

By Senator Arrington

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1 A bill to be entitled
2 An act relating to community associations; reenacting
3 and amending s. 718.112, F.S.; prohibiting the
4 suspension of a voting interest of a condominium when
5 voting to recall a member of the board of
6 administration; prohibiting any prior suspension of
7 voting rights from having any effect; deleting the
8 provision that a special meeting of the unit owners to
9 recall members of the board of administration may be
10 called by 10 percent of the voting interests when
11 proper notice is given; deleting the prohibition
12 against electronic transmission being used as a method
13 of giving notice of a meeting called in whole or in
14 part for the purpose of recalling board members;
15 deleting the provision that a recall takes effect if
16 approved by a majority of all voting interests voting
17 at a meeting; deleting the requirement that the board
18 duly notice and hold a board meeting within a
19 specified timeframe after the adjournment of the unit
20 owner meeting to recall one or more board members;
21 deleting the requirement that a board member is
22 recalled effective immediately upon the conclusion of
23 the board meeting, provided certain requirements are
24 met; deleting the provision that a proposed recall may
25 be by written agreement; requiring that the recall
26 agreement be served on the association by registered
27 mail, rather than by certified mail or by personal
28 service; providing that no other method of service is
29 proper and that any method of service not in

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30 compliance is void; providing that a rejection of a
31 unit owner's recall agreement applies under certain
32 circumstances; providing that there is a rebuttable
33 presumption that a unit owner executing a recall
34 agreement is the designated voter for the unit;
35 prohibiting an association from enforcing a voting
36 certificate requirement under certain circumstances;
37 requiring that a rescission or revocation of a unit
38 owner's recall agreement be in writing and delivered
39 to the association before an association is served
40 with the written recall agreement; providing
41 construction; revising the timeframe in which a
42 certain petition or action must be filed; requiring
43 that an association be named as the respondent in such
44 petition or action; revising the timeframe in which
45 the Division of Florida Condominiums, Timeshares, and
46 Mobile Homes or a court may not accept a recall
47 petition or a court action; requiring that a director
48 or an officer be deemed to have abandoned his or her
49 office if he or she is more than 90 days delinquent in
50 the payment of any assessment due, rather than
51 monetary obligation due; providing that a director or
52 an officer is delinquent if payment is not made by a
53 specified due date identified in the declarations,
54 bylaws, or articles of incorporation; providing that a
55 payment is delinquent on the first day of the
56 assessment period if no specified due date is in the
57 declarations, bylaws, or articles of incorporation;
58 making technical changes; reenacting and amending s.

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59 718.1255, F.S.; providing that all election and recall
60 arbitration conducted by the division is binding on
61 the parties unless such arbitration is removed;
62 providing that arbitration petitions received by the
63 division which challenge the legality of the recall of
64 any director of a board of administration be handled
65 on an expedited basis in the manner provided by the
66 division's rules for recall arbitration disputes;
67 requiring that any challenge to an election or a
68 recall filed in circuit court be brought in equity as
69 a summary proceeding; providing that the prevailing
70 party is entitled to reasonable attorney fees and
71 costs; requiring that any proceeding be tried without
72 a jury; providing that the parties are entitled to an
73 immediate hearing; authorizing the court to limit the
74 time in which to take testimony; authorizing the
75 challenging party to request the issuance of a
76 temporary injunction for a specified purpose while the
77 challenge is pending; providing that a unit owner, a
78 recall representative, or an association may remove a
79 petition for election or recall arbitration within a
80 specified timeframe after service of such petition by
81 filing a notice of removal and complaint in the
82 circuit court where an association is located;
83 prohibiting any party from seeking a trial de novo or
84 otherwise proceeding in the circuit court if any party
85 fails to timely file such notice; declaring that the
86 ruling of the division is final and binding on the
87 parties; requiring that the notice of removal and

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88 complaint be signed pursuant to the Florida Rules of
89 Civil Procedure and include copies of certain
90 documents served in the action; requiring a party that
91 files such notice to pay for all applicable filing
92 fees within a specified timeframe; providing that the
93 consent of a party not seeking removal is not
94 required; requiring a party filing such notice to
95 simultaneously serve written notice to all parties and
96 file a copy of such notice with the division;
97 requiring the division to cease all further action
98 once served with such notice; requiring any action and
99 counterclaim filed after removal to be brought in
100 equity as a summary proceeding; providing that any
101 action filed is to be tried without a jury; providing
102 that a party is entitled to an immediate hearing;
103 authorizing a court to limit the time in which to take
104 testimony, considering the circumstances of the matter
105 and the proximity of any succeeding election that may
106 occur while such action is pending; providing that a
107 party filing an action may request a temporary
108 injunction to stay any upcoming elections that may
109 occur while such action is pending; requiring that an
110 association be ordered, by judgment or decree, to pay
111 all of a prevailing unit owner's costs, including
112 reasonable attorney fees and costs; providing that
113 compensation or fees of an attorney may be included in
114 the judgment or decree rendered in such action or in a
115 separate judgment or decree; providing construction;
116 amending s. 719.106, F.S.; conforming a provision to

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117 changes made by the act; prohibiting the suspension of
118 a voting interest of a unit when voting on the recall
119 of a board member; providing that any prior suspension
120 of voting rights has no effect for a recall vote;
121 deleting a provision that a special meeting of the
122 voting interests to recall a board member may be
123 called by 10 percent of the unit owners giving certain
124 notice; deleting a prohibition against electronic
125 transmission being used as a method of giving notice
126 of such special meeting; deleting a requirement that a
127 recall be effective if it is approved by a majority of
128 all voting interests in a vote at a meeting; deleting
129 a provision that a board must notice and hold a board
130 meeting within a specified timeframe after the
131 adjournment of the voting meeting; deleting a
132 requirement that a board take certain action at the
133 meeting; deleting a provision that a recall may be
134 made by agreement in writing by a majority of all
135 voting interests; revising the requirement that a copy
136 of the recall agreement be served on an association by
137 registered mail, rather than by certified mail or by
138 personal service; providing that no other method of
139 service is proper and that any method of service not
140 in compliance is void; providing that such board
141 members being recalled are recalled effective
142 immediately upon the conclusion of a board meeting
143 under certain circumstances; revising the timeframe in
144 which a recalled board member must turn over to a
145 board specified items belonging to an association

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146 which are in his or her possession; providing
147 circumstances when a unit owner's recall agreement is
148 facially invalid; providing a rebuttable presumption
149 that a unit owner executing the recall agreement is
150 the designated voter for the unit; prohibiting an
151 association from enforcing a voting certificate
152 requirement under certain circumstances; requiring
153 that a rescission or revocation of a unit owner's
154 recall agreement be in writing and delivered to an
155 association before the association is served with a
156 written recall agreement; providing construction;
157 deleting a requirement that a board must take certain
158 actions within a specified timeframe; deleting a
159 requirement that a board file a petition for binding
160 arbitration or file an action in a court of competent
161 jurisdiction within a specified timeframe if the board
162 does not certify the recall of a board member;
163 deleting a provision that a unit owner who voted at a
164 meeting or executed an agreement in writing
165 constitutes a party in such arbitration or action;
166 deleting a provision that a board member's recall is
167 effective upon the mailing of the final order of
168 arbitration to an association or the final order of
169 the court; deleting a provision that the division may
170 take specified action if an association fails to
171 comply with the order of the court or the arbitrator;
172 revising the timeframe in which a board member must
173 turn over all property in his or her possession which
174 belongs to an association; revising a provision that

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175 if a board determines that a recall agreement is not
176 facially valid, rather than fails to file the required
177 petition or action, a unit owner representative may
178 file a petition or action challenging the validity of
179 such agreement, rather than the board's failure to
180 act; revising the timeframe in which a petition or an
181 action must be filed; requiring that an association be
182 named as the respondent in such petition or action;
183 revising the timeframe in which a recalled board
184 member may file a petition or an action; providing
185 that such petition or action may challenge the facial
186 validity of a written agreement or ballots filed, or
187 the substantial compliance with the recall procedures;
188 requiring that a recalled board member be immediately
189 reinstated and the recall be deemed null and void upon
190 a determination of an arbitrator or the court;
191 providing that a board member who is successful in
192 challenging a recall is entitled to reasonable
193 attorney fees and costs; providing that a prevailing
194 association may be awarded reasonable attorney fees
195 and costs, provided the arbitrator or the court make
196 certain findings; revising the timeframe in which the
197 division or the court may not accept for filing a
198 recall petition or action; conforming a provision to
199 changes made by the act; providing construction;
200 amending s. 720.302, F.S.; providing legislative
201 findings; requiring the Office of the Condominium
202 Ombudsman, upon petition, to appoint a specified
203 employee or attorney to monitor the homeowners'

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204 association election of directors; requiring that all
205 costs for such monitoring be borne by the association;
206 requiring the division to adopt rules and procedures;
207 providing applicability; reenacting and amending s.
208 720.303, F.S.; prohibiting the suspension of a parcel
209 owner or member's voting rights when voting on the
210 recall of a board member; providing that any specified
211 prior suspensions have no effect for any recall;
212 revising the requirement that a recall agreement in
213 writing or by written ballot or a copy thereof be
214 served on an association by registered mail, rather
215 than by certified mail or by personal service;
216 providing that no other method of service is proper
217 and that any method of service not in compliance is
218 void; requiring that such member or members be
219 recalled effective immediately upon the conclusion of
220 the properly noticed and facially valid board meeting;
221 requiring a recalled member to turn over to the board
222 all records and property of the association in his or
223 her possession within a specified timeframe; deleting
224 the requirement that a board perform certain actions
225 to either certify or not certify the written ballots
226 or written agreements to recall a director of a board;
227 requiring a board to duly notice and hold a meeting of
228 the board within a specified timeframe after receipt
229 of an agreement in writing or by written ballot;
230 providing that board members are recalled effective
231 immediately upon the conclusion of a board meeting,
232 provided the recall is facially valid; revising the

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233 timeframe in which a recalled board member must return
234 to the board specified property belonging to the
235 association; deleting the provision that board members
236 may be recalled and removed by a vote taken at a
237 meeting, if permissible under the declarations, the
238 articles of incorporation, or the bylaws of the
239 association; deleting the provision that a special
240 meeting may be convened to recall a director or
241 directors of the board if called by a specified
242 percentage of the voting interests; deleting the
243 prohibition against electronic transmission being used
244 as a method of giving notice of such a meeting;
245 providing the grounds on which a unit owner's recall
246 agreement may be rejected; providing a rebuttable
247 presumption that a unit owner executing the recall
248 agreement is the designated voter for the unit;
249 prohibiting an association from enforcing a voting
250 certificate requirement under certain circumstances;
251 requiring that a rescission or revocation of a unit
252 owner's recall agreement be in writing and delivered
253 to an association before it is served with a written
254 recall agreement; providing construction; deleting the
255 requirement that a board file an action with a court
256 or file with the Department of Business and
257 Professional Regulation a petition for binding
258 arbitration within a specified timeframe if the board
259 does not certify the written agreement or written
260 ballots to recall a director; deleting the provision
261 that board members who voted at a meeting or who

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262 executed an agreement in writing constitute one party
263 under the petition for arbitration or court action;
264 deleting the provision that a recall is effective upon
265 the final order of the court or the mailing of the
266 final order of arbitration to the association;
267 requiring that recalled board members turn over
268 specified property of the association to the board
269 within a specified timeframe; providing that if, at
270 the conclusion of a meeting, a board determines that a
271 recall is facially invalid, then the unit owner
272 representative, rather than the parcel owner
273 representative, may file a petition or a court action
274 challenging the board's failure to act; revising the
275 timeframe in which such petition or action must be
276 filed; requiring that the association be named as the
277 respondent in such petition or action; revising the
278 requirement that a separate vote take place for each
279 board director sought to be recalled; providing that a
280 petition or action filed by a board member who has
281 been recalled may challenge the facial validity of the
282 written agreement, the ballots filed, or the
283 substantial compliance with the procedural
284 requirements for a recall; requiring that a board
285 member be reinstated and a recall be deemed null and
286 void if an arbitrator or a court determines that a
287 recall was invalid; providing that a prevailing party
288 is entitled to recover reasonable attorney fees and
289 costs if certain findings are made; revising the
290 timeframe in which the division or a court may not

