1   A bill to be entitled

2   An act relating to the sale of real property;

3   amending s. 689.26, F.S.; requiring disclosures

4   to prospective parcel owners in a community;

5   providing an effective date.

6

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

8

9   Section 1. Section 689.26, Florida Statutes, is

10   amended to read:

11   689.26 Prospective purchasers subject to association

12   membership requirement; disclosure required; covenants;

13   assessments; contract voidability.--

14   (1)(a) A prospective parcel owner in a community must

15   be presented a disclosure summary before executing the

16   contract for sale. The disclosure summary must be in a form

17   substantially similar to the following form:

18

19   DISCLOSURE SUMMARY

20   FOR

21   (NAME OF COMMUNITY)

22

23   1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU

24   (WILL) (WILL NOT)WILL BE OBLIGATED TO BE A MEMBER OF A

25   HOMEOWNERS' ASSOCIATION.

26   2.   THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE

27   COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN

28   THIS COMMUNITY.

29   3. YOU(WILL) (WILL NOT)WILL BE OBLIGATED TO PAY

30   ASSESSMENTS TO THE ASSOCIATION. YOU (WILL) (WILL NOT) BE

31   OBLIGATED TO PAY SPECIAL ASSESSMENTS TO THE RESPECTIVE

                                1

1 MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. ALL, ~~WHICH~~

2 ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

3   4.   YOUR FAILURE TO PAY SPECIAL ~~THESE~~ ASSESSMENTS OR

4 ASSESSMENTS LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION

5 COULD RESULT IN A LIEN ON YOUR PROPERTY.

6   5.   THERE (IS) (IS NOT) AN OBLIGATION TO PAY RENT OR

7 LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED

8 FACILITIES AS AN OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS'

9 ASSOCIATION. (If such obligation exists, then the amount of

10 the current obligation shall be set forth.)

11   6.   THE RESTRICTIVE COVENANTS (CAN) (CANNOT) BE AMENDED

12 WITHOUT THE APPROVAL OF THE ASSOCIATION MEMBERSHIP OR, IF NO

13 MANDATORY ASSOCIATION EXISTS, PARCEL OWNERS.

14   7.   THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM

15 ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER,

16 YOU SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION

17 GOVERNING DOCUMENTS BEFORE PURCHASING PROPERTY.

18   8.   THESE DOCUMENTS ARE MATTERS OF PUBLIC RECORD AND

19 CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE

20 PROPERTY IS LOCATED.

21 DATE: PURCHASER:

22   PURCHASER:

23

24 The disclosure must be supplied by the developer, or by the

25 parcel owner if the sale is by an owner that is not the

26 developer. Any contract or agreement for sale shall refer to

27 and incorporate the disclosure summary and shall include, in

28 prominent language, a statement that the potential buyer

29 should not execute the contract or agreement until they have

30 received and read the disclosure summary required by this

31 section.

2

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1   (b) Each contract entered into for the sale of
2   property governed by covenants subject to disclosure required
3   by this section must contain in conspicuous type a clause that
4   states:
5
6   IF THE DISCLOSURE SUMMARY REQUIRED BY SECTION
7   689.26, FLORIDA STATUTES, HAS NOT BEEN PROVIDED
8   TO THE PROSPECTIVE PURCHASER BEFORE EXECUTING
9   THIS CONTRACT FOR SALE, THIS CONTRACT IS
10   VOIDABLE BY BUYER BY DELIVERING TO SELLER OR
11   SELLER'S AGENT WRITTEN NOTICE OF THE BUYER'S
12   INTENTION TO CANCEL WITHIN 3 DAYS AFTER RECEIPT
13   OF THE DISCLOSURE SUMMARY OR PRIOR TO CLOSING,
14   WHICHEVER OCCURS FIRST. ANY PURPORTED WAIVER OF
15   THIS VOIDABILITY RIGHT HAS NO EFFECT. BUYER'S
16   RIGHT TO VOID THIS CONTRACT SHALL TERMINATE AT
17   CLOSING.
18
19   (c) A contract that does not conform to the
20   requirements of this subsection is voidable at the option of
21   the purchaser prior to closing.
22   (2) This section does not apply to any association
23   regulated under chapter 718, chapter 719, chapter 721, or
24   chapter 723 or to a subdivider registered under chapter 498;
25   and also does not apply if disclosure regarding the
26   association is otherwise made in connection with the
27   requirements of chapter 718, chapter 719, chapter 721, or
28   chapter 723.
29   Section 2. This act shall take effect July 1, 2003.
30
31

3

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.