or lessee
 695 delivered to the developer within 15 days after the buyer or
 696 lessee receives all of the documents required by this section.
 697 The developer may not close for 15 days after the execution of
 698 the agreement and delivery of the documents to the buyer as
 699 evidenced by a signed receipt for documents unless the buyer is
 700 informed in the 15-day voidability period and agrees to close

701 before the expiration of the 15 days. The developer shall retain
702 in his or her records a separate agreement signed by the buyer
703 as proof of the buyer's agreement to close before the expiration
704 of the voidability period. The developer must retain such proof
705 for a period of 5 years after the date of the closing of the
706 transaction. The documents to be delivered to the prospective
707 buyer are the prospectus or disclosure statement with all
708 exhibits, if the development is subject to s. 718.504, or, if
709 not, then copies of the following which are applicable:

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

715 2. The documents creating the association.

716 3. The bylaws.

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

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

724 6. The estimated operating budget for the condominium and
725 a schedule of expenses for each type of unit, including fees

726 assessed pursuant to s. 718.113(1) for the maintenance of
 727 limited common elements where such costs are shared only by
 728 those entitled to use the limited common elements.

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

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

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

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

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

742 12. If the condominium is a conversion of existing
 743 improvements, the statements and disclosure required by s.
 744 718.616.

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

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

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

751 foregoing.

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

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

761 18. A copy of the inspector-prepared summary of the
 762 milestone inspection report as described in ss. 553.899 and
 763 718.112(2)(h) ~~ss. 553.899 and 718.301(4)(p)~~.

764 19. A copy of the association's most recent structural
 765 integrity reserve study or a statement that the association has
 766 not completed a structural integrity reserve study.

767 (d) Milestone inspection or structural integrity reserve
 768 study.-

769 1. If the association is required to have a milestone
 770 inspection as described in ss. 553.899 and 718.112(2)(h) or a
 771 structural integrity reserve study as described in s.
 772 718.112(2)(g), and the association has not completed the
 773 milestone inspection or structural integrity reserve study, each
 774 contract entered into on or after January 1, 2025, for the sale
 775 of a residential unit must contain in conspicuous type a

776 statement indicating that the association is required to have a
777 milestone inspection or a structural integrity reserve study and
778 the association has failed to complete such inspection or study,
779 as applicable.

780 2. If the association is required to have a milestone
781 inspection as described in ss. 553.899 and 718.112(2)(h) or a
782 structural integrity reserve study as described in s.
783 718.112(2)(g), and the association has completed such inspection
784 or study, each contract entered into on or after January 1,
785 2025, for the sale of a residential unit must contain a copy of
786 the most recent milestone inspection report or structural
787 integrity reserve study, as applicable.

788 3. If the association is not required to have a milestone
789 inspection as described in ss. 553.899 and 718.112(2)(h) or a
790 structural integrity reserve study as described in s.
791 718.112(2)(g), each contract entered into on or after January 1,
792 2025, for the sale of a residential unit must contain in
793 conspicuous type a statement indicating that the association is
794 not required to have a milestone inspection or a structural
795 integrity reserve study, as applicable.

796 (2) NONDEVELOPER DISCLOSURE.—

797 (a) Each unit owner who is not a developer as defined by
798 this chapter must comply with this subsection before the sale of
799 his or her unit. Each prospective purchaser who has entered into
800 a contract for the purchase of a condominium unit is entitled,

801 at the seller's expense, to a current copy of all of the
 802 following:

- 803 1. The declaration of condominium.
- 804 2. Articles of incorporation of the association.
- 805 3. Bylaws and rules of the association.
- 806 4. Financial information required by s. 718.111.
- 807 5. A copy of the inspector-prepared summary of the
 808 milestone inspection report as described in ss. 553.899 and
 809 718.112(2)(h) ~~ss. 553.899 and 718.301(4)(p)~~, if applicable.

810 6. The association's most recent structural integrity
 811 reserve study or a statement that the association has not
 812 completed a structural integrity reserve study.

813 7. The document entitled "Frequently Asked Questions and
 814 Answers" required by s. 718.504.