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291 accept for filing a recall petition or action;
292 reenacting and amending s. 720.306, F.S.; deleting the
293 requirement that secret ballots cast by members who
294 are not in attendance at a meeting be mailed or
295 delivered to the association in a specified manner;
296 deleting the requirement that a valid ballot be cast
297 once confirmed valid; deleting the requirement that a
298 ballot for a lot that has more than one ballot
299 submitted be disqualified; deleting the provision that
300 any ballot received after the closing of the balloting
301 may not be considered; deleting the provision that a
302 member may nominate himself or herself as a candidate
303 for the board at a meeting where the election is held,
304 provided certain conditions are met; deleting the
305 prohibition against write-in nominations being
306 permitted under certain circumstances; deleting the
307 provision that qualified candidates seeking nomination
308 must commence their service on the board of directors,
309 regardless of whether a quorum is attained at the
310 annual meeting; deleting the requirement that boards
311 of directors be elected by a plurality of votes unless
312 otherwise provided by the governing documents;
313 deleting the provision that any challenge to the
314 election process be commenced within a specified
315 timeframe after the election results are announced;
316 requiring that board members be elected by written
317 ballot or voting machine; prohibiting the use of
318 proxies in electing the board in general elections or
319 in elections to fill vacancies; requiring the

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320 association to mail, deliver, or electronically
321 transmit, by separate association mailing or included
322 in another association mailing, delivery, or
323 electronic transmission, to each member entitled to
324 vote a first notice of the date of the election a
325 specified timeframe before the election; requiring a
326 member intending to be a candidate for the board to
327 give written notice of his or her intent a specified
328 timeframe before the election; requiring the
329 association to send a second notice of the election,
330 with the written notice of the annual meeting and
331 agenda, to all members entitled to vote, together with
332 a ballot that lists all candidates; requiring that an
333 information sheet be sent in the second notice at the
334 request of a candidate; providing requirements for
335 such information sheet; requiring that the candidate
336 furnish the information sheet to the association
337 within a specified timeframe; requiring the
338 association to bear the costs of mailing, delivering,
339 or electronically transmitting the information sheet;
340 providing that the association is not liable for the
341 content of the information sheet; authorizing the
342 association to print the information sheet on both
343 sides of the paper; requiring that elections be
344 decided by a plurality of ballots cast; providing that
345 there are no quorum requirements; providing an
346 exception; prohibiting a member from authorizing any
347 other person to cast his or her ballot; providing that
348 any improperly cast ballots are invalid; providing

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349 penalties; authorizing a member who requires
350 assistance to cast a ballot to seek such assistance;
351 requiring the election to occur on the date of the
352 annual meeting; providing that an election is not
353 required unless more candidates file notices of intent
354 to run or are nominated than there are vacancies on
355 the board; providing that such candidates become board
356 members upon the adjournment of the annual meeting
357 under certain circumstances; prohibiting a developer
358 from opting out of the statutory election process;
359 authorizing the association to opt out of the
360 statutory election process if a specified percentage
361 of voting interests after turnover approve, in which
362 case the bylaws of the association shall control;
363 providing applicability; requiring the division to
364 adopt rules; providing applicability; requiring that a
365 candidate for board membership be eligible at the time
366 of the mailing, delivery, or electronic transmission
367 of the candidate's notice of intent to be a candidate;
368 prohibiting co-owners of a parcel from serving
369 together; providing exceptions; revising the
370 requirement that a person who is delinquent on a
371 certain payment due the association is not eligible to
372 be a candidate; revising the requirement that a person
373 serving as a board member who becomes more than 90
374 days delinquent on a certain payment due the
375 association is deemed to have abandoned his or her
376 seat on the board; providing construction; deleting
377 the definition of the term "any fee, fine, or other

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378 monetary obligation"; requiring that the terms of all
379 board members expire at the annual meeting, and that
380 such board members may stand reelection unless
381 prohibited by the association's bylaws, if certain
382 conditions are met; reenacting and amending s.
383 720.311, F.S.; deleting a requirement that the
384 Department of Business and Professional Regulation
385 adopt rules; providing construction; requiring the
386 department to conduct binding arbitration of election
387 disputes between members and an association as
388 provided in the act; prohibiting such disputes from
389 being eligible for presuit mediation; requiring such
390 disputes be arbitrated by the department or filed in
391 court; requiring such arbitration petitions be handled
392 on an expedited basis by the division; requiring that
393 any challenge to an election or a recall filed in
394 circuit court be brought as a summary proceeding;
395 providing that the prevailing party is entitled to
396 reasonable attorney fees and costs; requiring that any
397 such proceeding be tried without a jury; providing
398 that the parties are entitled to an immediate hearing;
399 authorizing the court to limit the time in which to
400 take testimony; authorizing the challenging party to
401 request the issuance of a temporary injunction for a
402 specified purpose while the challenge is pending;
403 reenacting ss. 194.011(3)(e) and 194.181(2)(c), F.S.,
404 relating to objections to assessment notices and
405 parties to a tax suit, respectively, to incorporate
406 the amendments made to ss. 718.112 and 719.106, F.S.,

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407 in references thereto; reenacting ss. 718.117(8)(b)
408 and (16) and 718.501(1)(a) and (m), F.S., relating to
409 termination of condominium and authority,
410 responsibility, and duties of the Division of Florida
411 Condominiums, Timeshares, and Mobile Homes,
412 respectively, to incorporate the amendments made to
413 ss. 718.112 and 718.1255, F.S., in references thereto;
414 reenacting s. 719.1255, F.S., relating to alternative
415 dispute resolution, to incorporate the amendment made
416 to s. 718.1255, F.S., in a reference thereto;
417 reenacting ss. 720.3033(4)(b) and 720.405(6), F.S.,
418 relating to officers and directors and organizing
419 committee and parcel owner approval, respectively, to
420 incorporate the amendment made to s. 720.306, F.S., in
421 references thereto; providing an effective date.

422

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

424

425 Section 1. Paragraphs (l) and (p) of subsection (2) of
426 section 718.112, Florida Statutes, are amended, and paragraph
427 (m) of that subsection is reenacted, to read:

428 718.112 Bylaws.—

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

432 (1) *Recall of board members.*—Subject to s. 718.301, any
433 member of the board of administration may be recalled and
434 removed from office with or without cause by ~~the vote or~~
435 agreement ~~in writing~~ by a majority of all the voting interests.

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436 A voting interest of the condominium may not be suspended when
437 voting to recall a member of the board of administration, and
438 any prior suspension of voting rights pursuant to s. 718.303(5)
439 shall have no effect on a recall vote ~~A special meeting of the~~
440 ~~unit owners to recall a member or members of the board of~~
441 ~~administration may be called by 10 percent of the voting~~
442 ~~interests giving notice of the meeting as required for a meeting~~
443 ~~of unit owners, and the notice shall state the purpose of the~~
444 ~~meeting. Electronic transmission may not be used as a method of~~
445 ~~giving notice of a meeting called in whole or in part for this~~
446 ~~purpose.~~

447 1. ~~If the recall is approved by a majority of all voting~~
448 ~~interests by a vote at a meeting, the recall will be effective~~
449 ~~as provided in this paragraph. The board shall duly notice and~~
450 ~~hold a board meeting within 5 full business days after the~~
451 ~~adjournment of the unit owner meeting to recall one or more~~
452 ~~board members. Such member or members shall be recalled~~
453 ~~effective immediately upon conclusion of the board meeting,~~
454 ~~provided that the recall is facially valid. A recalled member~~
455 ~~must turn over to the board, within 10 full business days after~~
456 ~~the vote, any and all records and property of the association in~~
457 ~~their possession.~~

458 2. ~~If The proposed recall is by an agreement in writing by~~
459 ~~a majority of all voting interests, the agreement in writing or~~
460 ~~a copy thereof must shall be served on the association by~~
461 registered ~~certified mail or by personal service in the manner~~
462 ~~authorized by chapter 48 and the Florida Rules of Civil~~
463 ~~Procedure. No other method of service is proper, and any service~~
464 that does not comply with the methods of service in this

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465 subparagraph is void. The board of administration shall duly
466 notice and hold a meeting of the board within 5 full business
467 days after proper service ~~after receipt~~ of the agreement as
468 provided in this subparagraph ~~in writing~~. Such member or members
469 must ~~shall~~ be recalled effective immediately upon the conclusion
470 of the board meeting, provided that the recall has been properly
471 served and is facially valid. A recalled member must turn over
472 to the board, within 10 full business days, ~~any and~~ all records
473 and property of the association in his or her ~~their~~ possession.

474 2. Rejection of a unit owner's recall agreement under this
475 paragraph applies when the recall agreement:

476 a. Was improperly served;

477 b. Was executed by a person who was not a unit's record
478 owner or designated voter;

479 c. Was previously marked for the removal of any board
480 member;

481 d. Does not contain any markings that indicate the
482 selection by a unit owner to either remove or retain a board
483 member; or

484 e. Does not contain the signature of the unit owner.

485 3. There is a rebuttable presumption that a unit owner
486 executing the recall agreement is the designated voter for the
487 unit. An association may not enforce a voting certificate
488 requirement if the association has not enforced such requirement
489 in all matters requiring the use of voting certificates in the
490 year immediately preceding service of the recall agreement.

491 4. A rescission or revocation of a unit owner's recall
492 agreement must be in writing and delivered to the association
493 before the association is served with the written recall

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494 agreement. This subparagraph must be liberally construed to
495 ensure a unit owner is not disenfranchised by an association in
496 a recall and to prevent an association from failing to certify a
497 recall agreement on a technical omission that plays no part in
498 the discharge of the owner's voting rights.

499 ~~5.3.~~ If the board fails to duly notice and hold a board
500 meeting within 5 full business days after service of an
501 agreement in writing or within 5 full business days after the
502 adjournment of the unit owner recall meeting, the recall is
503 deemed effective and the board members so recalled shall turn
504 over to the board within 10 full business days after the vote
505 ~~any and~~ all records and property of the association.

506 ~~6.4.~~ If the board fails to duly notice and hold the
507 required meeting or at the conclusion of the meeting determines
508 that the recall is not facially valid, the unit owner
509 representative may file a petition or circuit court action under
510 s. 718.1255 challenging the board's failure to act or
511 challenging the board's determination on facial validity. The
512 petition or action must be filed within 45 ~~60~~ days after the
513 expiration of the applicable 5-full-business-day period. The
514 review of a petition or action under this subparagraph is
515 limited to the sufficiency of service on the board and the
516 facial validity of the written agreement or ballots filed. The
517 association must be named as the respondent.

518 ~~7.5.~~ If a vacancy occurs on the board as a result of a
519 recall or removal and less than a majority of the board members
520 are removed, the vacancy may be filled by the affirmative vote
521 of a majority of the remaining directors, notwithstanding any
522 provision to the contrary contained in this subsection. If

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523 vacancies occur on the board as a result of a recall and a
524 majority or more of the board members are removed, the vacancies
525 must ~~shall~~ be filled in accordance with procedural rules to be
526 adopted by the division, which rules need not be consistent with
527 this subsection. The rules must provide procedures governing the
528 conduct of the recall election as well as the operation of the
529 association during the period after a recall but before the
530 recall election.

531 ~~8.6.~~ A board member who has been recalled may file a
532 petition or court action under s. 718.1255 challenging the
533 validity of the recall. The petition or action must be filed
534 within 45 ~~60~~ days after the recall. The association and the unit
535 owner representative must ~~shall~~ be named as the respondents. The
536 petition or action may challenge the facial validity of the
537 written agreement or ballots filed or the substantial compliance
538 with the procedural requirements for the recall. If the
539 arbitrator or court determines the recall was invalid, the
540 petitioning board member must ~~shall~~ immediately be reinstated
541 and the recall is null and void. A board member who is
542 successful in challenging a recall is entitled to recover
543 reasonable attorney fees and costs from the respondents. The
544 arbitrator or court may award reasonable attorney fees and costs
545 to the respondents if they prevail, if the arbitrator or court
546 makes a finding that the petitioner's claim is frivolous.

