

1                                   A bill to be entitled  
 2           An act relating to disclosure requirements for  
 3           prospective purchasers; amending s. 720.401, F.S.;  
 4           requiring prospective purchasers of a parcel subject  
 5           to association membership to be provided with certain  
 6           documents, in addition to the disclosure summary,  
 7           before executing a contract; authorizing prospective  
 8           purchasers to cancel their contract within a specified  
 9           timeframe under certain circumstances; specifying that  
 10          the 3-day cancellation period does not include  
 11          Saturdays, Sundays, and legal holidays; providing an  
 12          effective date.

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

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 16           Section 1. Subsection (1) of section 720.401, Florida  
 17   Statutes, is amended to read:

18           720.401 Prospective purchasers subject to association  
 19   membership requirement; disclosure required; covenants;  
 20   assessments; contract cancellation.—

21           (1)(a) A prospective purchaser ~~parcel owner~~ in a community  
 22   must be presented a disclosure summary before executing the  
 23   contract for sale. The disclosure summary must be in a form  
 24   substantially similar to the following form:

25                                   DISCLOSURE SUMMARY

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FOR  
(NAME OF COMMUNITY)

1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS' ASSOCIATION.

2. THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN THIS COMMUNITY.

3. YOU WILL BE OBLIGATED TO PAY ASSESSMENTS TO THE ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO PERIODIC CHANGE. IF APPLICABLE, THE CURRENT AMOUNT IS \$.... PER .....

YOU WILL ALSO BE OBLIGATED TO PAY ANY SPECIAL ASSESSMENTS IMPOSED BY THE ASSOCIATION. SUCH SPECIAL ASSESSMENTS MAY BE SUBJECT TO CHANGE. IF APPLICABLE, THE CURRENT AMOUNT IS \$.... PER .....

4. YOU MAY BE OBLIGATED TO PAY SPECIAL ASSESSMENTS TO THE RESPECTIVE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. ALL ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

5. YOUR FAILURE TO PAY SPECIAL ASSESSMENTS OR ASSESSMENTS LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION COULD RESULT IN A LIEN ON YOUR PROPERTY.

6. THERE MAY BE AN OBLIGATION TO PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES AS AN OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS' ASSOCIATION. IF APPLICABLE, THE CURRENT AMOUNT IS \$.... PER .....

7. THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE RESTRICTIVE COVENANTS WITHOUT THE APPROVAL OF THE ASSOCIATION

51 MEMBERSHIP OR THE APPROVAL OF THE PARCEL OWNERS.

52 8. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE  
 53 ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU  
 54 SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING  
 55 DOCUMENTS BEFORE PURCHASING PROPERTY.

56 9. THE PROSPECTIVE PURCHASER ACKNOWLEDGES THAT HE OR SHE  
 57 HAS BEEN PROVIDED A CURRENT COPY OF THE ASSOCIATION GOVERNING  
 58 DOCUMENTS, THE MOST RECENT ASSOCIATION YEAR-END FINANCIAL  
 59 INFORMATION, AND THE AGENDAS AND MINUTES FROM ALL ASSOCIATION  
 60 BOARD MEETINGS THAT TOOK PLACE IN THE 12 MONTHS IMMEDIATELY  
 61 PRECEDING THE EXECUTION OF THE CONTRACT FOR SALE ~~THESE DOCUMENTS~~  
 62 ~~ARE EITHER MATTERS OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE~~  
 63 ~~RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED, OR~~  
 64 ~~ARE NOT RECORDED AND CAN BE OBTAINED FROM THE DEVELOPER.~~

65 DATE: PURCHASER:  
 66 PURCHASER:

67 The disclosure summary must be supplied by the developer, or by  
 68 the parcel owner if the sale is by an owner that is not the  
 69 developer. Any contract or agreement for sale must ~~shall~~ refer  
 70 to and incorporate the disclosure summary and ~~shall~~ include, in  
 71 prominent language, a statement that the prospective purchaser  
 72 ~~potential buyer~~ should not execute the contract or agreement  
 73 until he or she has ~~they have~~ received and read the disclosure  
 74 summary required by this section.

75 (b) Each contract entered into for the sale of property

76 | governed by covenants subject to disclosure required by this  
 77 | section must contain in conspicuous type a clause that states:  
 78 | IF THE DISCLOSURE SUMMARY, CURRENT COPY OF THE ASSOCIATION  
 79 | GOVERNING DOCUMENTS, MOST RECENT ASSOCIATION YEAR-END FINANCIAL  
 80 | INFORMATION, AND AGENDAS AND MINUTES FROM ALL ASSOCIATION BOARD  
 81 | MEETINGS THAT TOOK PLACE IN THE 12 MONTHS IMMEDIATELY PRECEDING  
 82 | THE EXECUTION OF THIS CONTRACT, AS REQUIRED BY SECTION 720.401,  
 83 | FLORIDA STATUTES, HAVE ~~HAS~~ NOT BEEN PROVIDED TO THE PROSPECTIVE  
 84 | PURCHASER BEFORE EXECUTING THIS CONTRACT FOR SALE, THIS CONTRACT  
 85 | IS VOIDABLE BY THE PROSPECTIVE PURCHASER ~~BUYER~~ BY DELIVERING TO  
 86 | THE SELLER OR THE SELLER'S AGENT OR REPRESENTATIVE WRITTEN  
 87 | NOTICE OF THE PROSPECTIVE PURCHASER'S ~~BUYER'S~~ INTENTION TO  
 88 | CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
 89 | HOLIDAYS, AFTER RECEIPT OF SUCH DOCUMENTS ~~THE DISCLOSURE SUMMARY~~  
 90 | OR BEFORE ~~PRIOR TO~~ CLOSING, WHICHEVER OCCURS FIRST. ANY  
 91 | PURPORTED WAIVER OF THIS VOIDABILITY RIGHT HAS NO EFFECT. THE  
 92 | PROSPECTIVE PURCHASER'S ~~BUYER'S~~ RIGHT TO VOID THIS CONTRACT  
 93 | TERMINATES ~~SHALL TERMINATE~~ AT CLOSING.

94 | (c) If the disclosure summary, current copy of the  
 95 | association governing documents, most recent association year-  
 96 | end financial information, and agendas and minutes from all  
 97 | association board meetings that took place in the 12 months  
 98 | immediately preceding the execution of a contract are ~~is~~ not  
 99 | provided to a prospective purchaser before such ~~the~~ purchaser  
 100 | executes a contract for the sale of property governed by

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101 covenants that are subject to disclosure pursuant to this  
102 section, the prospective purchaser may void the contract by  
103 delivering to the seller or the seller's agent or representative  
104 written notice canceling the contract within 3 days, excluding  
105 Saturdays, Sundays, and legal holidays, after receipt of such  
106 documents ~~the disclosure summary~~ or before ~~prior to~~ closing,  
107 whichever occurs first. This right may not be waived by the  
108 prospective purchaser but terminates at closing.

109 Section 2. This act shall take effect July 1, 2024.