815 (e)1. If the association is required to have a milestone
 816 inspection as described in ss. 553.899 and 718.112(2)(h) or a
 817 structural integrity reserve study as described in s.
 818 718.112(2)(g), and the association has not completed the
 819 milestone inspection or structural integrity reserve study, each
 820 contract entered into on or after January 1, 2025, for the sale
 821 of a residential unit must contain in conspicuous type a
 822 statement indicating that the association is required to have a
 823 milestone inspection or a structural integrity reserve study and
 824 the association has failed to complete such inspection or study,
 825 as applicable.

826 2. If the association is required to have a milestone
827 inspection as described in ss. 553.899 and 718.112(2)(h) or a
828 structural integrity reserve study as described in s.
829 718.112(2)(g), and the association has completed such inspection
830 or study, each contract entered into on or after January 1,
831 2025, for the sale of a residential unit must contain a copy of
832 the most recent milestone inspection report or structural
833 integrity reserve study, as applicable.

834 3. If the association is not required to have a milestone
835 inspection as described in ss. 553.899 and 718.112(2)(h) or a
836 structural integrity reserve study as described in s.
837 718.112(2)(g), each contract entered into on or after January 1,
838 2025, for the sale of a residential unit must contain in
839 conspicuous type a statement indicating that the association is
840 not required to have a milestone inspection or a structural
841 integrity reserve study, as applicable.

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

844 719.103 Definitions.—As used in this chapter:

845 (24) "Structural integrity reserve study" means a study of
846 the reserve funds required for future major repairs and
847 replacement of the common areas based on a visual inspection of
848 the common areas. A structural integrity reserve study may be
849 performed by any person qualified to perform such study.
850 However, the visual inspection portion of the structural

851 integrity reserve study must be performed by an engineer
852 licensed under chapter 471, a general contractor licensed under
853 chapter 489 with at least 5 years' experience building or
854 constructing threshold buildings as defined in s. 553.71; a
855 building code administrator or building code inspector licensed
856 under part XII of chapter 468 with at least 5 years' experience
857 inspecting threshold buildings as defined in s. 553.71; or an
858 architect licensed under chapter 481. At a minimum, a structural
859 integrity reserve study must identify the common areas being
860 visually inspected, state the estimated remaining useful life
861 and the estimated replacement cost or deferred maintenance
862 expense of the common areas being visually inspected, and
863 provide a recommended annual reserve amount that achieves the
864 estimated replacement cost or deferred maintenance expense of
865 each common area being visually inspected by the end of the
866 estimated remaining useful life of each common area.

867 Section 11. Paragraphs (j), (k), and (l) of subsection (1)
868 of section 719.106, Florida Statutes, are amended to read:

869 719.106 Bylaws; cooperative ownership.—

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

873 (j) Annual budget.—

874 1. The proposed annual budget of common expenses must be
875 detailed and must show the amounts budgeted by accounts and

876 expense classifications, including, if applicable, but not
877 limited to, those expenses listed in s. 719.504(20). The board
878 of administration shall adopt the annual budget at least 14 days
879 before the start of the association's fiscal year. In the event
880 that the board fails to timely adopt the annual budget a second
881 time, it is deemed a minor violation and the prior year's budget
882 shall continue in effect until a new budget is adopted.

883 2. In addition to annual operating expenses, the budget
884 must include reserve accounts for capital expenditures and
885 deferred maintenance. These accounts must include, but are not
886 ~~be~~ limited to, roof replacement, building painting, and pavement
887 resurfacing, regardless of the amount of deferred maintenance
888 expense or replacement cost, ~~and~~ for any other items for which
889 the deferred maintenance expense or replacement cost exceeds
890 \$10,000, and those items listed in paragraph (k) that will
891 require maintenance, repair, or replacement within the next 25
892 years. The amount to be reserved for an item is determined by
893 the association's most recent structural integrity reserve study
894 that must be completed as provided in paragraph (k) ~~by December~~
895 ~~31, 2024~~. If the amount to be reserved for an item is not in the
896 association's initial or most recent structural integrity
897 reserve study or the association has not completed a structural
898 integrity reserve study, the amount must be computed by means of
899 a formula which is based upon estimated remaining useful life
900 and estimated replacement cost or deferred maintenance expense

