



CITY OF LAUDERDALE LAKES

CITY COMMISSION WORKSHOP

NOTICE OF MEETING TO BE CONDUCTED BOTH IN PERSON AND THROUGH THE USE OF COMMUNICATIONS MEDIA TECHNOLOGY (HYBRID MEETING)

The City Commission of the City of Lauderdale Lakes, Florida will be conducting a Regular public meeting held in part through the use of Communications Media Technology (CMT) and in-person attendance in accordance with City of Lauderdale Lakes Emergency Ordinance 2020-010, adopted by the City Commission on December 8, 2020. The City of Lauderdale Lakes City Hall facility is open to the public for this meeting, subject to compliance with applicable City administrative policies, procedures and CDC guidance, which include, without limit, requirements for social distancing and the wearing of facial coverings. The public may also attend this meeting through the following access locations:

- Watch the meeting via Lakes Live TV
- Watch the meeting on Comcast Cable Channel 78
- Join the meeting via Zoom
- Join the meeting via telephone

PUBLIC PARTICIPATION

Any member of the public wishing to submit a petition from the public or make a public comment on an item may do so by submitting a public comment form prior to the meeting. The form can be accessed by visiting the City's Clerks webpage and by selecting City Commission/Workshops/CRA Meetings or by clicking the following link: <https://www.lauderdalelakes.org/FormCenter/City-Clerk-10/Public-Meeting-Comment-Form-58>. Members of the public can also email such to the City Clerk at cityclerk@lauderdalelakes.org prior to 5:00 PM on January 9, 2023. All submitted public petitions should be no more than three (3) minutes and will be read into the record of the meeting.

****INSTRUCTIONS FOR HYBRID WORKSHOP AND PUBLIC PARTICIPATION****

When: Jan 9, 2023 05:00 PM Eastern Time (US and Canada)

Topic: January 9th 2023 - City Commission Workshop

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89658040894>

Telephone:

Dial(for higher quality, dial a number based on your current location):

1 305 224 1968 or +1 309 205 3325

Meeting ID: 896 5804 0894

If any member of the public require additional information about the City Commission Workshop or has questions about how to submit a petition from the public, please contact the City Clerk:

Venice Howard, City Clerk
City of Lauderdale Lakes
4300 NW 36th Street
Lauderdale Lakes, FL 33319
954-535-2707
cityclerk@lauderdalelakes.org



City of Lauderdale Lakes

Office of the City Clerk

4300 Northwest 36 Street - Lauderdale Lakes, Florida 33319-5599

(954) 535-2705 - Fax (954) 535-0573

CITY COMMISSION WORKSHOP AGENDA

City Commission Chambers

January 9, 2023

5:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

REVIEW OF THE JANUARY 10, 2023, CITY COMMISSION MEETING AGENDA

4. DISCUSSION OF PROPOSED ORDINANCE(S)

5. ADDITIONAL WORKSHOP ITEMS

A. 2023 LOCAL GOVERNMENT ACADEMY

To Report on the 2023 Annual Local Government Academy sessions.

B. DISCUSSION REGARDING RESOLUTION AUTHORIZING CONTRACT AGREEMENT NO.: 22-3410-10R BUSINESS MARKETING CONSULTATION SERVICES, BETWEEN THE CITY OF LAUDERDALE LAKES AND MD MARKETING NETWORK, INC. FOR BUSINESS MARKETING CONSULTATION SERVICES - 5:15 P.M. TIME CERTAIN

C. FARMSHARE DISTRIBUTION PROPOSAL FROM AKA'S (MAYOR EDWARDS-PHILLIPS)

D. DISCUSSION REGARDING CITY MANAGER POSITION (MAYOR EDWARDS PHILLIPS)

E. DISCUSSION ON NATIONAL DAY OF RACIAL HEALING (VICE MAYOR MAXWELL-WILLIAMS)

F. DISCUSSION ON CITY'S NEWSLETTER (VICE MAYOR MAXWELL- WILLIAMS)

G. DISCUSSION ON UNIFEST EVENT (VICE MAYOR MAXWELL-WILLIAMS) - 6:00 P.M. TIME CERTAIN

H. DISCUSSION TO SUPPORT CITY OF LAUDERHILL RESOLUTION FOR CONDOS TO HAVE A LONGER TIMEFRAME TO COMPLETE INITIAL STRUCTURAL RESERVE STUDY (COMMISSIONER SPENCE)

This is a Resolution of support requesting the Florida legislature to allow Condominium associations to have a longer time frame to complete initial structural reserve study and the corresponding budget of the required reserve amounts for the repairs needed.

6. REPORTS

A. AMERICAN RESCUE PLAN ACT FUNDING

B. UAZ PROJECT

C. UTILITY BOX PROJECT

D. PETITION FROM THE PUBLIC

FUTURE MEETINGS:

City Commission Workshop - January 23, 2023 @ 5:00 p.m.

City Commission Meeting - January 24, 2023 @ 7:00 p.m.

PLEASE TURN OFF ALL CELL PHONES DURING THE MEETING

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (FS 286.0105)

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 535-2705 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

Mayor Veronica Edwards Phillips - Vice-Mayor Karlene Maxwell-Williams
Commissioner Tycie Causwell - Commissioner Mark Spence - Commissioner Sharon Thomas

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact: No

Contract Requirement: No

Title

2023 LOCAL GOVERNMENT ACADEMY

Summary

To Report on the 2023 Annual Local Government Academy sessions.

Staff Recommendation

Background:

The Local Government Academy (LGA) for 2023 will be a six week program designed to offer the residents and business owners of Lauderdale Lakes the opportunity to learn how local government works and how they can become more involved in their community. The goal of the academy is to have better informed residents who can take their knowledge of how City government works back to their individual neighborhoods. Participants will learn about the relationship between the Residents, City Commissions, and City Administration. They will also learn how and why projects are started and the manner in which services are provided, as well as receive an overview of the budget planning process, and information on the other responsibilities and functions of City government. Each class will be conducted by the Department Director and staff members to provide an informational and interactive learning experience. Enrollment will be limited to 20 participants, 18 years of age or older as well as **High School Seniors** who are City of Lauderdale Lakes residents.

The primary objectives of the Academy are as follows:

- To educate the public on what the City of Lauderdale Lakes does for them.
- To improve and increase resident awareness and interest in City government.
- To encourage residents to become involved in their local government.
- To develop resident understanding of their role in City government.
- To provide an inside look at the operations of the City of Lauderdale Lakes
- To demonstrate what is provided by the local property tax and utility rates.

Upon successful completion of the classes, a graduation ceremony is scheduled to take place on March 28, 2023 and each participant will be presented a certificate of completion by the Mayor and City Commission. The City of Lauderdale Lakes Local Government Academy is free to the participants.

Funding Source:

NONE

Fiscal Impact:

NONE

Sponsor Name/Department: Treasa Brown Stubbs MPA, Acting City Manager

Meeting Date: 1/9/2023

ATTACHMENTS:

Description	Type
2023 Registration Form	Cover Memo



2023 City of Lauderdale Lakes Local Government Academy

Registration Form

Thank you for your interest in applying for the 2023 City of Lauderdale Lakes Local Government Academy. All applications are considered on a first-come first served basis. This application is intended to provide the background for each participant of the City of Lauderdale Lakes Local Government Academy. To ensure a conducive learning environment, class size is limited to 20 participants. Once accepted into the Local Government Academy, you are expected to attend all classes. A maximum of **one absence is permitted in order to qualify for graduation**. Interested residents and business owners should complete this application and send via mail, email, or fax.

The classroom sessions are as follows:

Orientation night	Wednesday, February 8, 2023	6:00 – 7:00 p.m.
Week 1: Mayor and Commission Night	Wednesday, February 15, 2023	6:00 – 8:00 p.m.
Week 2: TBD	Wednesday, February 22, 2023	6:00 – 8:00 p.m.
Week 3: TBD	Wednesday, March 1, 2023	6:00 – 8:00 p.m.
Week 4: TBD	Wednesday, March 8, 2023	6:00 – 8:00 p.m.
Week 5: TBD	Wednesday, March 15, 2023	6:00 – 8:00 p.m.
Week 6: TBD	Wednesday, March 22, 2023	6:00 – 8:00 p.m.
Graduation -	Tuesday, March 28, 2023	7:00 p.m.

Resident ☐

Business Owner ☐

High School Student ☐

Name: _____

Address: _____

City: Lauderdale Lakes State: Florida Zip Code _____

Phone Number: _____ Occupation: _____

How long have you lived/owned a business in the City of Lauderdale Lakes? _____

Briefly indicate why you would like to participate: _____

What do you hope to learn from this program? _____

Do you have prior experience in local government? (i.e.: serving on a board) Yes ☐ No ☐

If yes, please explain: _____

Please list organizations in which you are or have been a member: _____

DEADLINE FOR APPLICATION IS JANUARY 15, 2023

Contact Information

Veronica Gongora

Executive Assistant & Program Manager

Email: veronicag@Lauderdalelakes.org

Address: 4300 NW 36 St. Lauderdale Lakes, FL. 33319

www.lauderdalelakes.org

Phone: (954) 535-2740

Fax: (954) 733-7325

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact:

Contract Requirement:

Title

DISCUSSION REGARDING RESOLUTION AUTHORIZING CONTRACT AGREEMENT NO.: 22-3410-10R BUSINESS MARKETING CONSULTATION SERVICES, BETWEEN THE CITY OF LAUDERDALE LAKES AND MD MARKETING NETWORK, INC. FOR BUSINESS MARKETING CONSULTATION SERVICES - 5:15 P.M. TIME CERTAIN

Summary

Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact:

Contract Requirement:

Title
FARMSHARE DISTRIBUTION PROPOSAL FROM AKA'S (MAYOR EDWARDS-PHILLIPS)
Summary
Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

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Fiscal Impact:

Contract Requirement:

Title

DISCUSSION REGARDING CITY MANAGER POSITION (MAYOR EDWARDS PHILLIPS)

Summary

Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

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Fiscal Impact:

Contract Requirement:

Title
DISCUSSION ON NATIONAL DAY OF RACIAL HEALING (VICE MAYOR MAXWELL-WILLIAMS)
Summary
Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact:

Contract Requirement:

Title

DISCUSSION ON CITY'S NEWSLETTER (VICE MAYOR MAXWELL- WILLIAMS)

Summary

Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact:

Contract Requirement:

Title
DISCUSSION ON UNIFEST EVENT (VICE MAYOR MAXWELL-WILLIAMS) - 6:00 P.M. TIME CERTAIN
Summary
Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact: No

Contract Requirement: No

Title

DISCUSSION TO SUPPORT CITY OF LAUDERHILL RESOLUTION FOR CONDOS TO HAVE A LONGER TIMEFRAME TO COMPLETE INITIAL STRUCTURAL RESERVE STUDY (COMMISSIONER SPENCE)
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Summary