547 ~~9.7.~~ The division or a court of competent jurisdiction may
548 not accept for filing a recall petition or court action, whether
549 filed under subparagraph 1., ~~subparagraph 2., subparagraph 4.,~~
550 ~~or~~ subparagraph 6., or subparagraph 8., when there are 60 or
551 fewer days until the scheduled reelection of the board member

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552 sought to be recalled or when 45 ~~60~~ or fewer days have elapsed
 553 since the election of the board member sought to be recalled.

554 (m) *Alternative dispute resolution.*—There must be a
 555 provision for alternative dispute resolution as provided for in
 556 s. 718.1255 for any residential condominium.

557 (p) *Director or officer delinquencies.*—A director or an
 558 officer more than 90 days delinquent in the payment of any
 559 assessment monetary obligation due the association is shall be
 560 deemed to have abandoned the office, creating a vacancy in the
 561 office to be filled according to law. For the purpose of this
 562 paragraph, a director or an officer is delinquent if a payment
 563 is not made by the due date as specifically identified in the
 564 declarations, bylaws, or articles of incorporation. If a due
 565 date is not specifically identified in the declaration, bylaws,
 566 or articles of incorporation, the due date is the first day of
 567 the assessment period.

568 Section 2. Present subsection (7) of section 718.1255,
 569 Florida Statutes, is redesignated as subsection (9), a new
 570 subsection (7) and subsection (8) are added to that section,
 571 paragraph (a) of subsection (4) and subsection (6) of that
 572 section are amended, and subsection (5) of that section is
 573 reenacted, to read:

574 718.1255 Alternative dispute resolution; mediation;
 575 nonbinding arbitration; applicability.—

576 (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The
 577 Division of Florida Condominiums, Timeshares, and Mobile Homes
 578 of the Department of Business and Professional Regulation may
 579 employ full-time attorneys to act as arbitrators to conduct the
 580 arbitration hearings provided by this chapter. The division may

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581 also certify attorneys who are not employed by the division to
582 act as arbitrators to conduct the arbitration hearings provided
583 by this chapter. A person may not be employed by the department
584 as a full-time arbitrator unless he or she is a member in good
585 standing of The Florida Bar. A person may only be certified by
586 the division to act as an arbitrator if he or she has been a
587 member in good standing of The Florida Bar for at least 5 years
588 and has mediated or arbitrated at least 10 disputes involving
589 condominiums in this state during the 3 years immediately
590 preceding the date of application, mediated or arbitrated at
591 least 30 disputes in any subject area in this state during the 3
592 years immediately preceding the date of application, or attained
593 board certification in real estate law or condominium and
594 planned development law from The Florida Bar. Arbitrator
595 certification is valid for 1 year. An arbitrator who does not
596 maintain the minimum qualifications for initial certification
597 may not have his or her certification renewed. The department
598 may not enter into a legal services contract for an arbitration
599 hearing under this chapter with an attorney who is not a
600 certified arbitrator unless a certified arbitrator is not
601 available within 50 miles of the dispute. The department shall
602 adopt rules of procedure to govern such arbitration hearings
603 including mediation incident thereto. The decision of an
604 arbitrator is final; however, a decision is not deemed final
605 agency action. Nothing in this provision shall be construed to
606 foreclose parties from proceeding in a trial de novo unless the
607 parties have agreed that the arbitration is binding. If judicial
608 proceedings are initiated, the final decision of the arbitrator
609 is admissible in evidence in the trial de novo.

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610 (a) Before the institution of court litigation, a party to
611 a dispute, other than an election or recall dispute, shall
612 either petition the division for nonbinding arbitration or
613 initiate presuit mediation as provided in subsection (5). All
614 election and recall arbitration conducted by the division is
615 binding on the parties unless removed pursuant to subsection
616 (7). Arbitration is binding on the parties if all parties in
617 arbitration agree to be bound in a writing filed in arbitration.
618 The petition must be accompanied by a filing fee in the amount
619 of \$50. Filing fees collected under this section must be used to
620 defray the expenses of the alternative dispute resolution
621 program.

622 (5) PRESUIT MEDIATION.—In lieu of the initiation of
623 nonbinding arbitration as provided in subsections (1)-(4), a
624 party may submit a dispute to presuit mediation in accordance
625 with s. 720.311; however, election and recall disputes are not
626 eligible for mediation and such disputes must be arbitrated by
627 the division or filed in a court of competent jurisdiction.

628 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES OR RECALL OF
629 A DIRECTOR.—Every arbitration petition received by the division
630 and required to be filed under this section challenging the
631 legality of the election of any director of the board of
632 administration or the recall of any director of the board of
633 administration must be handled on an expedited basis in the
634 manner provided by the division's rules for recall arbitration
635 disputes. Any challenge to an election or a recall that is filed
636 in circuit court must be brought in equity as a summary
637 proceeding pursuant to s. 51.011. In any challenge to an
638 election, the prevailing party is entitled to recover reasonable

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639 attorney fees and costs. Any action filed pursuant to this
640 subsection must be tried without a jury. The parties to such
641 action are entitled to an immediate hearing. However, the court
642 may limit the time in which to take testimony, with a view
643 therein to the circumstances of the matter and to the proximity
644 of any succeeding election. The party filing the action
645 challenging the legality of the election of any director of the
646 board of administration or recall of any director of the board
647 of administration may request the issuance of a temporary
648 injunction to stay any upcoming election that may occur while
649 the challenge is pending.

650 (7) REMOVAL OF ELECTION AND RECALL ARBITRATION ACTIONS.—

651 (a) A unit owner, a recall representative, or an
652 association may remove a petition for election or recall
653 arbitration within 10 days after service of such petition by
654 filing a notice of removal and complaint in the judicial circuit
655 court where the association is located. Failure to timely file
656 such notice bars the parties from seeking a trial de novo or
657 otherwise proceeding in the circuit court, and the ruling of the
658 division is final and binding on the parties.

659 (b) A notice of removal and complaint must be signed
660 pursuant to the Florida Rules of Civil Procedure, together with
661 a copy of all process, pleadings, and orders served in such
662 action. The party filing the notice of removal and complaint is
663 responsible for the payment of all applicable filing fees within
664 5 days after filing the notice. The party not seeking removal is
665 not required to consent to removal. The party filing the notice
666 must simultaneously serve written notice to all parties and file
667 a copy of such written notice with the division, which must

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668 cease any further action on the matter. Any action or
669 counterclaim filed after removal must be brought in equity as a
670 summary proceeding pursuant to s. 51.011. Any action filed
671 pursuant to this subsection must be tried without a jury. The
672 parties are entitled to an immediate hearing. However, the court
673 may limit the time in which to take testimony, and to the
674 proximity of any succeeding election that may occur while such
675 action is pending. The party filing an action under this
676 subsection may request the issuance of a temporary injunction to
677 stay any upcoming election that may occur while the action is
678 pending.

679 (8) ATTORNEY FEES AND COSTS FOR DISPUTES INVOLVING RECALL
680 OF DIRECTORS.—Upon the rendition of a judgment or decree by the
681 division or any of the courts of this state against an
682 association and in favor of the unit owner, the division, the
683 trial court, or, in the event of an appeal in which the unit
684 owner prevails, the appellate court shall adjudge or decree
685 against the association and in favor of the unit owner all costs
686 incurred in the action and a reasonable sum as fees or
687 compensation for the unit owner's attorney prosecuting the
688 action in which the recovery is had. When so awarded,
689 compensation or attorney fees may be included in the judgment or
690 decree rendered in the action, or a separate judgment or decree
691 may be entered awarding the member his or her costs and attorney
692 fees. All attorney fees and costs must be awarded pursuant to s.
693 57.105.

694 Section 3. Paragraphs (a), (f), and (o) of subsection (1)
695 of section 719.106, Florida Statutes, are amended to read:

696 719.106 Bylaws; cooperative ownership.—

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

700 (a) *Administration.*—

701 1. The form of administration of the association shall be
702 described, indicating the titles of the officers and board of
703 administration and specifying the powers, duties, manner of
704 selection and removal, and compensation, if any, of officers and
705 board members. In the absence of such a provision, the board of
706 administration shall be composed of five members, unless the
707 cooperative has five or fewer units. The board shall consist of
708 not fewer than three members in cooperatives with five or fewer
709 units that are not-for-profit corporations. In a residential
710 cooperative association of more than 10 units, co-owners of a
711 unit may not serve as members of the board of directors at the
712 same time unless the co-owners own more than one unit or unless
713 there are not enough eligible candidates to fill the vacancies
714 on the board at the time of the vacancy. In the absence of
715 provisions to the contrary, the board of administration shall
716 have a president, a secretary, and a treasurer, who shall
717 perform the duties of those offices customarily performed by
718 officers of corporations. Unless prohibited in the bylaws, the
719 board of administration may appoint other officers and grant
720 them those duties it deems appropriate. Unless otherwise
721 provided in the bylaws, the officers shall serve without
722 compensation and at the pleasure of the board. Unless otherwise
723 provided in the bylaws, the members of the board shall serve
724 without compensation.

725 2. A person who has been suspended or removed by the

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726 division under this chapter, or who is delinquent in the payment
727 of any assessment ~~monetary obligation~~ due to the association, is
728 not eligible to be a candidate for board membership and may not
729 be listed on the ballot. A director or officer charged by
730 information or indictment with a felony theft or embezzlement
731 offense involving the association's funds or property is
732 suspended from office. The board shall fill the vacancy
733 according to general law until the end of the period of the
734 suspension or the end of the director's term of office,
735 whichever occurs first. However, if the charges are resolved
736 without a finding of guilt or without acceptance of a plea of
737 guilty or nolo contendere, the director or officer must ~~shall~~ be
738 reinstated for any remainder of his or her term of office. A
739 member who has such criminal charges pending may not be
740 appointed or elected to a position as a director or officer. A
741 person who has been convicted of any felony in this state or in
742 any United States District Court, or who has been convicted of
743 any offense in another jurisdiction which would be considered a
744 felony if committed in this state, is not eligible for board
745 membership unless such felon's civil rights have been restored
746 for at least 5 years as of the date such person seeks election
747 to the board. The validity of an action by the board is not
748 affected if it is later determined that a board member is
749 ineligible for board membership due to having been convicted of
750 a felony.

751 3. When a unit owner files a written inquiry by certified
752 mail with the board of administration, the board shall respond
753 in writing to the unit owner within 30 days after ~~of~~ receipt of
754 the inquiry. The board's response shall either give a

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755 substantive response to the inquirer, notify the inquirer that a
756 legal opinion has been requested, or notify the inquirer that
757 advice has been requested from the division. If the board
758 requests advice from the division, the board shall, within 10
759 days after ~~of~~ its receipt of the advice, provide in writing a
760 substantive response to the inquirer. If a legal opinion is
761 requested, the board must ~~shall~~, within 60 days after the
762 receipt of the inquiry, provide in writing a substantive
763 response to the inquirer. The failure to provide a substantive
764 response to the inquirer as provided herein precludes the board
765 from recovering attorney ~~attorney's~~ fees and costs in any
766 subsequent litigation, administrative proceeding, or arbitration
767 arising out of the inquiry. The association may, through its
768 board of administration, adopt reasonable rules and regulations
769 regarding the frequency and manner of responding to the unit
770 owners' inquiries, one of which may be that the association is
771 obligated to respond to only one written inquiry per unit in any
772 given 30-day period. In such case, any additional inquiry or
773 inquiries must be responded to in the subsequent 30-day period,
774 or periods, as applicable.