901 of the reserve item. However, any item with a remaining useful
902 life greater than 25 years is not required to be included in the
903 study. If an association is required to complete a structural
904 integrity reserve study, the association's budget must maintain
905 reserves, in the amount recommended in the association's most
906 recent structural integrity reserve study, for the items listed
907 in paragraph (k). The association may adjust replacement reserve
908 assessments annually to take into account any changes in
909 estimates or extension of the useful life of a reserve item
910 caused by deferred maintenance. The members of a unit-owner-
911 controlled association may determine, at a duly called meeting
912 of the association, for a fiscal year to provide no reserves or
913 reserves less adequate than required by this subsection. Before
914 turnover of control of an association by a developer to unit
915 owners other than a developer under s. 719.301, the developer-
916 controlled association may not vote to waive the reserves or
917 reduce funding of the reserves. Effective December 31, 2024, a
918 unit-owner-controlled association that is required to complete a
919 structural integrity reserve study may not determine to provide
920 no reserves or reserves less adequate than required by this
921 paragraph for items listed in paragraph (k). If a meeting of the
922 unit owners has been called to determine to provide no reserves,
923 or reserves less adequate than required, and such result is not
924 attained or a quorum is not attained, the reserves as included
925 in the budget shall go into effect.

926 3. Reserve funds and any interest accruing thereon shall
 927 remain in the reserve account or accounts, and shall be used
 928 only for authorized reserve expenditures unless their use for
 929 other purposes is approved in advance by a vote of the majority
 930 of the voting interests, voting in person or by limited proxy at
 931 a duly called meeting of the association. Before turnover of
 932 control of an association by a developer to unit owners other
 933 than the developer under s. 719.301, the developer may not vote
 934 to use reserves for purposes other than that for which they were
 935 intended. Effective December 31, 2024, members of a unit-owner-
 936 controlled association that is required to complete a structural
 937 integrity reserve study may not vote to use reserve funds, or
 938 any interest accruing thereon, that are reserved for items
 939 listed in paragraph (k) for purposes other than their intended
 940 purpose.

941 (k) Structural integrity reserve study.—

942 1. An association must have a structural integrity reserve
 943 study completed at least every 10 years for each building on the
 944 cooperative property that is three stories or higher in height
 945 that includes, at a minimum, a study of the following items as
 946 related to the structural integrity and safety of the building:

- 947 a. Roof.
- 948 b. Load-bearing walls or other primary structural members.
- 949 c. Floor.
- 950 d. Foundation.

- 951 e. Fireproofing and fire protection systems.
- 952 f. Plumbing.
- 953 g. Electrical systems.
- 954 h. Waterproofing and exterior painting.
- 955 i. Windows and exterior doors.
- 956 j. Any other item that has a deferred maintenance expense
- 957 or replacement cost that exceeds \$10,000 and the failure to
- 958 replace or maintain such item negatively affects the items
- 959 listed in sub-subparagraphs a.-i., as determined by the licensed
- 960 engineer, general contractor, building code administrator,
- 961 building code inspector, or architect performing the visual
- 962 inspection portion of the structural integrity reserve study.
- 963 2. Before a developer turns over control of an association
- 964 to unit owners other than the developer, the developer must have
- 965 a structural integrity reserve study completed for each building
- 966 on the cooperative property that is three stories or higher in
- 967 height.
- 968 3. Associations that existing on or before July 1, 2022,
- 969 ~~which~~ are controlled by unit owners other than the developer,
- 970 must have a structural integrity reserve study completed by
- 971 December 31, 2024, for each building on the cooperative property
- 972 that is three stories or higher in height. An association that
- 973 is required to complete a milestone inspection on or before
- 974 December 31, 2026, in accordance with s. 553.899, may complete
- 975 the structural integrity reserve study simultaneously with the

976 milestone inspection. In no event may the structural integrity
977 reserve study be completed after December 31, 2026.

978 4. If an association fails to complete a structural
979 integrity reserve study pursuant to this paragraph, such failure
980 is a breach of an officer's and director's fiduciary
981 relationship to the unit owners under s. 719.104(8).

982 5. If the milestone inspection required by s. 553.899, or
983 an inspection completed for a similar local requirement, was
984 performed within the past 5 years and meets the requirements of
985 this paragraph, such inspection may be used in place of the
986 visual inspection portion of the structural integrity reserve
987 study.