This is a Resolution of support requesting the Florida legislature to allow Condominium associations to have a longer time frame to complete initial structural reserve study and the corresponding budget of the required reserve amounts for the repairs needed.
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Staff Recommendation

Background:


Funding Source:

Fiscal Impact:

Sponsor Name/Department: Commissioner Mark Anthony Spence, Mayor & City Commission

Meeting Date: 1/9/2023

ATTACHMENTS:

Description	Type
 City of Lauderhill Resolution for Condos to have a longer timeframe to complete Initial Structural Reserve Study	Backup Material

RESOLUTION NO. 22R-11-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, REQUESTING THE FLORIDA LEGISLATURE TO FURTHER AMEND FLORIDA STATUTES, SECTION 718.112 TO ALLOW CONDOMINIUM ASSOCIATIONS A LONGER TIMEFRAME WITHIN WHICH TO COMPLETE THEIR INITIAL STRUCTURAL RESERVE STUDY; REQUESTING AN AMENDMENT TO ALLOW UNTIL DECEMBER 31, 2027 TO COMPLETE THE STRUCTURAL RESERVE STUDY AND THE RESERVE REQUIREMENTS RELATING TO MILESTONE INSPECTIONS AND STRUCTURAL INTEGRITY RESERVE STUDIES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER SARAI "RAY" MARTIN)

WHEREAS, SB 4-D (Chapter Law 2022-269) was enacted into law effective May 26, 2022; and

WHEREAS, the legislation requires milestone inspections and structural integrity reserve studies at certain designated times for certain buildings over 3 stories in height; and

WHEREAS, structural integrity reserve studies must be completed every 10 years and for any associations that existed on or before July 1, 2022, they must have their structural integrity reserve study completed by December 31, 2024; and

WHEREAS, for any expenditure determined to be \$10,000.00 or more, the association must budget reserves designated for this expenditure as determined to be needed by the structural integrity reserve study; and

WHEREAS, if it is determined that a large amount of repairs are needed and large reserve amounts are required, it would be an undue burden on many associations to mandate the budgeting of such large reserve amounts in such a short duration by December 31, 2024; and

WHEREAS, associations have requested that they be provided with more time to be able to conduct the initial structural integrity reserve study and the corresponding budgeting of the required reserve amounts for the repairs needed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. The City Commission of the City of Lauderhill hereby requests that the Florida Legislature pass legislation to amend Florida Statutes, Section 718.112 to extend the deadline for condominium associations to complete the initial structural integrity reserve study and the corresponding budgeting of the required reserve amounts to December 31, 2027.

SECTION 2. The City Clerk is directed to distribute this Resolution to the Florida Governor, the President and all members of the Florida Senate, the Speaker and all

members of the Florida House of Representatives, the Broward County Legislative Delegation, the Florida League of Cities, the Florida Association of Counties, the Board of County Commissioners for Broward County, the Broward County League of Cities, and each of the municipalities in Broward County.

SECTION 3. The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

SECTION 4. This Resolution shall take effect upon its adoption.

DATED this 28 day of November, 2022.

PASSED AND ADOPTED on first reading this 28 day of November, 2022.




PRESIDING OFFICER

ATTEST:



CITY CLERK

MOTION	<u>L. Martin</u>
SECOND	<u>M. Dunn</u>
M. DUNN	<u>Yes</u>
D. GRANT	<u>Yes</u>
L. MARTIN	<u>Yes</u>
S. MARTIN	<u>Yes</u>
K. THURSTON	<u>Yes</u>

Approved as to Form


W. Earl Hall
City Attorney



City of Lauderhill

City Commission
Chambers at City Hall
5581 W. Oakland Park
Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov

File Details

File Number: 22R-4849

File ID: 22R-4849	Type: Resolution	Status: Agenda Ready
Version: 1	Reference:	In Control: City Commission Meeting
		File Created: 11/08/2022
File Name: Support Condo reserve time frame extension	Final Action:	

Title: RESOLUTION NO. 22R-11-148: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, REQUESTING THE FLORIDA LEGISLATURE TO FURTHER AMEND FLORIDA STATUTES, SECTION 718.112 TO ALLOW CONDOMINIUM ASSOCIATIONS A LONGER TIMEFRAME WITHIN WHICH TO COMPLETE THEIR INITIAL STRUCTURAL RESERVE STUDY; REQUESTING AN AMENDMENT TO ALLOW UNTIL DECEMBER 31, 2027 TO COMPLETE THE STRUCTURAL RESERVE STUDY AND THE RESERVE REQUIREMENTS RELATING TO MILESTONE INSPECTIONS AND STRUCTURAL INTEGRITY RESERVE STUDIES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER SARAI "RAY" MARTIN).

Notes:

Sponsors:

Enactment Date:

Attachments: RES-22R-11-148-Support amendment to SB-4D structural integrity reserves.pdf, SB 4D-milestone & structural integrity studies.pdf

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** apetti@lauderdale-fl.gov

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 22R-4849

RESOLUTION NO. 22R-11-148: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, REQUESTING THE FLORIDA

LEGISLATURE TO FURTHER AMEND FLORIDA STATUTES, SECTION 718.112 TO ALLOW CONDOMINIUM ASSOCIATIONS A LONGER TIMEFRAME WITHIN WHICH TO COMPLETE THEIR INITIAL STRUCTURAL RESERVE STUDY; REQUESTING AN AMENDMENT TO ALLOW UNTIL DECEMBER 31, 2027 TO COMPLETE THE STRUCTURAL RESERVE STUDY AND THE RESERVE REQUIREMENTS RELATING TO MILESTONE INSPECTIONS AND STRUCTURAL INTEGRITY RESERVE STUDIES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER SARAI “RAY” MARTIN).

Request Action:

State the action requested of the Commission and why the action is necessary. What is the expected outcome of the action?

Need:

Why is there a need for this action?

Summary Explanation/ Background:

Provide a summary/background of this agenda request.

Attachments:

Number all attachments consecutively.

Cost Summary/ Fiscal Impact:

Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements

Estimated Time for Presentation:

Master Plan:

Goal 1: Clean, Green Sustainable Environment

- ☐ Increase mass transit ridership
- ☐ Reduce City energy consumption
- ☐ Reduce water consumption

Goal 2: Safe and Secure City of Lauderdale

- ☐ Crime in lower 50% in Broward
- ☐ Residents feel safe in neighborhood
- ☐ Reduce emergency fatalities

Goal 3: Open Spaces and Active Lifestyle for all ages

- ☐ Increase participation in youth sports
- ☐ Add new park land and amenities
- ☐ Increase attendance at cultural programs and classes

Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas

- ☐ Increase commercial tax base
- ☐ Increase employment in Lauderdale businesses
- ☐ Decrease noxious and blighted uses in commercial areas

Goal 5: Quality Housing at all Price Ranges and Attractive Communities

- ☐ Neighborhood signs and active HOAs ☐ Housing & streets improved, litter reduced
- ☐ Increase proportion of single family homes and owner occupied housing

Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity

- ☐ Improves City efficiency ☐ Increase use of Information Technology
- ☐ Increases residents perception of Lauderhill as an excellent place to live

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2 An act relating to building safety; amending s.
3 553.844, F.S.; providing that the entire roofing
4 system or roof section of certain existing buildings
5 or structures does not have to be repaired, replaced,
6 or recovered in accordance with the Florida Building
7 Code under certain circumstances; requiring the
8 Florida Building Commission to adopt rules and
9 incorporate the rules into the building code;
10 prohibiting local governments from adopting certain
11 administrative or technical amendments to the building
12 code; amending s. 468.4334, F.S.; requiring community
13 association managers and community association
14 management firms to comply with a specified provision
15 under certain circumstances; creating s. 553.899,
16 F.S.; providing legislative findings; defining the
17 terms "milestone inspection" and "substantial
18 structural deterioration"; specifying that the purpose
19 of a milestone inspection is not to determine
20 compliance with the Florida Building Code or the
21 firesafety code; requiring condominium associations
22 and cooperative associations to have milestone
23 inspections performed on certain buildings at
24 specified times; specifying that such associations are
25 responsible for costs relating to milestone
26 inspections; providing applicability; requiring that
27 initial milestone inspections for certain buildings be
28 performed before a specified date; requiring local
29 enforcement agencies to provide certain written notice

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30 to condominium associations and cooperative
31 associations; requiring condominium associations and
32 cooperative associations to complete phase one of a
33 milestone inspection within a specified timeframe;
34 specifying that milestone inspections consist of two
35 phases; providing requirements for each phase of a
36 milestone inspection; requiring architects and
37 engineers performing a milestone inspection to submit
38 a sealed copy of the inspection report and a summary
39 that includes specified findings and recommendations
40 to certain entities; providing requirements for such
41 inspection reports; requiring condominium associations
42 and cooperative associations to distribute and post a
43 copy of each inspection report and summary in a
44 specified manner; authorizing local enforcement
45 agencies to prescribe timelines and penalties relating
46 to milestone inspections; authorizing boards of county
47 commissioners to adopt certain ordinances relating to
48 repairs for substantial structural deterioration;
49 requiring local enforcement agencies to review and
50 determine if a building is unsafe for human occupancy
51 under certain circumstances; requiring the Florida
52 Building Commission to review milestone inspection
53 requirements and make any recommendations to the
54 Governor and the Legislature by a specified date;
55 requiring the commission to consult with the State
56 Fire Marshal to provide certain recommendations to the
57 Governor and the Legislature by a specified date;
58 amending s. 718.103, F.S.; providing a definition;

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amending s. 718.111, F.S.; revising the types of records that constitute the official records of a condominium association; requiring associations to maintain specified records for a certain timeframe; specifying that renters of a unit have the right to inspect and copy certain reports; requiring associations to post a copy of certain reports and reserve studies on the association's website; amending s. 718.112, F.S.; specifying the method for determining reserve amounts; prohibiting certain members and associations from waiving or reducing reserves for certain items after a specified date; requiring certain associations to receive approval before waiving or reducing reserves for certain items; prohibiting certain associations from using reserve funds, or any interest accruing thereon, for certain purposes after a specified date; requiring certain associations to have a structural integrity reserve study completed at specified intervals and for certain buildings by a specified date; providing requirements for such study; conforming provisions to changes made by the act; restating requirements for associations relating to milestone inspections; specifying that if the officers or directors of a condominium association fail to have a milestone inspection performed, such failure is a breach of their fiduciary relationship to the unit owners; amending ss. 718.116 and 718.117, F.S.; conforming cross-references; amending s. 718.301, F.S.; revising reporting requirements