775 (f) *Recall of board members.*—Subject to s. 719.301, any
776 member of the board of administration may be recalled and
777 removed from office with or without cause by the ~~vote or~~
778 agreement in writing by a majority of all the voting interests.
779 A voting interest of a unit may not be suspended when voting on
780 the recall of a member of the board, and any prior suspension of
781 voting rights pursuant to s. 719.303(5) may not have an effect
782 on a recall vote ~~A special meeting of the voting interests to~~
783 ~~recall any member of the board of administration may be called~~

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784 ~~by 10 percent of the unit owners giving notice of the meeting as~~
785 ~~required for a meeting of unit owners, and the notice shall~~
786 ~~state the purpose of the meeting. Electronic transmission may~~
787 ~~not be used as a method of giving notice of a meeting called in~~
788 ~~whole or in part for this purpose.~~

789 1. ~~If the recall is approved by a majority of all voting~~
790 ~~interests by a vote at a meeting, the recall shall be effective~~
791 ~~as provided in this paragraph. The board shall duly notice and~~
792 ~~hold a board meeting within 5 full business days after the~~
793 ~~adjournment of the unit owner meeting to recall one or more~~
794 ~~board members. At the meeting, the board shall either certify~~
795 ~~the recall, in which case such member or members shall be~~
796 ~~recalled effective immediately and shall turn over to the board~~
797 ~~within 5 full business days any and all records and property of~~
798 ~~the association in their possession, or shall proceed as set~~
799 ~~forth in subparagraph 3.~~

800 2. ~~If The proposed recall is by an agreement in writing by~~
801 ~~a majority of all voting interests, the agreement in writing or~~
802 ~~a copy thereof must shall be served on the association by~~
803 ~~registered certified mail or by personal service in the manner~~
804 ~~authorized by chapter 48 and the Florida Rules of Civil~~
805 ~~Procedure. No other method of service is proper, and any service~~
806 ~~that does not comply with the methods of service in this~~
807 ~~subparagraph is void. The board of administration shall duly~~
808 ~~notice and hold a meeting of the board within 5 full business~~
809 ~~days after proper service receipt of the agreement as provided~~
810 ~~in this subparagraph in writing. Such member or members must be~~
811 ~~recalled effective immediately upon the conclusion of the board~~
812 ~~meeting, provided the recall has been properly served and is~~

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813 facially valid. A recalled member must turn over to the board
814 any records and property of the association in his or her
815 possession within 10 business days after being recalled.

816 2. A unit owner's recall agreement is facially invalid and
817 may be rejected by the board if:

818 a. The unit owner failed to properly serve notice of the
819 recall agreement;

820 b. The recall agreement was executed by a person who was
821 not the unit's recorded owner or designated voter;

822 c. The recall agreement was marked before the removal of a
823 board member;

824 d. The recall agreement does not contain any marking
825 indicating the selection by the recorded unit owner or
826 designated voter to either remove or retain a board member; or

827 e. The recall agreement does not contain a signature.

828 3. There is a rebuttable presumption that a unit owner
829 executing the recall agreement is the designated voter for the
830 unit. An association may not enforce a voting certificate
831 requirement if the association has not enforced such
832 requirements in all matters requiring the use of voting
833 certificates in the year immediately preceding service of the
834 recall agreement.

835 4. A rescission or revocation of a unit owner's recall
836 agreement must be in writing and delivered to the association
837 before the association is served with the written recall
838 agreement. This subparagraph must be liberally construed to
839 ensure a unit owner is not disenfranchised by an association in
840 a recall and to prevent an association from failing to certify a
841 recall agreement on a technical omission that plays no part in

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842 ~~the discharge of the owner's voting rights~~ At the meeting, ~~the~~
843 ~~board shall either certify the written agreement to recall~~
844 ~~members of the board, in which case such members shall be~~
845 ~~recalled effective immediately and shall turn over to the board,~~
846 ~~within 5 full business days, any and all records and property of~~
847 ~~the association in their possession, or proceed as described in~~
848 ~~subparagraph 3.~~

849 ~~3. If the board determines not to certify the written~~
850 ~~agreement to recall members of the board, or does not certify~~
851 ~~the recall by a vote at a meeting, the board shall, within 5~~
852 ~~full business days after the board meeting, file with the~~
853 ~~division a petition for binding arbitration under s. 719.1255 or~~
854 ~~file an action with a court of competent jurisdiction. For~~
855 ~~purposes of this paragraph, the unit owners who voted at the~~
856 ~~meeting or who executed the agreement in writing shall~~
857 ~~constitute one party under the petition for arbitration or in a~~
858 ~~court action. If the arbitrator or court certifies the recall as~~
859 ~~to any member of the board, the recall is effective upon the~~
860 ~~mailing of the final order of arbitration to the association or~~
861 ~~the final order of the court. If the association fails to comply~~
862 ~~with the order of the court or the arbitrator, the division may~~
863 ~~take action under s. 719.501. Any member so recalled shall~~
864 ~~deliver to the board any and all records and property of the~~
865 ~~association in the member's possession within 5 full business~~
866 ~~days after the effective date of the recall.~~

867 ~~5.4.~~ 5.4. If the board fails to duly notice and hold a board
868 meeting within 5 full business days after service of an
869 agreement in writing or within 5 full business days after the
870 adjournment of the unit owner recall meeting, the recall is

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871 deemed effective and the board members so recalled must ~~shall~~
872 ~~immediately~~ turn over to the board ~~any and~~ all records and
873 property of the association within 10 business days after being
874 recalled.

875 ~~6.5.~~ If the board fails to duly notice and hold the
876 required meeting or at the conclusion of the meeting determines
877 that the recall agreement is not facially valid ~~fails to file~~
878 ~~the required petition or action,~~ the unit owner representative
879 may file a petition under s. 719.1255 or file an action in a
880 court of competent jurisdiction challenging the board's
881 determination of the recall agreement's validity ~~failure to act.~~
882 The petition or action must be filed within 45 ~~60~~ days after the
883 expiration of the applicable 5-full-business-day period. The
884 review of a petition or action under this subparagraph is
885 limited to the sufficiency of service on the board and the
886 facial validity of the written agreement or ballots filed. The
887 association must be named as the respondent.

888 ~~7.6.~~ If a vacancy occurs on the board as a result of a
889 recall and less than a majority of the board members are
890 removed, the vacancy may be filled by the affirmative vote of a
891 majority of the remaining directors, notwithstanding any
892 provision to the contrary contained in this chapter. If
893 vacancies occur on the board as a result of a recall and a
894 majority or more of the board members are removed, the vacancies
895 must ~~shall~~ be filled in accordance with procedural rules to be
896 adopted by the division, which rules need not be consistent with
897 this chapter. The rules must provide procedures governing the
898 conduct of the recall election as well as the operation of the
899 association during the period after a recall but before the

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900 recall election.

901 ~~8.7.~~ A board member who has been recalled may file a
902 petition under s. 719.1255 or file an action in a court of
903 competent jurisdiction challenging the validity of the recall.
904 The petition or action must be filed within 45 ~~60~~ days after the
905 recall is deemed certified. The association and the unit owner
906 representative must ~~shall~~ be named as the respondents. Such
907 petition or action may challenge the facial validity of the
908 written agreement or ballots filed, or the substantial
909 compliance with the procedural requirements for a recall. If the
910 arbitrator or the court determines the recall was invalid, the
911 arbitrator or the court must immediately reinstate the
912 petitioning board and deem the recall null and void. A board
913 member who is successful in challenging a recall is entitled to
914 reasonable attorney fees and costs from the respondents. The
915 arbitrator or the court may award reasonable attorney fees and
916 costs to the association if it prevails, provided that the
917 arbitrator or the court finds that the petitioner's claim is
918 frivolous.

919 ~~9.8.~~ The division or court may not accept for filing a
920 recall petition or action, whether filed under subparagraph 1.,
921 subparagraph 6., or subparagraph 8. ~~subparagraph 2.,~~
922 ~~subparagraph 5., or subparagraph 7.~~ and regardless of whether
923 the recall was certified, when there are 60 or fewer days until
924 the scheduled reelection of the board member sought to be
925 recalled or when 45 ~~60~~ or fewer days have not elapsed since the
926 election of the board member sought to be recalled.

927 (o) *Director or officer delinquencies.*—A director or
928 officer more than 90 days delinquent in the payment of any

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929 ~~assessment monetary obligation~~ due the association is shall be
930 deemed to have abandoned the office, creating a vacancy in the
931 office to be filled according to law. For the purpose of this
932 paragraph, a person is delinquent if a payment is not made by
933 the due date as specifically identified in the declarations, the
934 bylaws, or the articles of incorporation. If a due date is not
935 specifically identified in the declaration, bylaws, or articles
936 of incorporation, the due date is the first day of the
937 assessment period.

938 Section 4. Subsection (2) of section 720.302, Florida
939 Statutes, is amended to read:

940 720.302 Purposes, scope, and application.—

941 (2) (a) The Legislature recognizes that it is not in the
942 best interest of homeowners' associations or the individual
943 association members thereof to create or impose a bureau or
944 other agency of state government to regulate the affairs of
945 homeowners' associations. However, in accordance with s.
946 720.311, the Legislature finds that homeowners' associations and
947 their individual members will benefit from an expedited
948 alternative process for resolution of election and recall
949 disputes and presuit mediation of other disputes involving
950 covenant enforcement and authorizes the department to hear,
951 administer, and determine these disputes as more fully set forth
952 in this chapter. Further, the Legislature recognizes that
953 certain contract rights have been created for the benefit of
954 homeowners' associations and members thereof before the
955 effective date of this act and that ss. 720.301-720.407 are not
956 intended to impair such contract rights, including, but not
957 limited to, the rights of the developer to complete the

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958 community as initially contemplated.

959 (b)1. Further, the Legislature finds that homeowners'
960 associations and their individual members will benefit from
961 oversight of the election of directors, and the Legislature
962 authorizes the Office of the Condominium Ombudsman to appoint an
963 election monitor to attend the annual meeting of the members and
964 to conduct the election of directors.

965 2. Upon receipt of a petition of 10 percent of the total
966 voting interests in the homeowners' association or eight
967 members, whichever is greater, the ombudsman shall appoint a
968 division employee, a person specializing in election monitoring,
969 or an attorney licensed to practice in this state as the
970 election monitor. All costs associated with the election
971 monitoring process must be borne by the association. The
972 division shall adopt rules establishing procedures for the
973 appointment of such monitors, including the scope and extent of
974 the monitors' role in the election process. This subparagraph
975 does not apply to any election conducted in accordance with the
976 bylaws of the association.

977 Section 5. Paragraphs (a) through (d), (f), (g), (j), (k),
978 and (l) of subsection (10) of section 720.303, Florida Statutes,
979 are amended, and paragraph (b) of subsection (4) of that section
980 is reenacted, to read:

981 720.303 Association powers and duties; meetings of board;
982 official records; budgets; financial reporting; association
983 funds; recalls.—

984 (4) OFFICIAL RECORDS.—

985 (b)1. By January 1, 2025, an association that has 100 or
986 more parcels shall post the following documents on its website

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987 or make available such documents through an application that can
988 be downloaded on a mobile device:

989 a. The articles of incorporation of the association and
990 each amendment thereto.

991 b. The recorded bylaws of the association and each
992 amendment thereto.

993 c. The declaration of covenants and a copy of each
994 amendment thereto.

995 d. The current rules of the association.

996 e. A list of all current executory contracts or documents
997 to which the association is a party or under which the
998 association or the parcel owners have an obligation or
999 responsibility and, after bidding for the related materials,
1000 equipment, or services has closed, a list of bids received by
1001 the association within the past year.

1002 f. The annual budget required by subsection (6) and any
1003 proposed budget to be considered at the annual meeting.

1004 g. The financial report required by subsection (7) and any
1005 monthly income or expense statement to be considered at a
1006 meeting.

1007 h. The association's current insurance policies.

1008 i. The certification of each director as required by s.
1009 720.3033(1)(a).

1010 j. All contracts or transactions between the association
1011 and any director, officer, corporation, firm, or association
1012 that is not an affiliated homeowners' association or any other
1013 entity in which a director of an association is also a director
1014 or an officer and has a financial interest.

1015 k. Any contract or document regarding a conflict of

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1016 interest or possible conflict of interest as provided in ss.
1017 468.436(2)(b)6. and 720.3033(2).