988 (1) Mandatory milestone inspections.—If an association is
989 required to have a milestone inspection performed pursuant to s.
990 553.899, the association must arrange for the milestone
991 inspection to be performed and is responsible for ensuring
992 compliance with the requirements of s. 553.899. The association
993 is responsible for all costs associated with the inspection. If
994 the officers or directors of an association willfully and
995 knowingly fail to have a milestone inspection performed pursuant
996 to s. 553.899, such failure is a breach of the officers' and
997 directors' fiduciary relationship to the unit owners under s.
998 719.104(8) (a). Within 60 days after ~~Upon completion of a phase~~
999 ~~one or phase two milestone inspection~~ and receipt of the
1000 inspector-prepared summary of the milestone inspection report

1001 from any phase one or phase two milestone inspection ~~the~~
 1002 ~~architect or engineer who performed the inspection,~~ the
 1003 association must distribute a copy of the inspector-prepared
 1004 summary of the inspection report to each unit owner, regardless
 1005 of the findings or recommendations in the report, by United
 1006 States mail or personal delivery and by electronic transmission
 1007 to unit owners who previously consented to receive notice by
 1008 electronic transmission; must post a copy of the inspector-
 1009 prepared summary in a conspicuous place on the cooperative
 1010 property; and must publish the full report and inspector-
 1011 prepared summary on the association's website, if the
 1012 association is required to have a website. If the visual
 1013 inspection portion of the structural integrity reserve study
 1014 required under paragraph (k) was performed within the past 5
 1015 years and meets the requirements for a milestone inspection in
 1016 s. 553.899, such inspection may be used in place of the phase
 1017 one milestone inspection.

1018 Section 12. Section 719.132, Florida Statutes, is created
 1019 to read:

1020 719.132 Injunctive relief.-

1021 (1) A unit owner may institute an action in a court of
 1022 competent jurisdiction in which the cooperative is located to
 1023 seek injunctive relief against the association to:

1024 (a) Enforce compliance with milestone inspection
 1025 requirements under s. 553.899 and structural integrity reserve

1026 requirements under s. 719.106(1) (k) .

1027 (b) Prevent irreparable injury to unit owners and the
 1028 association and to protect human health, safety, and welfare
 1029 caused or threatened by any violation of the milestone
 1030 inspection requirements under s. 553.899 and structural
 1031 integrity reserve requirements under s. 719.106(1) (k) .

1032 (2) The division may, in the name of the state, seek
 1033 injunctive relief in any court of competent jurisdiction in
 1034 which the cooperative is located to obtain relief against the
 1035 association to enforce compliance with milestone inspection
 1036 requirements under s. 553.899. A proceeding commenced under this
 1037 subsection is in addition to, and not in lieu of, any other
 1038 penalty or remedy under this chapter.

1039 (3) Any local authority having jurisdiction to enforce
 1040 milestone inspection requirements may seek injunctive relief
 1041 from any court of competent jurisdiction in which the
 1042 cooperative is located against the association to enforce
 1043 compliance with milestone inspection requirements under s.
 1044 553.899, upon an affidavit of the local authority having
 1045 jurisdiction specifying the manner in which the cooperative does
 1046 not conform to the requirements of s. 553.899.

1047 Section 13. Paragraph (p) of subsection (4) of section
 1048 719.301, Florida Statutes, is amended to read:

1049 719.301 Transfer of association control.—

1050 (4) When unit owners other than the developer elect a

1051 majority of the members of the board of administration of an
 1052 association, the developer shall relinquish control of the
 1053 association, and the unit owners shall accept control.

1054 Simultaneously, or for the purpose of paragraph (c) not more
 1055 than 90 days thereafter, the developer shall deliver to the
 1056 association, at the developer's expense, all property of the
 1057 unit owners and of the association held or controlled by the
 1058 developer, including, but not limited to, the following items,
 1059 if applicable, as to each cooperative operated by the
 1060 association:

1061 (p) Notwithstanding when the certificate of occupancy was
 1062 issued or the height of the building, a milestone inspection
 1063 report in compliance with s. 553.899 included in the official
 1064 records, under seal of an architect or engineer or under
 1065 attestation of a general contractor, building code
 1066 administrator, or building code inspector authorized to practice
 1067 in this state indicating that such report complies with the
 1068 statutory requirements for the inspection, attesting to required
 1069 maintenance, condition, useful life, and replacement costs of
 1070 the following applicable cooperative property comprising a
 1071 turnover inspection report:

- 1072 1. Roof.
- 1073 2. Structure, including load-bearing walls and primary
 1074 structural members and primary structural systems as those terms
 1075 are defined in s. 627.706.