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relating to the transfer of association control;
amending s. 718.501, F.S.; revising the Division of
Florida Condominiums, Timeshares, and Mobile Homes'
authority relating to enforcement and compliance;
requiring certain associations to provide certain
information and updates to the division by a specified
date and within a specified timeframe; requiring the
division to compile a list with certain information
and post such list on its website; amending s.
718.503, F.S.; revising the documents that must be
delivered to a prospective buyer or lessee of a
residential unit; revising requirements for
nondeveloper disclosures; amending s. 718.504, F.S.;
revising requirements for prospectuses and offering
circulars; amending s. 719.103, F.S.; providing a
definition; amending s. 719.104, F.S.; revising the
types of records that constitute the official records
of a cooperative association; requiring associations
to maintain specified records for a certain timeframe;
specifying that renters of a unit have the right to
inspect and copy certain reports; amending s. 719.106,
F.S.; specifying the method for determining reserve
amounts; prohibiting certain members and associations
from waiving or reducing reserves for certain items
after a specified date; requiring certain associations
to receive approval before waiving or reducing
reserves for certain items; prohibiting certain
associations from using reserve funds, or any interest
accruing thereon, for certain purposes after a

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specified date; requiring certain associations to have
a structural integrity reserve study completed at
specified intervals and for certain buildings by a
specified date; providing requirements for such study;
conforming provisions to changes made by the act;
restating requirements for associations relating to
milestone inspections; specifying that if the officers
or directors of a cooperative association fail to have
a milestone inspection performed, such failure is a
breach of their fiduciary relationship to the unit
owners; amending s. 719.301, F.S.; requiring
developers to deliver a turnover inspection report
relating to cooperative property under certain
circumstances; amending s. 719.501, F.S.; revising the
division's authority relating to enforcement and
compliance; requiring certain associations to provide
certain information and updates to the division by a
specified date and within a specified time; requiring
the division to compile a list with certain
information and post such list on its website;
amending s. 719.503, F.S.; revising the documents that
must be delivered to a prospective buyer or lessee of
a residential unit; revising nondeveloper disclosure
requirements; amending s. 719.504, F.S.; revising
requirements for prospectuses and offering circulars;
amending ss. 720.303, 720.311, and 721.15, F.S.;
conforming cross-references; providing an effective
date.

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

Section 1. Subsection (5) is added to section 553.844, Florida Statutes, to read:

553.844 Windstorm loss mitigation; requirements for roofs and opening protection.—

(5) Notwithstanding any provision in the Florida Building Code to the contrary, if an existing roofing system or roof section was built, repaired, or replaced in compliance with the requirements of the 2007 Florida Building Code, or any subsequent editions of the Florida Building Code, and 25 percent or more of such roofing system or roof section is being repaired, replaced, or recovered, only the repaired, replaced, or recovered portion is required to be constructed in accordance with the Florida Building Code in effect, as applicable. The Florida Building Commission shall adopt this exception by rule and incorporate it in the Florida Building Code. Notwithstanding s. 553.73(4), a local government may not adopt by ordinance an administrative or technical amendment to this exception.

Section 2. Subsection (1) of section 468.4334, Florida Statutes, is amended to read:

468.4334 Professional practice standards; liability.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally,

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skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

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

Section 3. Section 553.899, Florida Statutes, is created to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

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

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

(a) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems as those terms are defined in s. 627.706, by a licensed architect or engineer authorized to practice in this state for the

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204 purposes of attesting to the life safety and adequacy of the
205 structural components of the building and, to the extent
206 reasonably possible, determining the general structural
207 condition of the building as it affects the safety of such
208 building, including a determination of any necessary
209 maintenance, repair, or replacement of any structural component
210 of the building. The purpose of such inspection is not to
211 determine if the condition of an existing building is in
212 compliance with the Florida Building Code or the firesafety
213 code.

214 (b) "Substantial structural deterioration" means
215 substantial structural distress that negatively affects a
216 building's general structural condition and integrity. The term
217 does not include surface imperfections such as cracks,
218 distortion, sagging, deflections, misalignment, signs of
219 leakage, or peeling of finishes unless the licensed engineer or
220 architect performing the phase one or phase two inspection
221 determines that such surface imperfections are a sign of
222 substantial structural deterioration.

223 (3) A condominium association under chapter 718 and a
224 cooperative association under chapter 719 must have a milestone
225 inspection performed for each building that is three stories or
226 more in height by December 31 of the year in which the building
227 reaches 30 years of age, based on the date the certificate of
228 occupancy for the building was issued, and every 10 years
229 thereafter. If the building is located within 3 miles of a
230 coastline as defined in s. 376.031, the condominium association
231 or cooperative association must have a milestone inspection
232 performed by December 31 of the year in which the building

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reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. The condominium association or cooperative association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the inspection. This subsection does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

(4) If a milestone inspection is required under this section and the building's certificate of occupancy was issued on or before July 1, 1992, the building's initial milestone inspection must be performed before December 31, 2024. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(5) Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association by certified mail, return receipt requested.

(6) Within 180 days after receiving the written notice under subsection (5), the condominium association or cooperative association must complete phase one of the milestone inspection. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection

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262 report by e-mail, United States Postal Service, or commercial
263 delivery service to the local enforcement agency.

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

265 (a) For phase one of the milestone inspection, a licensed
266 architect or engineer authorized to practice in this state shall
267 perform a visual examination of habitable and nonhabitable areas
268 of a building, including the major structural components of a
269 building, and provide a qualitative assessment of the structural
270 conditions of the building. If the architect or engineer finds
271 no signs of substantial structural deterioration to any building
272 components under visual examination, phase two of the
273 inspection, as provided in paragraph (b), is not required. An
274 architect or engineer who completes a phase one milestone
275 inspection shall prepare and submit an inspection report
276 pursuant to subsection (8).

277 (b) A phase two of the milestone inspection must be
278 performed if any substantial structural deterioration is
279 identified during phase one. A phase two inspection may involve
280 destructive or nondestructive testing at the inspector's
281 direction. The inspection may be as extensive or as limited as
282 necessary to fully assess areas of structural distress in order
283 to confirm that the building is structurally sound and safe for
284 its intended use and to recommend a program for fully assessing
285 and repairing distressed and damaged portions of the building.
286 When determining testing locations, the inspector must give
287 preference to locations that are the least disruptive and most
288 easily repairable while still being representative of the
289 structure. An inspector who completes a phase two milestone
290 inspection shall prepare and submit an inspection report

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291 pursuant to subsection (8).

292 (8) Upon completion of a phase one or phase two milestone
293 inspection, the architect or engineer who performed the
294 inspection must submit a sealed copy of the inspection report
295 with a separate summary of, at minimum, the material findings
296 and recommendations in the inspection report to the condominium
297 association or cooperative association, and to the building
298 official of the local government which has jurisdiction. The
299 inspection report must, at a minimum, meet all of the following
300 criteria:

301 (a) Bear the seal and signature, or the electronic
302 signature, of the licensed engineer or architect who performed
303 the inspection.

304 (b) Indicate the manner and type of inspection forming the
305 basis for the inspection report.

306 (c) Identify any substantial structural deterioration,
307 within a reasonable professional probability based on the scope
308 of the inspection, describe the extent of such deterioration,
309 and identify any recommended repairs for such deterioration.

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

312 (e) Recommend any remedial or preventive repair for any
313 items that are damaged but are not substantial structural
314 deterioration.

315 (f) Identify and describe any items requiring further
316 inspection.

317 (9) The association must distribute a copy of the
318 inspector-prepared summary of the inspection report to each
319 condominium unit owner or cooperative unit owner, regardless of

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the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

(10) A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

(11) A board of county commissioners may adopt an ordinance requiring that a condominium or cooperative association schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) The Florida Building Commission shall review the milestone inspection requirements under this section and make recommendations, if any, to the Legislature to ensure inspections are sufficient to determine the structural integrity of a building. The commission must provide a written report of any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by

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December 31, 2022.

(13) The Florida Building Commission shall consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. The commission shall provide a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

Section 4. Subsections (25) through (30) of section 718.103, Florida Statutes, are renumbered as subsections (26) through (31), respectively, and a new subsection (25) is added to that section, to read:

718.103 Definitions.—As used in this chapter, the term:
(25) “Structural integrity reserve study” means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481. At a minimum, a structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or

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378 deferred maintenance expense of each common area being visually
379 inspected by the end of the estimated remaining useful life of
380 each common area.

381 Section 5. Paragraph (b) of subsection (7) and paragraphs
382 (a), (c), and (g) of subsection (12) of section 718.111, Florida
383 Statutes, are amended to read:

384 718.111 The association.—

385 (7) TITLE TO PROPERTY.—

386 (b) Subject to s. 718.112(2)(o) ~~the provisions of s.~~
387 ~~718.112(2)(m)~~, the association, through its board, has the
388 limited power to convey a portion of the common elements to a
389 condemning authority for the purposes of providing utility
390 easements, right-of-way expansion, or other public purposes,
391 whether negotiated or as a result of eminent domain proceedings.

392 (12) OFFICIAL RECORDS.—

393 (a) From the inception of the association, the association
394 shall maintain each of the following items, if applicable, which
395 constitutes the official records of the association:

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

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

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

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

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

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

410 7. A current roster of all unit owners and their mailing
411 addresses, unit identifications, voting certifications, and, if
412 known, telephone numbers. The association shall also maintain
413 the e-mail addresses and facsimile numbers of unit owners
414 consenting to receive notice by electronic transmission. The e-
415 mail addresses and facsimile numbers are not accessible to unit
416 owners if consent to receive notice by electronic transmission
417 is not provided in accordance with sub-subparagraph (c)3.e.
418 However, the association is not liable for an inadvertent
419 disclosure of the e-mail address or facsimile number for
420 receiving electronic transmission of notices.

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

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

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

429 11. Accounting records for the association and separate
430 accounting records for each condominium that the association
431 operates. Any person who knowingly or intentionally defaces or
432 destroys such records, or who knowingly or intentionally fails
433 to create or maintain such records, with the intent of causing
434 harm to the association or one or more of its members, is
435 personally subject to a civil penalty pursuant to s.

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718.501(1)(d). The accounting records must include, but are not limited to:

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

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

c. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

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

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

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

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

15. A copy of the inspection reports ~~report as~~ described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of

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condominium property. Such record must be maintained by the
association for 15 years after receipt of the report ~~s.~~
~~718.301(4)(p).~~

16. Bids for materials, equipment, or services.

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

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

(c)1. The official records of the association are open to
inspection by any association member or the authorized
representative of such member at all reasonable times. The right
to inspect the records includes the right to make or obtain
copies, at the reasonable expense, if any, of the member or
authorized representative of such member. A renter of a unit has
a right to inspect and copy only the declaration of condominium,
~~and~~ the association's bylaws and rules, and the inspection
reports described in ss. 553.899 and 718.301(4)(p). The
association may adopt reasonable rules regarding the frequency,
time, location, notice, and manner of record inspections and
copying but may not require a member to demonstrate any purpose
or state any reason for the inspection. The failure of an
association to provide the records within 10 working days after
receipt of a written request creates a rebuttable presumption
that the association willfully failed to comply with this
paragraph. A unit owner who is denied access to official records
is entitled to the actual damages or minimum damages for the
association's willful failure to comply. Minimum damages are \$50
per calendar day for up to 10 days, beginning on the 11th

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494 working day after receipt of the written request. The failure to
495 permit inspection entitles any person prevailing in an
496 enforcement action to recover reasonable attorney fees from the
497 person in control of the records who, directly or indirectly,
498 knowingly denied access to the records.