1018 1. Notice of any scheduled meeting of members and the
1019 agenda for the meeting, as required by s. 720.306, at least 14
1020 days before such meeting. The notice must be posted in plain
1021 view on the homepage of the website or application, or on a
1022 separate subpage of the website or application labeled "Notices"
1023 which is conspicuously visible and linked from the homepage. The
1024 association shall also post on its website or application any
1025 document to be considered and voted on by the members during the
1026 meeting or any document listed on the meeting agenda at least 7
1027 days before the meeting at which such document or information
1028 within the document will be considered.

1029 m. Notice of any board meeting, the agenda, and any other
1030 document required for such meeting as required by subsection
1031 (3), which must be posted on the website or application no later
1032 than the date required for notice under subsection (3).

1033 2. The association's website or application must be
1034 accessible through the Internet and must contain a subpage, web
1035 portal, or other protected electronic location that is
1036 inaccessible to the general public and accessible only to parcel
1037 owners and employees of the association.

1038 3. Upon written request by a parcel owner, the association
1039 must provide the parcel owner with a username and password and
1040 access to the protected sections of the association's website or
1041 application which contains the official documents of the
1042 association.

1043 4. The association shall ensure that the information and
1044 records described in paragraph (5)(g), which are not allowed to

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1045 be accessible to parcel owners, are not posted on the
1046 association's website or application. If protected information
1047 or information restricted from being accessible to parcel owners
1048 is included in documents that are required to be posted on the
1049 association's website or application, the association must
1050 ensure the information is redacted before posting the documents.
1051 Notwithstanding the foregoing, the association or its authorized
1052 agent is not liable for disclosing information that is protected
1053 or restricted under paragraph (5)(g) unless such disclosure was
1054 made with a knowing or intentional disregard of the protected or
1055 restricted nature of such information.

1056 (10) RECALL OF DIRECTORS.—

1057 (a)1. Regardless of any provision to the contrary contained
1058 in the governing documents, subject to the provisions of s.
1059 720.307 regarding transition of association control, any member
1060 of the board of directors may be recalled and removed from
1061 office with or without cause by a majority of the total voting
1062 interests. The voting rights of a parcel owner or member may not
1063 be suspended when voting on the recall of a member of the board,
1064 and any prior suspension of voting rights pursuant to s.
1065 720.305(4) shall have no effect on a recall vote.

1066 2. When the governing documents, including the declaration,
1067 articles of incorporation, or bylaws, provide that only a
1068 specific class of members is entitled to elect a board director
1069 or directors, only that class of members may vote to recall
1070 those board directors so elected.

1071 (b)1. Board directors may be recalled by an agreement in
1072 writing or by written ballot without a membership meeting. The
1073 agreement in writing or the written ballots, or a copy thereof,

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1074 ~~must shall~~ be served on the association by registered certified
1075 ~~mail or by personal service~~ in the manner authorized by chapter
1076 48 and the Florida Rules of Civil Procedure. No other method of
1077 service is proper, and any service that does not comply with the
1078 methods of service in this paragraph is void.

1079 2. The board shall duly notice and hold a meeting of the
1080 board within 5 full business days after proper service after
1081 ~~receipt~~ of the agreement in writing or written ballots as
1082 provided in this paragraph. Such member or members must be
1083 recalled effective immediately upon the conclusion of the board
1084 meeting, provided that the recall notice has been properly
1085 served and is facially valid. A recalled member must turn over
1086 to the board, within 10 full business days, all records and
1087 property of the association in his or her possession. At the
1088 ~~meeting, the board shall either certify the written ballots or~~
1089 ~~written agreement to recall a director or directors of the~~
1090 ~~board, in which case such director or directors shall be~~
1091 ~~recalled effective immediately and shall turn over to the board~~
1092 ~~within 5 full business days any and all records and property of~~
1093 ~~the association in their possession, or proceed as described in~~
1094 ~~paragraph (d).~~

1095 3. When it is determined by the department pursuant to
1096 binding arbitration proceedings or the court in an action filed
1097 in a court of competent jurisdiction that an initial recall
1098 effort was defective, written recall agreements or written
1099 ballots used in the first recall effort and not found to be
1100 defective may be reused in one subsequent recall effort.
1101 However, in no event is a written agreement or written ballot
1102 valid for more than 120 days after it has been signed by the

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1103 member.

1104 4. Any rescission or revocation of a member's written
1105 recall ballot or agreement must be in writing and, in order to
1106 be effective, must be delivered to the association before the
1107 association is served with the written recall agreements or
1108 ballots.

1109 5. The agreement in writing or ballot must ~~shall~~ list at
1110 least as many possible replacement directors as there are
1111 directors subject to the recall, when at least a majority of the
1112 board is sought to be recalled; the person executing the recall
1113 instrument may vote for as many replacement candidates as there
1114 are directors subject to the recall.

1115 (c)1. The board shall duly notice and hold a meeting of the
1116 board within 5 business days after receipt of the agreement in
1117 writing or the written ballot. The board member or members are
1118 recalled effective immediately upon the conclusion of the board
1119 meeting, provided that the recall is facially valid. A recalled
1120 member must return to the board all records and property of the
1121 association in his or her possession within 10 business days
1122 after being recalled ~~If the declaration, articles of~~
1123 ~~incorporation, or bylaws specifically provide, the members may~~
1124 ~~also recall and remove a board director or directors by a vote~~
1125 ~~taken at a meeting. If so provided in the governing documents, a~~
1126 ~~special meeting of the members to recall a director or directors~~
1127 ~~of the board of administration may be called by 10 percent of~~
1128 ~~the voting interests giving notice of the meeting as required~~
1129 ~~for a meeting of members, and the notice shall state the purpose~~
1130 ~~of the meeting. Electronic transmission may not be used as a~~
1131 ~~method of giving notice of a meeting called in whole or in part~~

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1132 ~~for this purpose.~~

1133 2. The grounds for rejecting a unit owner's recall
1134 agreement under this section are as follows:

1135 a. The unit owner failed to properly serve notice of the
1136 recall election;

1137 b. The recall agreement was executed by a person who was
1138 not a unit's record owner or designated voter;

1139 c. The recall agreement was marked prior to the removal of
1140 any board member;

1141 d. The recall agreement does not contain any marking
1142 indicating the selection by the unit owner to either remove or
1143 retain any board member; or

1144 e. The recall agreement does not contain a signature.

1145 3. There is a rebuttable presumption that a unit owner
1146 executing the recall agreement is the designated voter for the
1147 unit. An association may not enforce a voting certificate
1148 requirement if the association has not enforced such requirement
1149 in all matters in the year immediately preceding service of the
1150 recall agreement ~~The board shall duly notice and hold a board~~
1151 ~~meeting within 5 full business days after the adjournment of the~~
1152 ~~member meeting to recall one or more directors. At the meeting,~~
1153 ~~the board shall certify the recall, in which case such member or~~
1154 ~~members shall be recalled effective immediately and shall turn~~
1155 ~~over to the board within 5 full business days any and all~~
1156 ~~records and property of the association in their possession, or~~
1157 ~~shall proceed as set forth in paragraph (d).~~

1158 4. ~~(d)~~ A rescission or revocation of a unit owner's recall
1159 agreement must be in writing and delivered to the association
1160 before the association is served with the written recall

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1161 agreement. This paragraph must be liberally construed to ensure
 1162 a unit owner is not disenfranchised by an association in a
 1163 recall and to prevent an association from failing to certify a
 1164 recall agreement on a technical omission playing no part in the
 1165 discharge of a unit owner's voting rights ~~If the board~~
 1166 ~~determines not to certify the written agreement or written~~
 1167 ~~ballots to recall a director or directors of the board or does~~
 1168 ~~not certify the recall by a vote at a meeting, the board shall,~~
 1169 ~~within 5 full business days after the meeting, file an action~~
 1170 ~~with a court of competent jurisdiction or file with the~~
 1171 ~~department a petition for binding arbitration under the~~
 1172 ~~applicable procedures in ss. 718.112(2)(1) and 718.1255 and the~~
 1173 ~~rules adopted thereunder. For the purposes of this section, the~~
 1174 ~~members who voted at the meeting or who executed the agreement~~
 1175 ~~in writing shall constitute one party under the petition for~~
 1176 ~~arbitration or in a court action. If the arbitrator or court~~
 1177 ~~certifies the recall as to any director or directors of the~~
 1178 ~~board, the recall will be effective upon the final order of the~~
 1179 ~~court or the mailing of the final order of arbitration to the~~
 1180 ~~association. The director or directors so recalled shall deliver~~
 1181 ~~to the board any and all records of the association in their~~
 1182 ~~possession within 5 full business days after the effective date~~
 1183 ~~of the recall.~~

1184 (e) ~~(f)~~ If the board fails to duly notice and hold a board
 1185 meeting within 5 full business days after service of an
 1186 agreement in writing or within 5 full business days after the
 1187 adjournment of the unit owner ~~member~~ recall meeting, the recall
 1188 is ~~shall be~~ deemed effective and the board member or members
 1189 ~~directors~~ so recalled must ~~shall immediately~~ turn over to the

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1190 board all records and property of the association within 10 full
1191 business days.

1192 (f)~~(g)~~ If the board fails to duly notice and hold the
1193 required meeting or at the conclusion of the meeting the board
1194 determines that the recall is facially invalid ~~fails to file the~~
1195 ~~required petition or action,~~ the unit parcel owner
1196 representative may file a petition or a court action under s.
1197 718.1255 challenging the board's failure to act. The petition or
1198 action must be filed within 30 ~~60~~ days after the expiration of
1199 the applicable 5-full-business-day period. The review of a
1200 petition or action under this paragraph is limited to the
1201 sufficiency of service on the board and the facial validity of
1202 the written agreement or ballots filed. The association must be
1203 named as the respondent.

1204 (i)~~(j)~~ When the recall of more than one board member
1205 ~~director~~ is sought, the written agreement or, ballot must, ~~or~~
1206 ~~vote at a meeting shall~~ provide for a separate vote for each
1207 board director sought to be recalled.

1208 (j)~~(k)~~ A board member who has been recalled may file an
1209 action with a court of competent jurisdiction or a petition
1210 under ss. 718.112(2)(1) and 718.1255 and the rules adopted
1211 challenging the validity of the recall. The petition or action
1212 must be filed within 45 ~~60~~ days after the recall is deemed
1213 certified. The association and the parcel owner representative
1214 must ~~shall~~ be named as respondents. The petition or the action
1215 may challenge the facial validity of the written agreement, the
1216 ballots filed, or the substantial compliance with the procedural
1217 requirements for the recall. If the arbitrator or the court
1218 determines that the recall was invalid, the petitioning board

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1219 member must immediately be reinstated and the recall deemed null
 1220 and void. A board member who prevails is entitled to recover
 1221 reasonable attorney fees and costs from the respondents. The
 1222 arbitrator or the court may award reasonable attorney fees and
 1223 costs to a respondent if he or she prevails, provided the
 1224 arbitrator or the court makes a finding that the petitioner's
 1225 claim is frivolous.

1226 (k)~~(l)~~ The division or a court of competent jurisdiction
 1227 may not accept for filing a recall petition or action, whether
 1228 filed under paragraph (b), paragraph (c), ~~paragraph (g)~~, or
 1229 paragraph (j) ~~(k)~~ and regardless of whether the recall was
 1230 certified, when there are 45 ~~60~~ or fewer days until the
 1231 scheduled reelection of the board member sought to be recalled
 1232 or when 45 ~~60~~ or fewer days have not elapsed since the election
 1233 of the board member sought to be recalled.

1234 Section 6. Subsections (8) and (9) of section 720.306,
 1235 Florida Statutes, are amended, and paragraph (g) of subsection
 1236 (1) of that section is reenacted, to read:

1237 720.306 Meetings of members; voting and election
 1238 procedures; amendments.—

1239 (1) QUORUM; AMENDMENTS.—

1240 (g) A notice required under this section must be mailed or
 1241 delivered to the address identified as the parcel owner's
 1242 mailing address in the official records of the association as
 1243 required under s. 720.303(4), or electronically transmitted in a
 1244 manner authorized by the association if the parcel owner has
 1245 consented, in writing, to receive notice by electronic
 1246 transmission.

