

1 A bill to be entitled
 2 An act relating to condominium association transfer
 3 fees; amending s. 718.112, F.S.; authorizing a
 4 condominium association to charge a transfer fee in
 5 certain circumstances; limiting the amount of the
 6 transfer fee; requiring the transfer fee to be
 7 adjusted periodically; requiring the Department of
 8 Business and Professional Regulation to calculate and
 9 publish transfer fees on its website; authorizing an
 10 association to charge an application fee to review
 11 certain unit transfers; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (i) of subsection (2) of section
 16 718.112, Florida Statutes, is amended to read:

17 718.112 Bylaws.—

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

21 (i) Application and transfer fees.—

22 1. An association may ~~not~~ charge a transfer fee in
 23 connection with the sale ~~or~~, mortgage, ~~lease, sublease, or other~~
 24 ~~transfer~~ of a unit if ~~unless~~ the association is required to
 25 approve such transfer and the transfer ~~a fee for such approval~~

26 is provided for in the declaration, articles, or bylaws. The
27 amount of the transfer fee may be preset but may not exceed the
28 equivalent of two monthly assessments. Transfer fees must be
29 adjusted every 5 years in an amount equal to the total of the
30 annual increases occurring in the Consumer Price Index for All
31 Urban Consumers, U.S. City Average, All Items during that 5-year
32 period. The Department of Business and Professional Regulation
33 shall periodically calculate the transfer fees, rounded to the
34 nearest dollar, and publish the amounts, as adjusted, on its
35 website.

36 2. The association may charge an application fee to review
37 the sale, mortgage, lease, sublease, or other transfer, which
38 ~~Any such fee~~ may be preset but may not exceed \$150 per
39 applicant. For the purpose of calculating the application fee,
40 spouses or a parent or parents and any dependent children are
41 considered one applicant. ~~However,~~ If the lease or sublease is a
42 renewal of a lease or sublease with the same lessee or
43 sublessee, the association may not a charge the application fee.
44 ~~However, may not be made. Such fees must be adjusted every 5~~
45 ~~years in an amount equal to the total of the annual increases~~
46 ~~occurring in the Consumer Price Index for All Urban Consumers,~~
47 ~~U.S. City Average, All Items during that 5-year period. The~~
48 ~~Department of Business and Professional Regulation shall~~
49 ~~periodically calculate the fees, rounded to the nearest dollar,~~
50 ~~and publish the amounts, as adjusted, on its website. The~~

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51 ~~foregoing notwithstanding,~~ if the authority to do so appears in
52 the declaration, articles, or bylaws, an association may require
53 that a prospective lessee place a security deposit, in an amount
54 not to exceed the equivalent of 1 month's rent, into an escrow
55 account maintained by the association. The security deposit
56 shall protect against damages to the common elements or
57 association property. Payment of interest, claims against the
58 deposit, refunds, and disputes under this subparagraph ~~paragraph~~
59 shall be handled in the same fashion as provided in part II of
60 chapter 83.

61 Section 2. This act shall take effect July 1, 2022.