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

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

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the use of a portable device. Notwithstanding this paragraph,
the following records are not accessible to unit owners:

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

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

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

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing

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552 address, property address, and any address, e-mail address, or
553 facsimile number provided to the association to fulfill the
554 association's notice requirements. Notwithstanding the
555 restrictions in this sub-subparagraph, an association may print
556 and distribute to unit owners a directory containing the name,
557 unit address, and all telephone numbers of each unit owner.
558 However, an owner may exclude his or her telephone numbers from
559 the directory by so requesting in writing to the association. An
560 owner may consent in writing to the disclosure of other contact
561 information described in this sub-subparagraph. The association
562 is not liable for the inadvertent disclosure of information that
563 is protected under this sub-subparagraph if the information is
564 included in an official record of the association and is
565 voluntarily provided by an owner and not requested by the
566 association.

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

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

573 h. All affirmative acknowledgments made pursuant to s.
574 718.121(4)(c).

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

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

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

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

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

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

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

603 a. The recorded declaration of condominium of each
604 condominium operated by the association and each amendment to
605 each declaration.

606 b. The recorded bylaws of the association and each
607 amendment to the bylaws.

608 c. The articles of incorporation of the association, or
609 other documents creating the association, and each amendment to

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the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed \$500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

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

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

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

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

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

k. The notice of any unit owner meeting and the agenda for

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

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

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

n. The association's most recent structural integrity reserve study, if applicable.

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

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restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

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

Section 6. Paragraphs (g) through (o) of subsection (2) of section 718.112, Florida Statutes, are redesignated as paragraphs (i) through (q), respectively, paragraphs (d) and (f) of that subsection are amended, and new paragraphs (g) and (h) are added to that subsection, to read:

718.112 Bylaws.—

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

(d) *Unit owner meetings.*—

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

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an

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697 eligible person who has timely submitted the written notice, as
698 described in sub-subparagraph 4.a., of his or her intention to
699 become a candidate. Except in a timeshare or nonresidential
700 condominium, or if the staggered term of a board member does not
701 expire until a later annual meeting, or if all members' terms
702 would otherwise expire but there are no candidates, the terms of
703 all board members expire at the annual meeting, and such members
704 may stand for reelection unless prohibited by the bylaws. Board
705 members may serve terms longer than 1 year if permitted by the
706 bylaws or articles of incorporation. A board member may not
707 serve more than 8 consecutive years unless approved by an
708 affirmative vote of unit owners representing two-thirds of all
709 votes cast in the election or unless there are not enough
710 eligible candidates to fill the vacancies on the board at the
711 time of the vacancy. Only board service that occurs on or after
712 July 1, 2018, may be used when calculating a board member's term
713 limit. If the number of board members whose terms expire at the
714 annual meeting equals or exceeds the number of candidates, the
715 candidates become members of the board effective upon the
716 adjournment of the annual meeting. Unless the bylaws provide
717 otherwise, any remaining vacancies shall be filled by the
718 affirmative vote of the majority of the directors making up the
719 newly constituted board even if the directors constitute less
720 than a quorum or there is only one director. In a residential
721 condominium association of more than 10 units or in a
722 residential condominium association that does not include
723 timeshare units or timeshare interests, co-owners of a unit may
724 not serve as members of the board of directors at the same time
725 unless they own more than one unit or unless there are not

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726 enough eligible candidates to fill the vacancies on the board at
727 the time of the vacancy. A unit owner in a residential
728 condominium desiring to be a candidate for board membership must
729 comply with sub-subparagraph 4.a. and must be eligible to be a
730 candidate to serve on the board of directors at the time of the
731 deadline for submitting a notice of intent to run in order to
732 have his or her name listed as a proper candidate on the ballot
733 or to serve on the board. A person who has been suspended or
734 removed by the division under this chapter, or who is delinquent
735 in the payment of any assessment due to the association, is not
736 eligible to be a candidate for board membership and may not be
737 listed on the ballot. For purposes of this paragraph, a person
738 is delinquent if a payment is not made by the due date as
739 specifically identified in the declaration of condominium,
740 bylaws, or articles of incorporation. If a due date is not
741 specifically identified in the declaration of condominium,
742 bylaws, or articles of incorporation, the due date is the first
743 day of the assessment period. A person who has been convicted of
744 any felony in this state or in a United States District or
745 Territorial Court, or who has been convicted of any offense in
746 another jurisdiction which would be considered a felony if
747 committed in this state, is not eligible for board membership
748 unless such felon's civil rights have been restored for at least
749 5 years as of the date such person seeks election to the board.
750 The validity of an action by the board is not affected if it is
751 later determined that a board member is ineligible for board
752 membership due to having been convicted of a felony. This
753 subparagraph does not limit the term of a member of the board of
754 a nonresidential or timeshare condominium.

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755 3. The bylaws must provide the method of calling meetings
756 of unit owners, including annual meetings. Written notice of an
757 annual meeting must include an agenda; be mailed, hand
758 delivered, or electronically transmitted to each unit owner at
759 least 14 days before the annual meeting; and be posted in a
760 conspicuous place on the condominium property or association
761 property at least 14 continuous days before the annual meeting.
762 Written notice of a meeting other than an annual meeting must
763 include an agenda; be mailed, hand delivered, or electronically
764 transmitted to each unit owner; and be posted in a conspicuous
765 place on the condominium property or association property within
766 the timeframe specified in the bylaws. If the bylaws do not
767 specify a timeframe for written notice of a meeting other than
768 an annual meeting, notice must be provided at least 14
769 continuous days before the meeting. Upon notice to the unit
770 owners, the board shall, by duly adopted rule, designate a
771 specific location on the condominium property or association
772 property where all notices of unit owner meetings must be
773 posted. This requirement does not apply if there is no
774 condominium property for posting notices. In lieu of, or in
775 addition to, the physical posting of meeting notices, the
776 association may, by reasonable rule, adopt a procedure for
777 conspicuously posting and repeatedly broadcasting the notice and
778 the agenda on a closed-circuit cable television system serving
779 the condominium association. However, if broadcast notice is
780 used in lieu of a notice posted physically on the condominium
781 property, the notice and agenda must be broadcast at least four
782 times every broadcast hour of each day that a posted notice is
783 otherwise required under this section. If broadcast notice is

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784 provided, the notice and agenda must be broadcast in a manner
785 and for a sufficient continuous length of time so as to allow an
786 average reader to observe the notice and read and comprehend the
787 entire content of the notice and the agenda. In addition to any
788 of the authorized means of providing notice of a meeting of the
789 board, the association may, by rule, adopt a procedure for
790 conspicuously posting the meeting notice and the agenda on a
791 website serving the condominium association for at least the
792 minimum period of time for which a notice of a meeting is also
793 required to be physically posted on the condominium property.
794 Any rule adopted shall, in addition to other matters, include a
795 requirement that the association send an electronic notice in
796 the same manner as a notice for a meeting of the members, which
797 must include a hyperlink to the website where the notice is
798 posted, to unit owners whose e-mail addresses are included in
799 the association's official records. Unless a unit owner waives
800 in writing the right to receive notice of the annual meeting,
801 such notice must be hand delivered, mailed, or electronically
802 transmitted to each unit owner. Notice for meetings and notice
803 for all other purposes must be mailed to each unit owner at the
804 address last furnished to the association by the unit owner, or
805 hand delivered to each unit owner. However, if a unit is owned
806 by more than one person, the association must provide notice to
807 the address that the developer identifies for that purpose and
808 thereafter as one or more of the owners of the unit advise the
809 association in writing, or if no address is given or the owners
810 of the unit do not agree, to the address provided on the deed of
811 record. An officer of the association, or the manager or other
812 person providing notice of the association meeting, must provide

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an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

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

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or

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transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. Within 90 days after being elected or appointed to the board of an association of a residential condominium, each newly elected or appointed director shall certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best

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

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

5. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to

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all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

6. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration, unit owner meetings, except unit owner meetings called to recall board members under paragraph (1) ~~(j)~~, and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

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

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

9. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative,

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a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (1) ~~(j)~~ and rules adopted by the division.

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

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

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board

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shall adopt the annual budget at least 14 days before ~~prior to~~ the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is ~~shall be~~ deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must ~~shall~~ adopt a separate budget of common expenses for each condominium the association operates and must ~~shall~~ adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do ~~need not~~ need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000. The amount to be reserved for an item is determined by the association's most recent structural integrity reserve study that must be completed by December 31, 2024. If the amount to be reserved for an item is not in the association's initial or most recent structural integrity reserve study or the association has not completed a structural integrity reserve study, the amount

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must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the ~~each~~ reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. ~~This subsection does not apply to an adopted budget in which~~ The members of a unit-owner controlled ~~an~~ association may determine have determined, by a majority vote at a duly called meeting of the association, to provide no reserves or less reserves than required by this subsection. Effective December 31, 2024, the members of a unit-owner controlled association may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g).

b. Before turnover of control of an association by a developer to unit owners other than a developer under ~~pursuant to s. 718.301, the developer-controlled association developer~~ may not vote ~~the voting interests allocated to its units to~~ waive the reserves or reduce ~~the~~ funding of the reserves ~~through the period expiring at the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(c) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first, after which time reserves may be waived or reduced only upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association.~~ If a meeting of the unit owners has been called

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to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote at a duly called meeting of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. Effective December 31, 2024, members of a unit-owner controlled association may not vote to use reserve funds, or any interest accruing thereon, that are reserved for items listed in paragraph (g) for any other purpose other than their intended purpose ~~without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.~~

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized,

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

(g) Structural integrity reserve study.—

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

a. Roof.

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

c. Floor.

d. Foundation.

e. Fireproofing and fire protection systems.

f. Plumbing.

g. Electrical systems.

h. Waterproofing and exterior painting.

i. Windows.

j. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed in subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.

2. Before a developer turns over control of an association to unit owners other than the developer, the developer must have

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a structural integrity reserve study completed for each building on the condominium property that is three stories or higher in height.