1247 (8) PROXY VOTING.—The members have the right, unless

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1248 otherwise provided in this subsection or in the governing
1249 documents, to vote in person or by proxy.

1250 ~~(a)~~ To be valid, a proxy must be dated, must state the
1251 date, time, and place of the meeting for which it was given, and
1252 must be signed by the authorized person who executed the proxy.
1253 A proxy is effective only for the specific meeting for which it
1254 was originally given, as the meeting may lawfully be adjourned
1255 and reconvened from time to time, and automatically expires 90
1256 days after the date of the meeting for which it was originally
1257 given. A proxy is revocable at any time at the pleasure of the
1258 person who executes it. If the proxy form expressly so provides,
1259 any proxy holder may appoint, in writing, a substitute to act in
1260 his or her place.

1261 ~~(b)~~ ~~If the governing documents permit voting by secret~~
1262 ~~ballot by members who are not in attendance at a meeting of the~~
1263 ~~members for the election of directors, such ballots must be~~
1264 ~~placed in an inner envelope with no identifying markings and~~
1265 ~~mailed or delivered to the association in an outer envelope~~
1266 ~~bearing identifying information reflecting the name of the~~
1267 ~~member, the lot or parcel for which the vote is being cast, and~~
1268 ~~the signature of the lot or parcel owner casting that ballot. If~~
1269 ~~the eligibility of the member to vote is confirmed and no other~~
1270 ~~ballot has been submitted for that lot or parcel, the inner~~
1271 ~~envelope shall be removed from the outer envelope bearing the~~
1272 ~~identification information, placed with the ballots which were~~
1273 ~~personally cast, and opened when the ballots are counted. If~~
1274 ~~more than one ballot is submitted for a lot or parcel, the~~
1275 ~~ballots for that lot or parcel shall be disqualified. Any vote~~
1276 ~~by ballot received after the closing of the balloting may not be~~

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1277 ~~considered.~~

1278 (9) ELECTIONS AND BOARD VACANCIES.—

1279 (a) Elections of directors must be conducted in accordance
1280 with the procedures set forth in this subsection ~~the governing~~
1281 ~~documents of the association.~~ Except as provided in paragraph
1282 (b), all members of the association are eligible to serve on the
1283 board of directors, ~~and a member may nominate himself or herself~~
1284 ~~as a candidate for the board at a meeting where the election is~~
1285 ~~to be held; provided, however, that if the election process~~
1286 ~~allows candidates to be nominated in advance of the meeting, the~~
1287 ~~association is not required to allow nominations at the meeting.~~
1288 An election is not required unless more candidates are nominated
1289 than vacancies exist. ~~If an election is not required because~~
1290 ~~there are either an equal number or fewer qualified candidates~~
1291 ~~than vacancies exist, and if nominations from the floor are not~~
1292 ~~required pursuant to this section or the bylaws, write-in~~
1293 ~~nominations are not permitted and such qualified candidates~~
1294 ~~shall commence service on the board of directors, regardless of~~
1295 ~~whether a quorum is attained at the annual meeting. Except as~~
1296 ~~otherwise provided in the governing documents, boards of~~
1297 ~~directors must be elected by a plurality of the votes cast by~~
1298 ~~eligible voters. Any challenge to the election process must be~~
1299 ~~commenced within 60 days after the election results are~~
1300 ~~announced.~~

1301 1. The members of the board must be elected by written
1302 ballot or voting machine. Proxies may not be used in electing
1303 the board in general elections or in elections to fill vacancies
1304 caused by recall, resignation, or otherwise.

1305 2. At least 60 days before a scheduled election, the

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1306 association shall mail, deliver, or electronically transmit, by
1307 separate association mailing or included in another association
1308 mailing, delivery, or electronic transmission, including
1309 regularly published newsletters, to each member entitled to vote
1310 a first notice of the date of the election.

1311 3. A member intending to be a candidate for the board must
1312 give written notice of his or her intent to be a candidate to
1313 the association at least 40 days before the scheduled election.

1314 4. Together with the written notice of the annual meeting
1315 and agenda, the association shall mail, deliver, or
1316 electronically transmit a second notice of the election to all
1317 members entitled to vote, together with a ballot that lists all
1318 candidates.

1319 5. Upon the request of a candidate, an information sheet
1320 must also be made available for the mailed, delivered, or
1321 electronically transmitted second notice of the election. Such
1322 information sheet may not be larger than 8 1/2 by 11 inches. The
1323 candidate must furnish the information sheet to the association
1324 no later than 35 days before the election. The association shall
1325 bear the costs of mailing, delivering, or electronically
1326 transmitting the information sheet. The association is not
1327 liable for the content of the information sheet. In order to
1328 reduce costs, the association may print or duplicate the
1329 information sheets on both sides of the paper.

1330 6. Elections must be decided by a plurality of ballots
1331 cast. There are no quorum requirements; however, at least 20
1332 percent of the eligible voters must cast a ballot in order to
1333 have a valid election. A member may not authorize any other
1334 person to cast his or her ballot, and any ballot improperly cast

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1335 is deemed invalid. A member who violates this subparagraph may
1336 be fined by the association under s. 720.305.

1337 7. A member who requires assistance in casting a ballot may
1338 seek such assistance as prescribed under s. 101.051.

1339 8. The election must occur on the date of the annual
1340 meeting. Notwithstanding this paragraph, an election is not
1341 required unless more candidates file notices of intent to run or
1342 are nominated than there are vacancies on the board. If the
1343 number of board members whose terms expire at the annual meeting
1344 equals or exceeds the number of candidates, the candidates
1345 become board members effective upon the adjournment of the
1346 annual meeting.

1347 9. A developer is prohibited from opting out of the
1348 statutory election process. Following turnover, upon the
1349 approval of 75 percent of the total voting interests of an
1350 association, the association may opt out of the statutory
1351 election process, in which case the bylaws of the association
1352 shall control. This subparagraph does not apply to an
1353 association that governs 15 parcels or less or for any election
1354 in which the member votes for the board of directors through a
1355 representative, in which case the bylaws of the association
1356 control.

1357 10. The division shall adopt rules to give effect to the
1358 statutory intent of this subsection. Until rules are adopted by
1359 the division, the rules adopted by the division applicable to
1360 elections held in accordance with s. 718.112 shall apply to all
1361 elections under this subsection unless the association conducts
1362 elections in accordance with its bylaws.

1363 11. This paragraph applies to all elections for directors

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1364 where the process for the election is scheduled to commence on
1365 or after October 1, 2025.

1366 (b) A member desiring to be a candidate for board
1367 membership must be eligible to be a candidate to serve on the
1368 board at the time of the mailing, delivery, or electronic
1369 transmission of a notice of intent to be a candidate. Co-owners
1370 of a parcel may not serve together as members of the board
1371 unless they own more than one parcel, or unless there are not
1372 enough eligible candidates to fill the vacancies on the board at
1373 the time of the vacancy. A person who is delinquent in the
1374 payment of any assessment due to the association is not eligible
1375 to be a candidate for board membership, and his or her name may
1376 any fee, fine, or other monetary obligation to the association
1377 on the day that he or she could last nominate himself or herself
1378 or be nominated for the board may not seek election to the
1379 board, and his or her name shall not be listed on the ballot. A
1380 person serving as a board member who becomes more than 90 days
1381 delinquent in the payment of any assessment due to the
1382 association is fee, fine, or other monetary obligation to the
1383 association shall be deemed to have abandoned his or her seat on
1384 the board, creating a vacancy on the board to be filled
1385 according to law. For purposes of this paragraph, a person is
1386 delinquent if a payment is not made by the due date as
1387 specifically identified by the declaration, the bylaws, or the
1388 articles of incorporation. If a due date is not specifically
1389 identified by the declaration, the bylaws, or the articles of
1390 incorporation, the due date is the first day of the assessment
1391 period ~~the term "any fee, fine, or other monetary obligation"~~
1392 ~~means any delinquency to the association with respect to any~~

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1393 ~~person~~. A person who has been convicted of any felony in this
1394 state or in a United States District or Territorial Court, or
1395 has been convicted of any offense in another jurisdiction which
1396 would be considered a felony if committed in this state, may not
1397 seek election to the board and is not eligible for board
1398 membership unless such felon's civil rights have been restored
1399 for at least 5 years as of the date on which such person seeks
1400 election to the board. The validity of any action by the board
1401 is not affected if it is later determined that a person was
1402 ineligible to seek election to the board or that a member of the
1403 board is ineligible for board membership.

1404 (c) Any election dispute between a member and an
1405 association must be submitted to binding arbitration with the
1406 division or filed with a court of competent jurisdiction. Such
1407 proceedings that are submitted to binding arbitration with the
1408 division must be conducted in the manner provided by s. 718.1255
1409 and the procedural rules adopted by the division.

1410 (d) Unless otherwise provided in the bylaws, any vacancy
1411 occurring on the board before the expiration of a term may be
1412 filled by an affirmative vote of the majority of the remaining
1413 directors, even if the remaining directors constitute less than
1414 a quorum, or by the sole remaining director. In the alternative,
1415 a board may hold an election to fill the vacancy, in which case
1416 the election procedures must conform to the requirements of the
1417 governing documents. Unless otherwise provided in the bylaws, a
1418 board member appointed or elected under this section is
1419 appointed for the unexpired term of the seat being filled.
1420 Filling vacancies created by recall is governed by s.
1421 720.303(10) and rules adopted by the division.

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1422 (e) If the staggered term of a board member does not expire
1423 until a later annual meeting, or if all the members' terms would
1424 otherwise expire but there are no eligible candidates, the terms
1425 of all board members must expire at the annual meeting, and such
1426 members may stand for reelection unless prohibited by the
1427 bylaws.

1428 Section 7. Subsection (1) of section 720.311, Florida
1429 Statutes, is amended, and paragraphs (a) and (c) of subsection
1430 (2) of that section are reenacted and amended, to read:

1431 720.311 Dispute resolution.—

1432 (1) (a) The Legislature finds that alternative dispute
1433 resolution has made progress in reducing court dockets and
1434 trials and in offering a more efficient, cost-effective option
1435 to litigation. The filing of any petition for arbitration or the
1436 serving of a demand for presuit mediation as provided for in
1437 this section shall toll the applicable statute of limitations.
1438 Any recall dispute filed with the department under s.
1439 720.303(10) must ~~shall~~ be conducted by the department in
1440 accordance with ~~the provisions of~~ ss. 718.112(2)(1) and
1441 718.1255(4) ~~718.1255~~ and the rules adopted by the division. In
1442 addition, the department shall conduct binding arbitration of
1443 election disputes between a member and an association in
1444 accordance with s. 718.1255 and rules adopted by the division.
1445 Election disputes and recall disputes are not eligible for
1446 presuit mediation; these disputes must be arbitrated by the
1447 department or filed in a court of competent jurisdiction. At the
1448 conclusion of an arbitration proceeding, the department shall
1449 charge the parties a fee in an amount adequate to cover all
1450 costs and expenses incurred by the department in conducting the

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1451 proceeding. Initially, the petitioner shall remit a filing fee
1452 of at least \$200 to the department. The fees paid to the
1453 department shall become a recoverable cost in the arbitration
1454 proceeding, and the prevailing party in an arbitration
1455 proceeding shall recover its reasonable costs and attorney fees
1456 in an amount found reasonable by the arbitrator. ~~The department~~
1457 ~~shall adopt rules to effectuate the purposes of this section.~~

1458 (b) Any recall dispute filed with the department under s.
1459 720.303(10) must be conducted by the department in accordance
1460 with ss. 718.112(2)(1) and 718.1255 and the rules adopted by the
1461 division. In addition, the department shall conduct binding
1462 arbitration of election disputes between a member and an
1463 association in accordance with s. 718.1255 and rules adopted by
1464 the division. Election disputes and recall disputes are not
1465 eligible for presuit mediation; these disputes must be
1466 arbitrated by the department or filed in a court of competent
1467 jurisdiction.