- 1076 | 3. Fireproofing and fire protection systems.
- 1077 | 4. Elevators.
- 1078 | 5. Heating and cooling systems.
- 1079 | 6. Plumbing.
- 1080 | 7. Electrical systems.
- 1081 | 8. Swimming pool or spa and equipment.
- 1082 | 9. Seawalls.
- 1083 | 10. Pavement and parking areas.
- 1084 | 11. Drainage systems.
- 1085 | 12. Painting.
- 1086 | 13. Irrigation systems.
- 1087 | 14. Waterproofing.

1088 | Section 14. Paragraph (b) of subsection (1) and paragraph
 1089 | (a) of subsection (2) of section 719.503, Florida Statutes, are
 1090 | amended, and paragraph (d) is added to subsection (1) and
 1091 | paragraph (d) is added to subsection (2) of that section, to
 1092 | read:

1093 | 719.503 Disclosure prior to sale.—

1094 | (1) DEVELOPER DISCLOSURE.—

1095 | (b) Copies of documents to be furnished to prospective
 1096 | buyer or lessee.—Until such time as the developer has furnished
 1097 | the documents listed below to a person who has entered into a
 1098 | contract to purchase a unit or lease it for more than 5 years,
 1099 | the contract may be voided by that person, entitling the person
 1100 | to a refund of any deposit together with interest thereon as

1101 provided in s. 719.202. The contract may be terminated by
1102 written notice from the proposed buyer or lessee delivered to
1103 the developer within 15 days after the buyer or lessee receives
1104 all of the documents required by this section. The developer may
1105 not close for 15 days after the execution of the agreement and
1106 delivery of the documents to the buyer as evidenced by a receipt
1107 for documents signed by the buyer unless the buyer is informed
1108 in the 15-day voidability period and agrees to close before the
1109 expiration of the 15 days. The developer shall retain in his or
1110 her records a separate signed agreement as proof of the buyer's
1111 agreement to close before the expiration of the voidability
1112 period. The developer must retain such proof for a period of 5
1113 years after the date of the closing transaction. The documents
1114 to be delivered to the prospective buyer are the prospectus or
1115 disclosure statement with all exhibits, if the development is
1116 subject to s. 719.504, or, if not, then copies of the following
1117 which are applicable:

1118 1. The question and answer sheet described in s. 719.504,
1119 and cooperative documents, or the proposed cooperative documents
1120 if the documents have not been recorded, which shall include the
1121 certificate of a surveyor approximately representing the
1122 locations required by s. 719.104.

1123 2. The documents creating the association.

1124 3. The bylaws.

1125 4. The ground lease or other underlying lease of the

1126 cooperative.

1127 5. The management contract, maintenance contract, and
 1128 other contracts for management of the association and operation
 1129 of the cooperative and facilities used by the unit owners having
 1130 a service term in excess of 1 year, and any management contracts
 1131 that are renewable.

1132 6. The estimated operating budget for the cooperative and
 1133 a schedule of expenses for each type of unit, including fees
 1134 assessed to a shareholder who has exclusive use of limited
 1135 common areas, where such costs are shared only by those entitled
 1136 to use such limited common areas.

1137 7. The lease of recreational and other facilities that
 1138 will be used only by unit owners of the subject cooperative.

1139 8. The lease of recreational and other common areas that
 1140 will be used by unit owners in common with unit owners of other
 1141 cooperatives.

1142 9. The form of unit lease if the offer is of a leasehold.

1143 10. Any declaration of servitude of properties serving the
 1144 cooperative but not owned by unit owners or leased to them or
 1145 the association.

1146 11. If the development is to be built in phases or if the
 1147 association is to manage more than one cooperative, a
 1148 description of the plan of phase development or the arrangements
 1149 for the association to manage two or more cooperatives.

1150 12. If the cooperative is a conversion of existing

1151 improvements, the statements and disclosure required by s.
 1152 719.616.

1153 13. The form of agreement for sale or lease of units.

1154 14. A copy of the floor plan of the unit and the plot plan
 1155 showing the location of the residential buildings and the
 1156 recreation and other common areas.

1157 15. A copy of all covenants and restrictions that will
 1158 affect the use of the property and are not contained in the
 1159 foregoing.

1160 16. If the developer is required by state or local
 1161 authorities to obtain acceptance or approval of any dock or
 1162 marina facilities intended to serve the cooperative, a copy of
 1163 any such acceptance or approval acquired by the time of filing
 1164 with the division pursuant to s. 719.502(1) or a statement that
 1165 such acceptance or approval has not been acquired or received.