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

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

(h) *Mandatory milestone inspections.*—If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899. The association is responsible for all costs associated with the inspection. If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s. 553.899, such failure is a breach of the officers' and directors' fiduciary relationship to the unit owners under s. 718.111(1)(a). Upon completion of a phase one or phase two milestone inspection and receipt of the inspector-prepared summary of the inspection report from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner, regardless of the findings or recommendations in the report, by United States mail or personal

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1103 delivery and by electronic transmission to unit owners who
1104 previously consented to receive notice by electronic
1105 transmission; must post a copy of the inspector-prepared summary
1106 in a conspicuous place on the condominium property; and must
1107 publish the full report and inspector-prepared summary on the
1108 association's website, if the association is required to have a
1109 website.

1110 Section 7. Paragraph (f) of subsection (8) of section
1111 718.116, Florida Statutes, is amended to read:

1112 718.116 Assessments; liability; lien and priority;
1113 interest; collection.—

1114 (8) Within 10 business days after receiving a written or
1115 electronic request therefor from a unit owner or the unit
1116 owner's designee, or a unit mortgagee or the unit mortgagee's
1117 designee, the association shall issue the estoppel certificate.
1118 Each association shall designate on its website a person or
1119 entity with a street or e-mail address for receipt of a request
1120 for an estoppel certificate issued pursuant to this section. The
1121 estoppel certificate must be provided by hand delivery, regular
1122 mail, or e-mail to the requestor on the date of issuance of the
1123 estoppel certificate.

1124 (f) Notwithstanding any limitation on transfer fees
1125 contained in s. 718.112(2)(k) ~~s. 718.112(2)(i)~~, an association
1126 or its authorized agent may charge a reasonable fee for the
1127 preparation and delivery of an estoppel certificate, which may
1128 not exceed \$250, if, on the date the certificate is issued, no
1129 delinquent amounts are owed to the association for the
1130 applicable unit. If an estoppel certificate is requested on an
1131 expedited basis and delivered within 3 business days after the

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request, the association may charge an additional fee of \$100.
If a delinquent amount is owed to the association for the
applicable unit, an additional fee for the estoppel certificate
may not exceed \$150.

Section 8. Paragraph (b) of subsection (8) of section
718.117, Florida Statutes, is amended to read:

718.117 Termination of condominium.—

(8) REPORTS AND REPLACEMENT OF RECEIVER.—

(b) The unit owners of an association in termination may
recall or remove members of the board of administration with or
without cause at any time as provided in s. 718.112(2)(1) ~~s.~~
~~718.112(2)(j)~~.

Section 9. Paragraph (p) of subsection (4) of section
718.301, Florida Statutes, is amended, and paragraph (r) is
added to that subsection, to read:

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

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

(p) Notwithstanding when the certificate of occupancy was

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issued or the height of the building, a milestone inspection
report in compliance with s. 553.899 included in the official
records, under seal of an architect or engineer authorized to
practice in this state, and attesting to required maintenance,
condition, useful life, and replacement costs of the following
applicable condominium property ~~common elements~~ comprising a
turnover inspection report:

1. Roof.

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

3. Fireproofing and fire protection systems.

4. Elevators.

5. Heating and cooling systems.

6. Plumbing.

7. Electrical systems.

8. Swimming pool or spa and equipment.

9. Seawalls.

10. Pavement and parking areas.

11. Drainage systems.

12. Painting.

13. Irrigation systems.

14. Waterproofing.

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

Section 10. Subsection (1) of section 718.501, Florida
Statutes, is amended, and subsection (3) is added to that
section, to read:

718.501 Authority, responsibility, and duties of Division

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of Florida Condominiums, Timeshares, and Mobile Homes.—

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

(a)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination

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and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

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

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

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

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follows:

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

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to

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1277 pay any restitution determined by the division to be owed, plus
1278 any accrued interest at the highest rate permitted by law,
1279 within 30 days after expiration of any appellate time period of
1280 a final order requiring payment of restitution or the conclusion
1281 of any appeal thereof, whichever is later, the division must
1282 bring an action in circuit or county court on behalf of any
1283 association, class of unit owners, lessees, or purchasers for
1284 restitution, declaratory relief, injunctive relief, or any other
1285 available remedy. The division may also temporarily revoke its
1286 acceptance of the filing for the developer to which the
1287 restitution relates until payment of restitution is made.

1288 4. The division may petition the court for appointment of a
1289 receiver or conservator. If appointed, the receiver or
1290 conservator may take action to implement the court order to
1291 ensure the performance of the order and to remedy any breach
1292 thereof. In addition to all other means provided by law for the
1293 enforcement of an injunction or temporary restraining order, the
1294 circuit court may impound or sequester the property of a party
1295 defendant, including books, papers, documents, and related
1296 records, and allow the examination and use of the property by
1297 the division and a court-appointed receiver or conservator.

1298 5. The division may apply to the circuit court for an order
1299 of restitution whereby the defendant in an action brought under
1300 subparagraph 4. is ordered to make restitution of those sums
1301 shown by the division to have been obtained by the defendant in
1302 violation of this chapter. At the option of the court, such
1303 restitution is payable to the conservator or receiver appointed
1304 under subparagraph 4. or directly to the persons whose funds or
1305 assets were obtained in violation of this chapter.

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1306 6. The division may impose a civil penalty against a
1307 developer, bulk assignee, or bulk buyer, or association, or its
1308 assignee or agent, for any violation of this chapter or related
1309 rule. The division may impose a civil penalty individually
1310 against an officer or board member who willfully and knowingly
1311 violates this chapter, an adopted rule, or a final order of the
1312 division; may order the removal of such individual as an officer
1313 or from the board of administration or as an officer of the
1314 association; and may prohibit such individual from serving as an
1315 officer or on the board of a community association for a period
1316 of time. The term "willfully and knowingly" means that the
1317 division informed the officer or board member that his or her
1318 action or intended action violates this chapter, a rule adopted
1319 under this chapter, or a final order of the division and that
1320 the officer or board member refused to comply with the
1321 requirements of this chapter, a rule adopted under this chapter,
1322 or a final order of the division. The division, before
1323 initiating formal agency action under chapter 120, must afford
1324 the officer or board member an opportunity to voluntarily
1325 comply, and an officer or board member who complies within 10
1326 days is not subject to a civil penalty. A penalty may be imposed
1327 on the basis of each day of continuing violation, but the
1328 penalty for any offense may not exceed \$5,000. The division
1329 shall adopt, by rule, penalty guidelines applicable to possible
1330 violations or to categories of violations of this chapter or
1331 rules adopted by the division. The guidelines must specify a
1332 meaningful range of civil penalties for each such violation of
1333 the statute and rules and must be based upon the harm caused by
1334 the violation, the repetition of the violation, and upon such

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1335 other factors deemed relevant by the division. For example, the
1336 division may consider whether the violations were committed by a
1337 developer, bulk assignee, or bulk buyer, or owner-controlled
1338 association, the size of the association, and other factors. The
1339 guidelines must designate the possible mitigating or aggravating
1340 circumstances that justify a departure from the range of
1341 penalties provided by the rules. It is the legislative intent
1342 that minor violations be distinguished from those which endanger
1343 the health, safety, or welfare of the condominium residents or
1344 other persons and that such guidelines provide reasonable and
1345 meaningful notice to the public of likely penalties that may be
1346 imposed for proscribed conduct. This subsection does not limit
1347 the ability of the division to informally dispose of
1348 administrative actions or complaints by stipulation, agreed
1349 settlement, or consent order. All amounts collected shall be
1350 deposited with the Chief Financial Officer to the credit of the
1351 Division of Florida Condominiums, Timeshares, and Mobile Homes
1352 Trust Fund. If a developer, bulk assignee, or bulk buyer fails
1353 to pay the civil penalty and the amount deemed to be owed to the
1354 association, the division shall issue an order directing that
1355 such developer, bulk assignee, or bulk buyer cease and desist
1356 from further operation until such time as the civil penalty is
1357 paid or may pursue enforcement of the penalty in a court of
1358 competent jurisdiction. If an association fails to pay the civil
1359 penalty, the division shall pursue enforcement in a court of
1360 competent jurisdiction, and the order imposing the civil penalty
1361 or the cease and desist order is not effective until 20 days
1362 after the date of such order. Any action commenced by the
1363 division shall be brought in the county in which the division

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has its executive offices or in the county where the violation occurred.

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

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

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

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

(g) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk

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1393 assignee, or bulk buyer controls the association if the division
1394 is considering the issuance of a declaratory statement with
1395 respect to the declaration of condominium or any related
1396 document governing such condominium community.

1397 (h) The division shall furnish each association that pays
1398 the fees required by paragraph (2)(a) a copy of this chapter, as
1399 amended, and the rules adopted thereto on an annual basis.

1400 (i) The division shall annually provide each association
1401 with a summary of declaratory statements and formal legal
1402 opinions relating to the operations of condominiums which were
1403 rendered by the division during the previous year.

1404 (j) The division shall provide training and educational
1405 programs for condominium association board members and unit
1406 owners. The training may, in the division's discretion, include
1407 web-based electronic media, and live training and seminars in
1408 various locations throughout the state. The division may review
1409 and approve education and training programs for board members
1410 and unit owners offered by providers and shall maintain a
1411 current list of approved programs and providers and make such
1412 list available to board members and unit owners in a reasonable
1413 and cost-effective manner.

1414 (k) The division shall maintain a toll-free telephone
1415 number accessible to condominium unit owners.

1416 (l) The division shall develop a program to certify both
1417 volunteer and paid mediators to provide mediation of condominium
1418 disputes. The division shall provide, upon request, a list of
1419 such mediators to any association, unit owner, or other
1420 participant in alternative dispute resolution proceedings under
1421 s. 718.1255 requesting a copy of the list. The division shall

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include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

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

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of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

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

(o) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or
2. Accept grants-in-aid from any source.

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

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

(r) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a

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hearing, upon written request, in accordance with chapter 120.

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

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

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

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

3. The addresses of all such buildings.

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

(b) The division must compile a list of the number of buildings on condominium property that are three stories or

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higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:

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

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

3. The addresses of all such buildings.

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

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

Section 11. Present paragraphs (b) and (c) of subsection (2) of section 718.503, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, a new paragraph (b) is added to that subsection, and paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of that section are amended, to read:

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

(1) DEVELOPER DISCLOSURE.—

(b) *Copies of documents to be furnished to prospective buyer or lessee.*—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a residential unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 718.202. The contract may be terminated by written notice from the proposed buyer or lessee

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1538 delivered to the developer within 15 days after the buyer or
1539 lessee receives all of the documents required by this section.
1540 The developer may not close for 15 days after ~~following~~ the
1541 execution of the agreement and delivery of the documents to the
1542 buyer as evidenced by a signed receipt for documents unless the
1543 buyer is informed in the 15-day voidability period and agrees to
1544 close before ~~prior to~~ the expiration of the 15 days. The
1545 developer shall retain in his or her records a separate
1546 agreement signed by the buyer as proof of the buyer's agreement
1547 to close before ~~prior to~~ the expiration of the said voidability
1548 period. The developer must retain such ~~Said~~ proof ~~shall be~~
1549 ~~retained~~ for a period of 5 years after the date of the closing
1550 of the transaction. The documents to be delivered to the
1551 prospective buyer are the prospectus or disclosure statement
1552 with all exhibits, if the development is subject to ~~the~~
1553 ~~provisions of~~ s. 718.504, or, if not, then copies of the
1554 following which are applicable:

1555 1. The question and answer sheet described in s. 718.504,
1556 and declaration of condominium, or the proposed declaration if
1557 the declaration has not been recorded, which shall include the
1558 certificate of a surveyor approximately representing the
1559 locations required by s. 718.104.