1468 (c) Every arbitration petition received by the division and
1469 required to be filed under this section challenging the legality
1470 of the election of any director of the board of administration
1471 or recall of any director of the board of administration must be
1472 handled on an expedited basis in the manner provided by the
1473 division's rules for recall arbitration disputes. Any challenge
1474 to an election or a recall which is filed in circuit court must
1475 be brought as a summary proceeding pursuant to s. 51.011, and in
1476 any such action the prevailing party is entitled to recover
1477 reasonable attorney fees and costs. Any action filed pursuant to
1478 this paragraph must be tried without a jury. The parties to such
1479 a contest are entitled to an immediate hearing. However, the

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1480 court in its discretion may limit the time in which to take
1481 testimony, with a view therein to the circumstances of the
1482 matter and to the proximity of any succeeding election. The
1483 party filing the action challenging the legality of the election
1484 of any director of the board of administration or recall of any
1485 director of the board of administration may request the issuance
1486 of a temporary injunction to stay any upcoming election that may
1487 occur while the challenge is pending. A party may remove an
1488 action from arbitration to circuit court in accordance with the
1489 requirements of s. 718.1255(7).

1490 (2) (a) Disputes between an association and a parcel owner
1491 regarding use of or changes to the parcel or the common areas
1492 and other covenant enforcement disputes, disputes regarding
1493 amendments to the association documents, disputes regarding
1494 meetings of the board and committees appointed by the board,
1495 membership meetings not including election meetings, and access
1496 to the official records of the association shall be the subject
1497 of a demand for presuit mediation served by an aggrieved party
1498 before the dispute is filed in court. Presuit mediation
1499 proceedings must be conducted in accordance with the applicable
1500 Florida Rules of Civil Procedure, and these proceedings are
1501 privileged and confidential to the same extent as court-ordered
1502 mediation. Disputes subject to presuit mediation under this
1503 section may ~~shall~~ not include the collection of any assessment,
1504 fine, or other financial obligation, including attorney
1505 ~~attorney's~~ fees and costs, claimed to be due or any action to
1506 enforce a prior mediation settlement agreement between the
1507 parties. Also, in any dispute subject to presuit mediation under
1508 this section where emergency relief is required, a motion for

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1509 temporary injunctive relief may be filed with the court without
 1510 first complying with the presuit mediation requirements of this
 1511 section. After any issues regarding emergency or temporary
 1512 relief are resolved, the court may either refer the parties to a
 1513 mediation program administered by the courts or require
 1514 mediation under this section. An arbitrator or judge may not
 1515 consider any information or evidence arising from the presuit
 1516 mediation proceeding except in a proceeding to impose sanctions
 1517 for failure to attend a presuit mediation session or to enforce
 1518 a mediated settlement agreement. Persons who are not parties to
 1519 the dispute may not attend the presuit mediation conference
 1520 without the consent of all parties, except for counsel for the
 1521 parties and a corporate representative designated by the
 1522 association. When mediation is attended by a quorum of the
 1523 board, such mediation is not a board meeting for purposes of
 1524 notice and participation set forth in s. 720.303. An aggrieved
 1525 party shall serve on the responding party a written demand to
 1526 participate in presuit mediation in substantially the following
 1527 form:

1528
 1529 STATUTORY OFFER TO PARTICIPATE
 1530 IN PRESUIT MEDIATION

1531
 1532 The alleged aggrieved party,, hereby
 1533 demands that, as the responding
 1534 party, engage in mandatory presuit mediation in
 1535 connection with the following disputes, which by
 1536 statute are of a type that are subject to presuit
 1537 mediation:

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(List specific nature of the dispute or disputes to be mediated and the authority supporting a finding of a violation as to each dispute.)

Pursuant to section 720.311, Florida Statutes, this demand to resolve the dispute through presuit mediation is required before a lawsuit can be filed concerning the dispute. Pursuant to the statute, the parties are required to engage in presuit mediation with a neutral third-party mediator in order to attempt to resolve this dispute without court action, and the aggrieved party demands that you likewise agree to this process. If you fail to participate in the mediation process, suit may be brought against you without further warning.

The process of mediation involves a supervised negotiation process in which a trained, neutral third-party mediator meets with both parties and assists them in exploring possible opportunities for resolving part or all of the dispute. By agreeing to participate in presuit mediation, you are not bound in any way to change your position. Furthermore, the mediator has no authority to make any decisions in this matter or to determine who is right or wrong and merely acts as a facilitator to ensure that each party understands the position of the other party and that all options for reasonable settlement are fully explored.

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1567
1568 If an agreement is reached, it shall be reduced to
1569 writing and becomes a binding and enforceable
1570 commitment of the parties. A resolution of one or more
1571 disputes in this fashion avoids the need to litigate
1572 these issues in court. The failure to reach an
1573 agreement, or the failure of a party to participate in
1574 the process, results in the mediator declaring an
1575 impasse in the mediation, after which the aggrieved
1576 party may proceed to court on all outstanding,
1577 unsettled disputes. If you have failed or refused to
1578 participate in the entire mediation process, you will
1579 not be entitled to recover attorney's fees, even if
1580 you prevail.

1581
1582 The aggrieved party has selected and hereby lists five
1583 certified mediators who we believe to be neutral and
1584 qualified to mediate the dispute. You have the right
1585 to select any one of these mediators. The fact that
1586 one party may be familiar with one or more of the
1587 listed mediators does not mean that the mediator
1588 cannot act as a neutral and impartial facilitator. Any
1589 mediator who cannot act in this capacity is required
1590 ethically to decline to accept engagement. The
1591 mediators that we suggest, and their current hourly
1592 rates, are as follows:

1593
1594 (List the names, addresses, telephone numbers, and
1595 hourly rates of the mediators. Other pertinent

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1596 information about the background of the mediators may
1597 be included as an attachment.)

1598
1599 You may contact the offices of these mediators to
1600 confirm that the listed mediators will be neutral and
1601 will not show any favoritism toward either party. The
1602 Florida Supreme Court can provide you a list of
1603 certified mediators.

1604
1605 Unless otherwise agreed by the parties, section
1606 720.311(2)(b), Florida Statutes, requires that the
1607 parties share the costs of presuit mediation equally,
1608 including the fee charged by the mediator. An average
1609 mediation may require three to four hours of the
1610 mediator's time, including some preparation time, and
1611 the parties would need to share equally the mediator's
1612 fees as well as their own attorney's fees if they
1613 choose to employ an attorney in connection with the
1614 mediation. However, use of an attorney is not required
1615 and is at the option of each party. The mediators may
1616 require the advance payment of some or all of the
1617 anticipated fees. The aggrieved party hereby agrees to
1618 pay or prepay one-half of the mediator's estimated
1619 fees and to forward this amount or such other
1620 reasonable advance deposits as the mediator requires
1621 for this purpose. Any funds deposited will be returned
1622 to you if these are in excess of your share of the
1623 fees incurred.

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1625 To begin your participation in presuit mediation to
 1626 try to resolve the dispute and avoid further legal
 1627 action, please sign below and clearly indicate which
 1628 mediator is acceptable to you. We will then ask the
 1629 mediator to schedule a mutually convenient time and
 1630 place for the mediation conference to be held. The
 1631 mediation conference must be held within ninety (90)
 1632 days of this date, unless extended by mutual written
 1633 agreement. In the event that you fail to respond
 1634 within 20 days from the date of this letter, or if you
 1635 fail to agree to at least one of the mediators that we
 1636 have suggested or to pay or prepay to the mediator
 1637 one-half of the costs involved, the aggrieved party
 1638 will be authorized to proceed with the filing of a
 1639 lawsuit against you without further notice and may
 1640 seek an award of attorney's fees or costs incurred in
 1641 attempting to obtain mediation.

1642
 1643 Therefore, please give this matter your immediate
 1644 attention. By law, your response must be mailed by
 1645 certified mail, return receipt requested, and by
 1646 first-class mail to the address shown on this demand.

1647
 1648
 1649

1650
 1651 RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR
 1652 AGREEMENT TO THAT CHOICE.

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AGREEMENT TO MEDIATE

The undersigned hereby agrees to participate in presuit mediation and agrees to attend a mediation conducted by the following mediator or mediators who are listed above as someone who would be acceptable to mediate this dispute:

(List acceptable mediator or mediators.)

I/we further agree to pay or prepay one-half of the mediator's fees and to forward such advance deposits as the mediator may require for this purpose.

.....
Signature of responding party #1

.....
Telephone contact information

.....
Signature and telephone contact information of responding party #2 (if applicable) (if property is owned by more than one person, all owners must sign)

(c) If presuit mediation as described in paragraph (a) is not successful in resolving all issues between the parties, the parties may file the unresolved dispute in a court of competent jurisdiction or elect to enter into binding or nonbinding

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1683 arbitration pursuant to the procedures set forth in s. 718.1255
1684 and rules adopted by the division, with the arbitration
1685 proceeding to be conducted by a department arbitrator or by a
1686 private arbitrator certified by the department. If all parties
1687 do not agree to arbitration proceedings following an
1688 unsuccessful presuit mediation, any party may file the dispute
1689 in court. A final order resulting from nonbinding arbitration is
1690 final and enforceable in the courts if a complaint for trial de
1691 novo is not filed in a court of competent jurisdiction within 30
1692 days after entry of the order. As to any issue or dispute that
1693 is not resolved at presuit mediation, and as to any issue that
1694 is settled at presuit mediation but is thereafter subject to an
1695 action seeking enforcement of the mediation settlement, the
1696 prevailing party in any subsequent arbitration or litigation
1697 proceeding shall be entitled to seek recovery of all costs and
1698 attorney ~~attorney's~~ fees incurred in the presuit mediation
1699 process.

1700 Section 8. For the purpose of incorporating the amendments
1701 made by this act to sections 718.112 and 719.106, Florida
1702 Statutes, in references thereto, paragraph (e) of subsection (3)
1703 of section 194.011, Florida Statutes, is reenacted to read:

1704 194.011 Assessment notice; objections to assessments.—

1705 (3) A petition to the value adjustment board must be in
1706 substantially the form prescribed by the department.
1707 Notwithstanding s. 195.022, a county officer may not refuse to
1708 accept a form provided by the department for this purpose if the
1709 taxpayer chooses to use it. A petition to the value adjustment
1710 board must be signed by the taxpayer or be accompanied at the
1711 time of filing by the taxpayer's written authorization or power

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1712 of attorney, unless the person filing the petition is listed in
1713 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a
1714 petition with a value adjustment board without the taxpayer's
1715 signature or written authorization by certifying under penalty
1716 of perjury that he or she has authorization to file the petition
1717 on behalf of the taxpayer. If a taxpayer notifies the value
1718 adjustment board that a petition has been filed for the
1719 taxpayer's property without his or her consent, the value
1720 adjustment board may require the person filing the petition to
1721 provide written authorization from the taxpayer authorizing the
1722 person to proceed with the appeal before a hearing is held. If
1723 the value adjustment board finds that a person listed in s.
1724 194.034(1)(a) willfully and knowingly filed a petition that was
1725 not authorized by the taxpayer, the value adjustment board shall
1726 require such person to provide the taxpayer's written
1727 authorization for representation to the value adjustment board
1728 clerk before any petition filed by that person is heard, for 1
1729 year after imposition of such requirement by the value
1730 adjustment board. A power of attorney or written authorization
1731 is valid for 1 assessment year, and a new power of attorney or
1732 written authorization by the taxpayer is required for each
1733 subsequent assessment year. A petition shall also describe the
1734 property by parcel number and shall be filed as follows:

1735 (e)1. A condominium association as defined in s. 718.103, a
1736 cooperative association as defined in s. 719.103, or any
1737 homeowners' association as defined in s. 723.075, with approval
1738 of its board of administration or directors, may file with the
1739 value adjustment board a single joint petition on behalf of any
1740 association members who own units or parcels of property which

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1741 the property appraiser determines are substantially similar with
1742 respect to location, proximity to amenities, number of rooms,
1743 living area, and condition. The condominium association,
1744 cooperative association, or homeowners' association as defined
1745 in s. 723.075 shall provide the unit or parcel owners with
1746 notice of its intent to petition the value adjustment board. The
1747 notice must include a statement that by not opting out of the
1748 petition, the unit or parcel owner agrees that the association
1749 shall also represent the unit or parcel owner in any related
1750 proceedings, without the unit or parcel owners being named or
1751 joined as parties. Such notice must be hand delivered or sent by
1752 certified mail, return receipt requested, except that such
1753 notice may be electronically transmitted to a unit or parcel
1754 owner who has expressly consented in writing to receiving such
1755 notices by electronic transmission. If the association is a
1756 condominium association or cooperative association, the notice
1757 must also be posted conspicuously on the condominium or
1758 cooperative property in the same manner as notices of board
1759 meetings under ss. 718.112(2) and 719.106(1). Such notice must
1760 provide at least 14 days for a unit or parcel owner to elect, in
1761 writing, that his or her unit or parcel not be included in the
1762 petition.