1166 17. Evidence demonstrating that the developer has an
 1167 ownership, leasehold, or contractual interest in the land upon
 1168 which the cooperative is to be developed.

1169 18. A copy of the inspector-prepared summary of the
 1170 milestone inspection report as described in ss. 553.899 and
 1171 719.106(1)(1) ~~ss. 553.899 and 719.301(4)(p)~~, if applicable.

1172 19. A copy of the association's most recent structural
 1173 integrity reserve study or a statement that the association has
 1174 not completed a structural integrity reserve study.

1175 (d) Milestone inspection or structural integrity reserve

1176 study.-

1177 1. If the association is required to have a milestone
1178 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1179 structural integrity reserve study as described in s.
1180 719.106(1)(k), and the association has not completed the
1181 milestone inspection or structural integrity reserve study, each
1182 contract entered into on or after January 1, 2025, for the sale
1183 of a residential unit must contain in conspicuous type a
1184 statement indicating that the association is required to have a
1185 milestone inspection or a structural integrity reserve study and
1186 the association has failed to complete such inspection or study,
1187 as applicable.

1188 2. If the association is required to have a milestone
1189 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1190 structural integrity reserve study as described in s.
1191 719.106(1)(k), and the association has completed such inspection
1192 or study, each contract entered into on or after January 1,
1193 2025, for the sale of a residential unit must contain a copy of
1194 the most recent milestone inspection report or structural
1195 integrity reserve study, as applicable.

1196 3. If the association is not required to have a milestone
1197 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1198 structural integrity reserve study as described in s.
1199 719.106(1)(k), each contract entered into on or after January 1,
1200 2025, for the sale of a residential unit must contain in

1201 conspicuous type a statement indicating that the association is
 1202 not required to have a milestone inspection or a structural
 1203 integrity reserve study, as applicable.

1204 (2) NONDEVELOPER DISCLOSURE.—

1205 (a) Each unit owner who is not a developer as defined by
 1206 this chapter must comply with this subsection before the sale of
 1207 his or her interest in the association. Each prospective
 1208 purchaser who has entered into a contract for the purchase of an
 1209 interest in a cooperative is entitled, at the seller's expense,
 1210 to a current copy of all of the following:

- 1211 1. The articles of incorporation of the association.
- 1212 2. The bylaws and rules of the association.
- 1213 3. A copy of the question and answer sheet as provided in
 1214 s. 719.504.
- 1215 4. A copy of the inspector-prepared summary of the
 1216 milestone inspection report as described in ss. 553.899 and
 1217 719.106(1)(l) ~~ss. 553.899 and 719.301(4)(p)~~, if applicable.
- 1218 5. A copy of the association's most recent structural
 1219 integrity reserve study or a statement that the association has
 1220 not completed a structural integrity reserve study.

1221 (d)1. If the association is required to have a milestone
 1222 inspection as described in ss. 553.899 and 719.106(1)(l) or a
 1223 structural integrity reserve study as described in s.
 1224 719.106(1)(k), and the association has not completed the
 1225 milestone inspection or structural integrity reserve study, each

1226 contract entered into on or after January 1, 2025, for the sale
1227 of a residential unit must contain in conspicuous type a
1228 statement indicating that the association is required to have a
1229 milestone inspection or a structural integrity reserve study and
1230 the association has failed to complete such inspection or study,
1231 as applicable.

1232 2. If the association is required to have a milestone
1233 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1234 structural integrity reserve study as described in s.
1235 719.106(1)(k), and the association has completed such inspection
1236 or study, each contract entered into on or after January 1,
1237 2025, for the sale of a residential unit must contain a copy of
1238 the most recent milestone inspection report or structural
1239 integrity reserve study, as applicable.

1240 3. If the association is not required to have a milestone
1241 inspection as described in ss. 553.899 and 719.106(1)(l) or a
1242 structural integrity reserve study as described in s.
1243 719.106(1)(k), each contract entered into on or after January 1,
1244 2025, for the sale of a residential unit must contain in
1245 conspicuous type a statement indicating that the association is
1246 not required to have a milestone inspection or a structural
1247 integrity reserve study, as applicable.

1248 Section 15. Except as otherwise expressly provided in this
1249 act, this act shall take effect July 1, 2023.