1560 2. The documents creating the association.

1561 3. The bylaws.

1562 4. The ground lease or other underlying lease of the
1563 condominium.

1564 5. The management contract, maintenance contract, and other
1565 contracts for management of the association and operation of the
1566 condominium and facilities used by the unit owners having a

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service term in excess of 1 year, and any management contracts that are renewable.

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

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

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

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

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

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

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

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

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

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

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in the foregoing.

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

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

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

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

(2) NONDEVELOPER DISCLOSURE.—

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

1. The declaration of condominium.
2. Articles of incorporation of the association.
3. Bylaws and rules of the association.
4. Financial information required by s. 718.111.
5. A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and

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1625 718.301(4)(p), if applicable.

1626 6. The association's most recent structural integrity
1627 reserve study or a statement that the association has not
1628 completed a structural integrity reserve study.

1629 7. and The document entitled "Frequently Asked Questions
1630 and Answers" required by s. 718.504.

1631 (b) On and after January 1, 2009, The prospective purchaser
1632 is shall also ~~be~~ entitled to receive from the seller a copy of a
1633 governance form. Such form shall be provided by the division
1634 summarizing governance of condominium associations. In addition
1635 to such other information as the division considers helpful to a
1636 prospective purchaser in understanding association governance,
1637 the governance form shall address the following subjects:

1638 1. The role of the board in conducting the day-to-day
1639 affairs of the association on behalf of, and in the best
1640 interests of, the owners.

1641 2. The board's responsibility to provide advance notice of
1642 board and membership meetings.

1643 3. The rights of owners to attend and speak at board and
1644 membership meetings.

1645 4. The responsibility of the board and of owners with
1646 respect to maintenance of the condominium property.

1647 5. The responsibility of the board and owners to abide by
1648 the condominium documents, this chapter, rules adopted by the
1649 division, and reasonable rules adopted by the board.

1650 6. Owners' rights to inspect and copy association records
1651 and the limitations on such rights.

1652 7. Remedies available to owners with respect to actions by
1653 the board which may be abusive or beyond the board's power and

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authority.

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

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

10. The voting rights of owners.

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

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

Section 12. Paragraph (f) of subsection (24) of section 718.504, Florida Statutes, is amended, and paragraph (q) is added to that subsection, to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential

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1683 condominiums which will be served by property to be used in
1684 common by unit owners of more than 20 residential units, shall
1685 prepare a prospectus or offering circular and file it with the
1686 Division of Florida Condominiums, Timeshares, and Mobile Homes
1687 prior to entering into an enforceable contract of purchase and
1688 sale of any unit or lease of a unit for more than 5 years and
1689 shall furnish a copy of the prospectus or offering circular to
1690 each buyer. In addition to the prospectus or offering circular,
1691 each buyer shall be furnished a separate page entitled
1692 "Frequently Asked Questions and Answers," which shall be in
1693 accordance with a format approved by the division and a copy of
1694 the financial information required by s. 718.111. This page
1695 shall, in readable language, inform prospective purchasers
1696 regarding their voting rights and unit use restrictions,
1697 including restrictions on the leasing of a unit; shall indicate
1698 whether and in what amount the unit owners or the association is
1699 obligated to pay rent or land use fees for recreational or other
1700 commonly used facilities; shall contain a statement identifying
1701 that amount of assessment which, pursuant to the budget, would
1702 be levied upon each unit type, exclusive of any special
1703 assessments, and which shall further identify the basis upon
1704 which assessments are levied, whether monthly, quarterly, or
1705 otherwise; shall state and identify any court cases in which the
1706 association is currently a party of record in which the
1707 association may face liability in excess of \$100,000; and which
1708 shall further state whether membership in a recreational
1709 facilities association is mandatory, and if so, shall identify
1710 the fees currently charged per unit type. The division shall by
1711 rule require such other disclosure as in its judgment will

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assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

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

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

(g) A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4)(p), as applicable.

Section 13. Subsections (24) through (28) of section 719.103, Florida Statutes, are renumbered as subsections (25) through (29), respectively, and a new subsection (24) is added to that section, to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481. At a minimum, a structural integrity reserve study

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1741 must identify the common areas being visually inspected, state
1742 the estimated remaining useful life and the estimated
1743 replacement cost or deferred maintenance expense of the common
1744 areas being visually inspected, and provide a recommended annual
1745 reserve amount that achieves the estimated replacement cost or
1746 deferred maintenance expense of each common area being visually
1747 inspected by the end of the estimated remaining useful life of
1748 each common area.

1749 Section 14. Paragraphs (a) and (c) of subsection (2) of
1750 section 719.104, Florida Statutes, are amended to read:

1751 719.104 Cooperatives; access to units; records; financial
1752 reports; assessments; purchase of leases.—

1753 (2) OFFICIAL RECORDS.—

1754 (a) From the inception of the association, the association
1755 shall maintain a copy of each of the following, where
1756 applicable, which shall constitute the official records of the
1757 association:

1758 1. The plans, permits, warranties, and other items provided
1759 by the developer pursuant to s. 719.301(4).

1760 2. A photocopy of the cooperative documents.

1761 3. A copy of the current rules of the association.

1762 4. A book or books containing the minutes of all meetings
1763 of the association, of the board of directors, and of the unit
1764 owners.

1765 5. A current roster of all unit owners and their mailing
1766 addresses, unit identifications, voting certifications, and, if
1767 known, telephone numbers. The association shall also maintain
1768 the e-mail addresses and the numbers designated by unit owners
1769 for receiving notice sent by electronic transmission of those

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unit owners consenting to receive notice by electronic transmission. The e-mail addresses and numbers provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the e-mail address or the number for receiving electronic transmission of notices.

6. All current insurance policies of the association.

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

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

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

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

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

c. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

d. All contracts for work to be performed. Bids for work to

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be performed shall also be considered official records and shall be maintained for a period of 1 year.

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

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

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

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

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

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

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. A renter of a unit has a right to inspect and copy only the association's bylaws and rules and the inspection reports described in ss. 553.899 and 719.301(4)(p). The association may adopt reasonable rules regarding the frequency, time, location,

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1828 notice, and manner of record inspections and copying, but may
1829 not require a member to demonstrate any purpose or state any
1830 reason for the inspection. The failure of an association to
1831 provide the records within 10 working days after receipt of a
1832 written request creates a rebuttable presumption that the
1833 association willfully failed to comply with this paragraph. A
1834 member who is denied access to official records is entitled to
1835 the actual damages or minimum damages for the association's
1836 willful failure to comply. The minimum damages are \$50 per
1837 calendar day for up to 10 days, beginning on the 11th working
1838 day after receipt of the written request. The failure to permit
1839 inspection entitles any person prevailing in an enforcement
1840 action to recover reasonable attorney fees from the person in
1841 control of the records who, directly or indirectly, knowingly
1842 denied access to the records. Any person who knowingly or
1843 intentionally defaces or destroys accounting records that are
1844 required by this chapter to be maintained during the period for
1845 which such records are required to be maintained, or who
1846 knowingly or intentionally fails to create or maintain
1847 accounting records that are required to be created or
1848 maintained, with the intent of causing harm to the association
1849 or one or more of its members, is personally subject to a civil
1850 penalty under s. 719.501(1)(d). The association shall maintain
1851 an adequate number of copies of the declaration, articles of
1852 incorporation, bylaws, and rules, and all amendments to each of
1853 the foregoing, as well as the question and answer sheet as
1854 described in s. 719.504 and year-end financial information
1855 required by the department, on the cooperative property to
1856 ensure their availability to members and prospective purchasers,

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and may charge its actual costs for preparing and furnishing these documents to those requesting the same. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records shall not be accessible to members:

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

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

3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this

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

4. Medical records of unit owners.

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

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

7. The software and operating system used by the association which allow the manipulation of data, even if the

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owner owns a copy of the same software used by the association.
The data is part of the official records of the association.

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

Section 15. Paragraphs (k) through (m) of subsection (1) of
section 719.106, Florida Statutes, are redesignated as
paragraphs (m) through (o), respectively, paragraph (j) of
subsection (1) is amended, and new paragraphs (k) and (l) are
added to subsection (1) of that section, to read:

719.106 Bylaws; cooperative ownership.—

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

(j) *Annual budget.*—

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

2. In addition to annual operating expenses, the budget
must ~~shall~~ include reserve accounts for capital expenditures and
deferred maintenance. These accounts must ~~shall~~ include, but not
be limited to, roof replacement, building painting, and pavement
resurfacing, regardless of the amount of deferred maintenance

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expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$10,000. The amount to be reserved for an item is determined by the association's most recent structural integrity reserve study that must be completed by December 31, 2024. If the amount to be reserved for an item is not in the association's initial or most recent structural integrity reserve study or the association has not completed a structural integrity reserve study, the amount must ~~shall~~ be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. ~~This paragraph shall not apply to any budget in which~~ The members of a unit-owner controlled ~~an~~ association may determine have, at a duly called meeting of the association, ~~determined~~ for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. Effective December 31, 2024, a unit-owner controlled association may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k) ~~However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 719.301, the developer may vote to waive the reserves or reduce the funding of reserves for the~~

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~~first 2 years of the operation of the association after which
time reserves may only be waived or reduced upon the vote of a
majority of all nondeveloper voting interests voting in person
or by limited proxy at a duly called meeting of the association.~~

If a meeting of the unit owners has been called to determine to
provide no reserves, or reserves less adequate than required,
and such result is not attained or a quorum is not attained, the
reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall
remain in the reserve account or accounts, and shall be used
only for authorized reserve expenditures unless their use for
other purposes is approved in advance by a vote of the majority
of the voting interests, voting in person or by limited proxy at
a duly called meeting of the association. ~~Before~~ Prior to
turnover of control of an association by a developer to unit
owners other than the developer under s. 719.301, the developer
may not vote to use reserves for purposes other than that for
which they were intended ~~without the approval of a majority of
all nondeveloper voting interests, voting in person or by
limited proxy at a duly called meeting of the association.~~

Effective December 31, 2024, members of a unit-owner controlled
association may not vote to use reserve funds, or any interest
accruing thereon, that are reserved for items listed in
paragraph (k) for purposes other than their intended purpose.