1763 2. A condominium association as defined in s. 718.103 or a
1764 cooperative association as defined in s. 719.103 which has filed
1765 a single joint petition under this subsection has the right to
1766 seek judicial review or appeal a decision on the single joint
1767 petition and continue to represent the unit or parcel owners
1768 throughout any related proceedings. If the property appraiser
1769 seeks judicial review or appeals a decision on the single joint

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1770 petition, the association shall defend the unit or parcel owners
1771 throughout any such related proceedings. The property appraiser
1772 is not required to name the individual unit or parcel owners as
1773 defendants in such proceedings. This subparagraph is intended to
1774 clarify existing law and applies to cases pending on July 1,
1775 2021.

1776 Section 9. For the purpose of incorporating the amendments
1777 made by this act to sections 718.112 and 719.106, Florida
1778 Statutes, in references thereto, paragraph (c) of subsection (2)
1779 of section 194.181, Florida Statutes, is reenacted to read:

1780 194.181 Parties to a tax suit.—

1781 (2)

1782 (c)1. In any case brought by the property appraiser under
1783 s. 194.036(1)(a) or (b) relating to a value adjustment board
1784 decision on a single joint petition filed by a condominium or
1785 cooperative association under s. 194.011(3), the association is
1786 the only required party defendant. The individual unit or parcel
1787 owners are not required to be named as parties.

1788 2. The condominium or cooperative association must provide
1789 unit or parcel owners with notice of the property appraiser's
1790 complaint and advise the unit or parcel owners that they may
1791 elect to:

1792 a. Retain their own counsel to defend the appeal for their
1793 units or parcels;

1794 b. Choose not to defend the appeal; or

1795 c. Be represented by the association.

1796 3. The notice required in subparagraph 2. must be hand
1797 delivered or sent by certified mail, return receipt requested,
1798 except that such notice may be electronically transmitted to a

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1799 unit or parcel owner who has expressly consented in writing to
1800 receiving such notices through electronic transmission.
1801 Additionally, the notice must be posted conspicuously on the
1802 condominium or cooperative property, if applicable, in the same
1803 manner as notices of board meetings under ss. 718.112(2) and
1804 719.106(1). The association must provide at least 14 days for a
1805 unit or parcel owner to respond to the notice. Any unit or
1806 parcel owner who does not respond to the association's notice
1807 will be represented by the association.

1808 4. If requested by a unit or parcel owner, the tax
1809 collector shall accept payment of the estimated amount in
1810 controversy, as determined by the tax collector, as to that unit
1811 or parcel, whereupon the unit or parcel shall be released from
1812 any lis pendens and the unit or parcel owner may elect to remain
1813 in or be dismissed from the action.

1814 Section 10. For the purpose of incorporating the amendments
1815 made by this act to sections 718.112 and 718.1255, Florida
1816 Statutes, in references thereto, paragraph (b) of subsection (8)
1817 and subsection (16) of section 718.117, Florida Statutes, are
1818 reenacted to read:

1819 718.117 Termination of condominium.—

1820 (8) REPORTS AND REPLACEMENT OF RECEIVER.—

1821 (b) The unit owners of an association in termination may
1822 recall or remove members of the board of administration with or
1823 without cause at any time as provided in s. 718.112(2)(1).

1824 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest a
1825 plan of termination by initiating a petition in accordance with
1826 s. 718.1255 within 90 days after the date the plan is recorded.
1827 A unit owner or lienor may only contest the fairness and

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1828 reasonably of the apportionment of the proceeds from the
1829 sale among the unit owners, that the liens of the first
1830 mortgages of unit owners other than the bulk owner have not or
1831 will not be satisfied to the extent required by subsection (3),
1832 or that the required vote to approve the plan was not obtained.
1833 A unit owner or lienor who does not contest the plan within the
1834 90-day period is barred from asserting or prosecuting a claim
1835 against the association, the termination trustee, any unit
1836 owner, or any successor in interest to the condominium property.
1837 In an action contesting a plan of termination, the person
1838 contesting the plan has the burden of pleading and proving that
1839 the apportionment of the proceeds from the sale among the unit
1840 owners was not fair and reasonable or that the required vote was
1841 not obtained. The apportionment of sale proceeds is presumed
1842 fair and reasonable if it was determined pursuant to the methods
1843 prescribed in subsection (12). If the petition is filed with the
1844 division for arbitration, the arbitrator shall determine the
1845 rights and interests of the parties in the apportionment of the
1846 sale proceeds. If the arbitrator determines that the
1847 apportionment of sales proceeds is not fair and reasonable, the
1848 arbitrator may void the plan or may modify the plan to apportion
1849 the proceeds in a fair and reasonable manner pursuant to this
1850 section based upon the proceedings and order the modified plan
1851 of termination to be implemented. If the arbitrator determines
1852 that the plan was not properly approved, or that the procedures
1853 to adopt the plan were not properly followed, the arbitrator may
1854 void the plan or grant other relief it deems just and proper.
1855 The arbitrator shall automatically void the plan upon a finding
1856 that any of the disclosures required in subparagraph (3)(c)5.

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1857 are omitted, misleading, incomplete, or inaccurate. Any
1858 challenge to a plan, other than a challenge that the required
1859 vote was not obtained, does not affect title to the condominium
1860 property or the vesting of the condominium property in the
1861 trustee, but shall only be a claim against the proceeds of the
1862 plan. In any such action, the prevailing party shall recover
1863 reasonable attorney fees and costs.

1864 Section 11. For the purpose of incorporating the amendments
1865 made by this act to sections 718.112 and 718.1255, Florida
1866 Statutes, in references thereto, paragraphs (a) and (m) of
1867 subsection (1) of section 718.501, Florida Statutes, are
1868 reenacted to read:

1869 718.501 Authority, responsibility, and duties of Division
1870 of Florida Condominiums, Timeshares, and Mobile Homes.—

1871 (1) The division may enforce and ensure compliance with
1872 this chapter and rules relating to the development,
1873 construction, sale, lease, ownership, operation, and management
1874 of residential condominium units and complaints related to the
1875 procedural completion of milestone inspections under s. 553.899.
1876 In performing its duties, the division has complete jurisdiction
1877 to investigate complaints and enforce compliance with respect to
1878 associations that are still under developer control or the
1879 control of a bulk assignee or bulk buyer pursuant to part VII of
1880 this chapter and complaints against developers, bulk assignees,
1881 or bulk buyers involving improper turnover or failure to
1882 turnover, pursuant to s. 718.301. However, after turnover has
1883 occurred, the division has jurisdiction to investigate
1884 complaints related only to:

1885 (a)1. Procedural aspects and records relating to financial

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1886 issues, including annual financial reporting under s.
1887 718.111(13); assessments for common expenses, fines, and
1888 commingling of reserve and operating funds under s. 718.111(14);
1889 use of debit cards for unintended purposes under s. 718.111(15);
1890 the annual operating budget and the allocation of reserve funds
1891 under s. 718.112(2)(f); financial records under s.
1892 718.111(12)(a)11.; and any other record necessary to determine
1893 the revenues and expenses of the association.

1894 2. Elections, including election and voting requirements
1895 under s. 718.112(2)(b) and (d), recall of board members under s.
1896 718.112(2)(1), electronic voting under s. 718.128, and elections
1897 that occur during an emergency under s. 718.1265(1)(a).

1898 3. The maintenance of and unit owner access to association
1899 records under s. 718.111(12).

1900 4. The procedural aspects of meetings, including unit owner
1901 meetings, quorums, voting requirements, proxies, board of
1902 administration meetings, and budget meetings under s.
1903 718.112(2).

1904 5. The disclosure of conflicts of interest under ss.
1905 718.111(1)(a) and 718.3027, including limitations contained in
1906 s. 718.111(3)(f).

1907 6. The removal of a board director or officer under ss.
1908 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

1909 7. The procedural completion of structural integrity
1910 reserve studies under s. 718.112(2)(g).

1911 8. Any written inquiries by unit owners to the association
1912 relating to such matters, including written inquiries under s.
1913 718.112(2)(a)2.

1914 (m) The division shall develop a program to certify both

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1915 volunteer and paid mediators to provide mediation of condominium
1916 disputes. The division shall provide, upon request, a list of
1917 such mediators to any association, unit owner, or other
1918 participant in alternative dispute resolution proceedings under
1919 s. 718.1255 requesting a copy of the list. The division shall
1920 include on the list of volunteer mediators only the names of
1921 persons who have received at least 20 hours of training in
1922 mediation techniques or who have mediated at least 20 disputes.
1923 In order to become initially certified by the division, paid
1924 mediators must be certified by the Supreme Court to mediate
1925 court cases in county or circuit courts. However, the division
1926 may adopt, by rule, additional factors for the certification of
1927 paid mediators, which must be related to experience, education,
1928 or background. Any person initially certified as a paid mediator
1929 by the division must, in order to continue to be certified,
1930 comply with the factors or requirements adopted by rule.

1931 Section 12. For the purpose of incorporating the amendments
1932 made by this act to section 718.1255, Florida Statutes, in a
1933 reference thereto, section 719.1255, Florida Statutes, is
1934 reenacted to read:

1935 719.1255 Alternative resolution of disputes.—The Division
1936 of Florida Condominiums, Timeshares, and Mobile Homes of the
1937 Department of Business and Professional Regulation shall provide
1938 for alternative dispute resolution in accordance with s.
1939 718.1255.

1940 Section 13. For the purpose of incorporating the amendments
1941 made by this act to section 720.306, Florida Statutes, in a
1942 reference thereto, paragraph (b) of subsection (4) of section
1943 720.3033, Florida Statutes, is reenacted to read:

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1944 720.3033 Officers and directors.—

1945 (4)

1946 (b) The board shall fill the vacancy as provided in s.
1947 720.306(9) until the end of the period of the suspension or the
1948 end of the director's term of office, whichever occurs first. If
1949 such criminal charge is pending against the officer or director,
1950 he or she may not be appointed or elected to a position as an
1951 officer or a director of any association and may not have access
1952 to the official records of any association, except pursuant to a
1953 court order. However, if the charges are resolved without a
1954 finding of guilt or without acceptance of a plea of guilty or
1955 nolo contendere, the director or officer shall be reinstated for
1956 any remainder of his or her term of office.

1957 Section 14. For the purpose of incorporating the amendment
1958 made by this act to section 720.306, Florida Statutes, in a
1959 reference thereto, subsection (6) of section 720.405, Florida
1960 Statutes, is reenacted to read:

1961 720.405 Organizing committee; parcel owner approval.—

1962 (6) A majority of the affected parcel owners must agree in
1963 writing to the revived declaration of covenants and governing
1964 documents of the association or approve the revived declaration
1965 and governing documents by a vote at a meeting of the affected
1966 parcel owners noticed and conducted in the manner prescribed by
1967 s. 720.306. Proof of notice of the meeting to all affected
1968 owners of the meeting and the minutes of the meeting recording
1969 the votes of the property owners shall be certified by a court
1970 reporter or an attorney licensed to practice in the state.

1971 Section 15. This act shall take effect July 1, 2025.