(k) Structural integrity reserve study.—

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

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related to the structural integrity and safety of the building:

a. Roof.

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

c. Floor.

d. Foundation.

e. Fireproofing and fire protection systems.

f. Plumbing.

g. Electrical systems.

h. Waterproofing and exterior painting.

i. Windows.

j. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed in subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.

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

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

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

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relationship to the unit owners under s. 719.104(8).

(1) Mandatory milestone inspections.—If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899. The association is responsible for all costs associated with the inspection. If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s. 553.899, such failure is a breach of the officers' and directors' fiduciary relationship to the unit owners under s. 719.104(8)(a). Upon completion of a phase one or phase two milestone inspection and receipt of the inspector-prepared summary of the inspection report from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

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

719.301 Transfer of association control.—

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

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

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

1. Roof.

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

3. Fireproofing and fire protection systems.

4. Elevators.

5. Heating and cooling systems.

6. Plumbing.

7. Electrical systems.

8. Swimming pool or spa and equipment.

9. Seawalls.

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2089 10. Pavement and parking areas.

2090 11. Drainage systems.

2091 12. Painting.

2092 13. Irrigation systems.

2093 14. Waterproofing.

2094 (q) A copy of the association's most recent structural
2095 integrity reserve study.

2096 Section 17. Subsection (1) of section 719.501, Florida
2097 Statutes, is amended, and subsection (3) is added to that
2098 section, to read:

2099 719.501 Powers and duties of Division of Florida
2100 Condominiums, Timeshares, and Mobile Homes.—

2101 (1) The Division of Florida Condominiums, Timeshares, and
2102 Mobile Homes of the Department of Business and Professional
2103 Regulation, referred to as the "division" in this part, in
2104 addition to other powers and duties prescribed by chapter 718,
2105 has the power to enforce and ensure compliance with this chapter
2106 and adopted rules relating to the development, construction,
2107 sale, lease, ownership, operation, and management of residential
2108 cooperative units, complaints related to the procedural
2109 completion of the structural integrity reserve studies under s.
2110 719.106(1)(k), and complaints related to the procedural
2111 completion of milestone inspections under s. 553.899. In
2112 performing its duties, the division shall have the following
2113 powers and duties:

2114 (a) The division may make necessary public or private
2115 investigations within or outside this state to determine whether
2116 any person has violated this chapter or any rule or order
2117 hereunder, to aid in the enforcement of this chapter, or to aid

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in the adoption of rules or forms hereunder.

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

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

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

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings

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2147 and enter into a consent proceeding whereby orders, rules, or
2148 letters of censure or warning, whether formal or informal, may
2149 be entered against the person.

2150 2. The division may issue an order requiring the developer,
2151 association, officer, or member of the board, or its assignees
2152 or agents, to cease and desist from the unlawful practice and
2153 take such affirmative action as in the judgment of the division
2154 will carry out the purposes of this chapter. Such affirmative
2155 action may include, but is not limited to, an order requiring a
2156 developer to pay moneys determined to be owed to a condominium
2157 association.

2158 3. The division may bring an action in circuit court on
2159 behalf of a class of unit owners, lessees, or purchasers for
2160 declaratory relief, injunctive relief, or restitution.

2161 4. The division may impose a civil penalty against a
2162 developer or association, or its assignees or agents, for any
2163 violation of this chapter or related rule. The division may
2164 impose a civil penalty individually against any officer or board
2165 member who willfully and knowingly violates a provision of this
2166 chapter, a rule adopted pursuant to this chapter, or a final
2167 order of the division. The term "willfully and knowingly" means
2168 that the division informed the officer or board member that his
2169 or her action or intended action violates this chapter, a rule
2170 adopted under this chapter, or a final order of the division,
2171 and that the officer or board member refused to comply with the
2172 requirements of this chapter, a rule adopted under this chapter,
2173 or a final order of the division. The division, prior to
2174 initiating formal agency action under chapter 120, shall afford
2175 the officer or board member an opportunity to voluntarily comply

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2176 with this chapter, a rule adopted under this chapter, or a final
2177 order of the division. An officer or board member who complies
2178 within 10 days is not subject to a civil penalty. A penalty may
2179 be imposed on the basis of each day of continuing violation, but
2180 in no event shall the penalty for any offense exceed \$5,000. By
2181 January 1, 1998, the division shall adopt, by rule, penalty
2182 guidelines applicable to possible violations or to categories of
2183 violations of this chapter or rules adopted by the division. The
2184 guidelines must specify a meaningful range of civil penalties
2185 for each such violation of the statute and rules and must be
2186 based upon the harm caused by the violation, the repetition of
2187 the violation, and upon such other factors deemed relevant by
2188 the division. For example, the division may consider whether the
2189 violations were committed by a developer or owner-controlled
2190 association, the size of the association, and other factors. The
2191 guidelines must designate the possible mitigating or aggravating
2192 circumstances that justify a departure from the range of
2193 penalties provided by the rules. It is the legislative intent
2194 that minor violations be distinguished from those which endanger
2195 the health, safety, or welfare of the cooperative residents or
2196 other persons and that such guidelines provide reasonable and
2197 meaningful notice to the public of likely penalties that may be
2198 imposed for proscribed conduct. This subsection does not limit
2199 the ability of the division to informally dispose of
2200 administrative actions or complaints by stipulation, agreed
2201 settlement, or consent order. All amounts collected shall be
2202 deposited with the Chief Financial Officer to the credit of the
2203 Division of Florida Condominiums, Timeshares, and Mobile Homes
2204 Trust Fund. If a developer fails to pay the civil penalty, the

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division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

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

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

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

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

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

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

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

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

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the

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

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

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person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

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

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

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

3. The addresses of all such buildings.

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

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

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

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

3. The addresses of all such buildings.

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

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

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2321 Section 18. Paragraph (b) of subsection (1) and paragraph
2322 (a) of subsection (2) of section 719.503, Florida Statutes, are
2323 amended to read:

2324 719.503 Disclosure prior to sale.—

2325 (1) DEVELOPER DISCLOSURE.—

2326 (b) *Copies of documents to be furnished to prospective*
2327 *buyer or lessee.*—Until such time as the developer has furnished
2328 the documents listed below to a person who has entered into a
2329 contract to purchase a unit or lease it for more than 5 years,
2330 the contract may be voided by that person, entitling the person
2331 to a refund of any deposit together with interest thereon as
2332 provided in s. 719.202. The contract may be terminated by
2333 written notice from the proposed buyer or lessee delivered to
2334 the developer within 15 days after the buyer or lessee receives
2335 all of the documents required by this section. The developer may
2336 ~~shall~~ not close for 15 days after ~~following~~ the execution of the
2337 agreement and delivery of the documents to the buyer as
2338 evidenced by a receipt for documents signed by the buyer unless
2339 the buyer is informed in the 15-day voidability period and
2340 agrees to close before ~~prior to~~ the expiration of the 15 days.
2341 The developer shall retain in his or her records a separate
2342 signed agreement as proof of the buyer's agreement to close
2343 before ~~prior to~~ the expiration of the ~~said~~ voidability period.
2344 The developer must retain such ~~Said~~ proof ~~shall be retained~~ for
2345 a period of 5 years after the date of the closing transaction.
2346 The documents to be delivered to the prospective buyer are the
2347 prospectus or disclosure statement with all exhibits, if the
2348 development is subject to ~~the provisions of~~ s. 719.504, or, if
2349 not, then copies of the following which are applicable:

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2350 1. The question and answer sheet described in s. 719.504,
2351 and cooperative documents, or the proposed cooperative documents
2352 if the documents have not been recorded, which shall include the
2353 certificate of a surveyor approximately representing the
2354 locations required by s. 719.104.

2355 2. The documents creating the association.

2356 3. The bylaws.

2357 4. The ground lease or other underlying lease of the
2358 cooperative.

2359 5. The management contract, maintenance contract, and other
2360 contracts for management of the association and operation of the
2361 cooperative and facilities used by the unit owners having a
2362 service term in excess of 1 year, and any management contracts
2363 that are renewable.

2364 6. The estimated operating budget for the cooperative and a
2365 schedule of expenses for each type of unit, including fees
2366 assessed to a shareholder who has exclusive use of limited
2367 common areas, where such costs are shared only by those entitled
2368 to use such limited common areas.

2369 7. The lease of recreational and other facilities that will
2370 be used only by unit owners of the subject cooperative.

2371 8. The lease of recreational and other common areas that
2372 will be used by unit owners in common with unit owners of other
2373 cooperatives.

2374 9. The form of unit lease if the offer is of a leasehold.

2375 10. Any declaration of servitude of properties serving the
2376 cooperative but not owned by unit owners or leased to them or
2377 the association.

2378 11. If the development is to be built in phases or if the

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association is to manage more than one cooperative, a description of the plan of phase development or the arrangements for the association to manage two or more cooperatives.

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

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

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

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

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

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

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

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

(2) NONDEVELOPER DISCLOSURE.—

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

1. The articles of incorporation of the association.7
2. The bylaws~~7~~ and rules of the association.
3. ~~as well as~~ A copy of the question and answer sheet as provided in s. 719.504.

4. A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 719.301(4)(p), if applicable.

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

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

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to

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2437 each buyer. In addition to the prospectus or offering circular,
2438 each buyer shall be furnished a separate page entitled
2439 "Frequently Asked Questions and Answers," which must be in
2440 accordance with a format approved by the division. This page
2441 must, in readable language: inform prospective purchasers
2442 regarding their voting rights and unit use restrictions,
2443 including restrictions on the leasing of a unit; indicate
2444 whether and in what amount the unit owners or the association is
2445 obligated to pay rent or land use fees for recreational or other
2446 commonly used facilities; contain a statement identifying that
2447 amount of assessment which, pursuant to the budget, would be
2448 levied upon each unit type, exclusive of any special
2449 assessments, and which identifies the basis upon which
2450 assessments are levied, whether monthly, quarterly, or
2451 otherwise; state and identify any court cases in which the
2452 association is currently a party of record in which the
2453 association may face liability in excess of \$100,000; and state
2454 whether membership in a recreational facilities association is
2455 mandatory and, if so, identify the fees currently charged per
2456 unit type. The division shall by rule require such other
2457 disclosure as in its judgment will assist prospective
2458 purchasers. The prospectus or offering circular may include more
2459 than one cooperative, although not all such units are being
2460 offered for sale as of the date of the prospectus or offering
2461 circular. The prospectus or offering circular must contain the
2462 following information:

2463 (23) Copies of the following, to the extent they are
2464 applicable, shall be included as exhibits:

2465 (q) A copy of the inspector-prepared summary of the

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milestone inspection report as described in ss. 553.899 and 719.301(4)(p), if applicable.

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

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

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

(10) RECALL OF DIRECTORS.—

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

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(k) A board member who has been recalled may file an action with a court of competent jurisdiction or a petition under ss. 718.112(2)(1) ~~ss. 718.112(2)(j)~~ and 718.1255 and the rules adopted challenging the validity of the recall. The petition or action must be filed within 60 days after the recall is deemed certified. The association and the parcel owner representative shall be named as respondents.

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

720.311 Dispute resolution.—

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

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2524 Initially, the petitioner shall remit a filing fee of at least
2525 \$200 to the department. The fees paid to the department shall
2526 become a recoverable cost in the arbitration proceeding, and the
2527 prevailing party in an arbitration proceeding shall recover its
2528 reasonable costs and attorney fees in an amount found reasonable
2529 by the arbitrator. The department shall adopt rules to
2530 effectuate the purposes of this section.

2531 Section 22. Subsection (6) of section 721.15, Florida
2532 Statutes, is amended to read:

2533 721.15 Assessments for common expenses.—

2534 (6) Notwithstanding any contrary requirements of s.
2535 718.112(2)(i) ~~s. 718.112(2)(g)~~ or s. 719.106(1)(g), for
2536 timeshare plans subject to this chapter, assessments against
2537 purchasers need not be made more frequently than annually.

2538 Section 23. This act shall take effect upon becoming a law.

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact: No

Contract Requirement: No

Title
AMERICAN RESCUE PLAN ACT FUNDING
Summary
Staff Recommendation

Background:

During the current year to date period ending December 31, 2022, the City of Lauderdale Lakes has spent \$22,875 on ARPA projects and programs and the total project expense was \$269,596. The City of Lauderdale Lakes has spent \$27,973 during the current year to date period also ending December 31, 2022, on \$10 Million Loss Revenue Projects and Programs. The Total Projects expense was \$623,519 for the same category of expenses for a combined total of \$893,115 for ARPA and Loss Revenue Projects and Programs.

Funding Source:

Fiscal Impact:

Sponsor Name/Department: Asheley Hepburn MPA, Director, Financial Services Department

Meeting Date: 1/9/2023

ATTACHMENTS:

Description	Type
□ BACKUP - DECEMBER 2022 ARPA/LOSS REVENUE REPORT	Backup Material



AMERICAN RESCUE PLAN ACT/
ALLOWNANCE FOR \$10 MILLION LOSS REVENUE
MONTHLY REPORT
AS OF **DECEMBER**, 2022



LAUDERDALE LAKES




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AMERICAN RESCUE PLAN ACT DECEMBER 2022 MONTHLY REPORT

ARPA Project Information

ARPA Project Scorecard

Project Name	Analysis	Start Date	End Date	Budget	FY2023 Actuals YTD	Actual Project Cost	Difference
 City Facilities HVAC Upgrade	The contract for Trane was approved at the July 26th 2022 Commission meeting. Order for material placed and delivery is expected in March 2023.	9/1/21	3/7/24	\$ 500,000.00	\$ 0.00	\$ 0.00	\$ 500,000.00
 Citywide Broadband Improvements	Project on hold	9/1/21	3/7/24	\$ 932,180.00	\$ 0.00	\$ 0.00	\$ 932,180.00
 Free WiFi at Citywide Parks	Free Wifi is available at all Parks within the City. After the roof replacement project is completed, additional access points may be added to for the parking lot areas around City Hall.	9/1/21	12/31/22	\$ 20,000.00	\$ 0.00	\$ 13,762.91	\$ 6,237.09
 Stormwater Improvements (Canal Bank Stabilization)	Currently Preparing Bid documents for Canal 2 as part of the phase 1	1/3/22	7/30/23	\$ 6,000,000.00	\$ 0.00	\$ 0.00	\$ 6,000,000.00
 ARP Accountant IV and II (Contract Position)	Account IV position filled and staff onboard.	9/1/21	3/7/24	\$ 296,397.00	\$ 10,875.00	\$ 109,300.00	\$ 187,097.00
 ARP Purchasing and Contracts Officer (Contract Position)	Position filled and staff onboard.	9/1/21	3/7/24	\$ 112,320.00	\$ 6,000.00	\$ 36,000.00	\$ 76,320.00

Project Name	Analysis	Start Date	End Date	Budget	FY2023 Actuals YTD	Actual Project Cost	Difference
 ARP Construction Manager/ Project Manager (Contract Position)	Position filled and staff onboard.	9/1/21	3/7/24	\$ 210,000.00	\$ 6,000.00	\$ 60,000.00	\$ 150,000.00
 Employee Vaccine Incentive	This program was completed in 2 rounds. One in March 2022 and the other in May 2022.	11/23/21	3/7/24	\$ 32,000.00	\$ 0.00	\$ 28,898.50	\$ 3,101.50
 Employee COVID-19 Test Kits	Test kits were bought and distributed to staff. Additional kits are available if needed.	11/23/21	3/7/24	\$ 25,000.00	\$ 0.00	\$ 21,634.69	\$ 3,365.31



LAUDERDALE LAKES

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LOSS REVENUE DECEMBER 2022 MONTHLY REPORT

ARPA Project Information

Loss Revenue Projects Scorecard

Project Name	Analysis	Start Date	End Date	Budget	Actual Monthly Cost	Actual Project Cost	Difference
 Residential Mortgage Rent & Utilities Assistance Program	There were no payments made in Decemeber for residential assistance due to program funding exhaustion.	9/28/21	3/7/24	\$ 250,000.00	\$ 0.00	\$ 250,917.99	\$ -917.99
 Business Rent & Utilities Assistance Program	For the month of December, 2 applications were received. These are pending for approval due to missing informationn. 3 payments made in December 2022.	9/1/21	3/7/24	\$ 250,000.00	\$ 5,294.03	\$ 169,160.84	\$ 80,839.16
 City Commission Chambers Retrofit	The project is in final design phase.	10/1/21	12/29/23	\$ 500,000.00	\$ 0.00	\$ 0.00	\$ 500,000.00
 Remodeling the Gereffi Room	Project is in procurement. Solicitation out for bid.	9/1/21	1/30/24	\$ 300,000.00	\$ 0.00	\$ 0.00	\$ 300,000.00
 Safe & Clean Restaurant Assistance Program	Payment to Montego Bar & Grille for December 2022. No new applications were received.	10/1/21	12/31/24	\$ 100,000.00	\$ 2,100.00	\$ 50,097.78	\$ 49,902.22
 Mini Bus Purchase	Decision taken to move forward with the purchase of a gas bus. Parks and Procurement will meet to start the process soon.	9/1/21	3/7/24	\$ 85,000.00	\$ 0.00	\$ 0.00	\$ 85,000.00
 Alzheimer Care Center/ Resource Room Renovation	In the planning stage with PHS and PW staff.	9/1/21	3/7/24	\$ 30,000.00	\$ 0.00	\$ 0.00	\$ 30,000.00
 Teen Skills Training Program	Program was closed out successfully in September 2022 and should resume	9/1/21	3/7/24	\$ 50,000.00	\$ 0.00	\$ 44,492.37	\$ 5,507.63

Project Name	Analysis	Start Date	End Date	Budget	Actual Monthly Cost	Actual Project Cost	Difference
	in the summer of 2023.						
 Fire Engine Replacement	Approved for funding by City Commission in July 2022. Staff is in consultation with BSO to determine the best avenue to source the engine. Went to Commission for approval and procurement is working on getting the purchase order to submit to company.	7/1/22	9/30/24	\$ 750,000.00	\$ 0.00	\$ 0.00	\$ 750,000.00
 Housing Repair Assistance Program	For the month of December there was one application approved for the Home Improvement Program and three payments made to contractors who passed final inspection.	5/2/22	9/30/26	\$ 250,000.00	\$ 15,704.50	\$ 31,804.50	\$ 218,195.50
 Home Owner Insurance Down Payment Assistance Program	There were no new Home Owner Insurance applications for the month of December	5/2/22	9/30/24	\$ 250,000.00	\$ 0.00	\$ 1,051.00	\$ 248,949.00
 Commercial Improvement Assistance Program	For the month of December, we received one (1) application. It is pending for missing information.	5/2/22	9/30/24	\$ 1,250,000.00	\$ 0.00	\$ 0.00	\$ 1,250,000.00
 Consultant Assistance Program	Program is still in the Procurement phase, pending the selection of a marketing consulting firm.	5/2/22	9/30/24	\$ 100,000.00	\$ 0.00	\$ 0.00	\$ 100,000.00
 Community Center	100% financing has been secured for this project. The project is currently in	5/2/22	9/30/26	\$ 4,000,000.00	\$ 0.00	\$ 0.00	\$ 4,000,000.00

Project Name	Analysis	Start Date	End Date	Budget	Actual Monthly Cost	Actual Project Cost	Difference
	the design/development phase.						
 Human Services Assistance Program	In Procurement. Awaiting bid responses from 2 interested vendors.	5/2/22	9/30/26	\$ 1,190,000.00	\$ 0.00	\$ 0.00	\$ 1,190,000.00
 Residential Assistance Officer (Contractual Position)	Position filled and staff onboard.	10/1/21	12/31/24	\$ 200,000.00	\$ 3,312.00	\$ 44,060.00	\$ 155,940.00
 Public Information Officer (Contractual Position)	Position filled and staff onboard.	10/1/21	12/31/24	\$ 75,000.00	\$ 1,562.50	\$ 17,187.50	\$ 578,125.50
 Administrative Staffing	Funds identified to purchase necessary items to onboard consultants etc.	10/1/21	12/31/24	\$ 60,000.00	\$ 0.00	\$ 14,747.00	\$ 45,253.00
 Human Service Assistance Coordinator	In procurement.>Awaiting bid responses from 2 interested vendors.	10/1/21	12/31/24	\$ 210,000.00	\$ 0.00	\$ 0.00	\$ 210,000.00
 Prosperity Broward - Pilot Program	New program approved by City Commission on December 27, 2022. Prosperity Broward is an initiative of the Prosperity Partnership that seeks to expand economic mobility In communities that have experienced decades of intentional deprivation of resources and opportunities.	12/27/22	12/29/23	\$ 100,000.00	\$ 0.00	\$ 0.00	\$ 100,000.00

CITY OF LAUDERDALE LAKES

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Fiscal Impact:

Contract Requirement:

Title
UAZ PROJECT
Summary
Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

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Fiscal Impact:

Contract Requirement:

Title
UTILITY BOX PROJECT
Summary
Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

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Fiscal Impact:

Contract Requirement:

Title
PETITION FROM THE PUBLIC
Summary
Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023

CITY OF LAUDERDALE LAKES

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Fiscal Impact:

Contract Requirement:

Title

FUTURE MEETINGS

Summary

City Commission Workshop - January 23, 2023 @ 5:00 p.m.

City Commission Meeting - January 24, 2023 @ 7:00 p.m.

Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 1/9/2023