

By Senator Garcia

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1                                   A bill to be entitled  
2       An act relating to community associations; creating s.  
3       16.0151, F.S.; creating the Condominium and  
4       Homeowners' Association Economic Crime, Fraud, and  
5       Corruption Investigation Pilot Program within the  
6       Department of Legal Affairs; providing the purpose of  
7       the pilot program; defining the term "corruption";  
8       authorizing the department to contract with a private  
9       entity to achieve the program's purpose; requiring the  
10      department to hire specified personnel under certain  
11      circumstances; authorizing the submission of  
12      complaints to the Office of the Condominium and  
13      Homeowners' Ombudsman; requiring the ombudsman to  
14      review such complaints and take specified actions;  
15      providing powers of and requirements for the  
16      department relating to the pilot program; requiring  
17      that the pilot program be funded from the Division of  
18      Florida Condominiums, Timeshares, and Mobile Homes  
19      Trust Fund; requiring that the pilot program's primary  
20      office be located in Miami-Dade County; providing for  
21      future repeal of the pilot program, unless reviewed  
22      and saved from repeal by the Legislature; amending s.  
23      215.22, F.S.; exempting the Division of Florida  
24      Condominiums, Timeshares, and Mobile Homes Trust Fund  
25      from contributing to the General Revenue Fund;  
26      amending s. 718.111, F.S.; requiring the division to  
27      monitor condominium associations' compliance with  
28      requirements relating to maintenance of certain  
29      insurance or fidelity bonding of certain persons;

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30 authorizing the division to levy fines and penalties  
31 for noncompliance; amending s. 718.1224, F.S.;  
32 conforming a provision to changes made by the act;  
33 creating s. 718.13, F.S.; requiring the division to  
34 establish a searchable, cloud-based database by a  
35 specified date which contains specified information  
36 regarding each condominium association in this state;  
37 requiring the division to establish rules and  
38 procedures for associations to report such  
39 information; requiring a condominium association to  
40 notify the division of any changes to the information  
41 listed in the database which is related to the  
42 association; requiring that the creation and  
43 administration of the database be funded in part by  
44 specified proceeds; amending s. 718.501, F.S.;  
45 requiring the division to forward complaints alleging  
46 fraud or corruption to the Office of the Condominium  
47 and Homeowners' Ombudsman; making technical changes;  
48 amending s. 718.5011, F.S.; renaming the Office of the  
49 Condominium Ombudsman as the Office of the Condominium  
50 and Homeowners' Ombudsman; amending s. 718.5012, F.S.;  
51 revising the powers of the ombudsman; making a  
52 technical change; conforming provisions to changes  
53 made by the act; amending s. 718.509, F.S.; conforming  
54 a provision to changes made by the act; making  
55 technical changes; amending s. 720.301, F.S.; revising  
56 definitions and defining terms; amending s. 720.302,  
57 F.S.; providing that certain parcels, including  
58 amenities or recreational properties governed by a

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59 recreational covenant, are exempt from ch. 720, F.S.;

60 amending s. 720.305, F.S.; authorizing an association

61 to levy fines for violations specified in the

62 governing documents of the association; prohibiting

63 fines from exceeding a specified amount; prohibiting

64 additional fines from being levied for the same

65 violation; prohibiting fines from being aggregated to

66 create a lien against a parcel; authorizing parcel

67 owners to attend hearings by certain teleconferencing

68 methods; prohibiting an association from taking action

69 related to alleged violations if the committee hearing

70 the matter makes certain findings or takes no action

71 on the violations; requiring that fines be reduced by

72 a specified percentage if the parcel owner cures the

73 violation within a specified period; authorizing an

74 association to collect reasonable attorney fees and

75 costs if the parcel owner does not cure the violation

76 within a specified period; requiring that the fine due

77 date be no earlier than a specified time period after

78 the hearing on a violation; requiring an association

79 to provide written notice to a parcel owner with

80 specific information related to a violation; providing

81 a parcel owner the right to a detailed accounting of

82 any amounts due and owed by the parcel owner if the

83 parcel owner submits a written request for such

84 accounting to an association; requiring an association

85 to produce such accounting within a specified

86 timeframe; providing that an association's failure to

87 produce such accounting within that timeframe

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88 constitutes a waiver of any pending violations, fines,  
89 or penalties; requiring an association to apply  
90 payments in a specified order; prohibiting the accrual  
91 of attorney fees and costs after a parcel owner  
92 satisfies a fine; authorizing a parcel owner to  
93 request a hearing before an association to dispute the  
94 reasonableness of attorney fees and costs; amending s.  
95 720.3085, F.S.; providing for the application of  
96 payments, in a specified priority, when a parcel owner  
97 fails to designate how such payments are to be  
98 applied; requiring that monetary judgment actions be  
99 brought in the same lawsuit as the claim of lien  
100 action against a parcel owner; making technical  
101 changes; conforming cross-references; amending s.  
102 720.3086, F.S.; revising the requirement that a  
103 developer of a residential subdivision make available  
104 for inspection within a specified timeframe a complete  
105 financial report of certain expenses if an owner in  
106 the subdivision submits a written request to the  
107 developer; deleting a requirement that a developer  
108 mail, publish, or post such report to each parcel  
109 owner of the subdivision; conforming cross-references;  
110 amending ss. 336.125, 558.002, 617.0725, 697.07,  
111 702.10, 718.116, and 720.303, F.S.; conforming cross-  
112 references; making technical changes; reenacting ss.  
113 626.854(19), 718.110(11)(f), 718.115(1)(f), and  
114 718.406(6), F.S., relating to the definition and  
115 prohibitions of the public insurance adjusters,  
116 amendment of declarations, common expenses and common

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117 surplus, and condominiums created within condominium  
118 parcels, respectively, to incorporate the amendment  
119 made to s. 718.111, F.S., in references thereto;  
120 reenacting s. 723.0751(1), F.S., relating to mobile  
121 home subdivision homeowners' associations, to  
122 incorporate the amendment made to s. 720.302, F.S., in  
123 references thereto; reenacting s. 617.0825(9), F.S.,  
124 relating to board committees and advisory committees,  
125 to incorporate the amendment made to s. 720.305, F.S.,  
126 in references thereto; providing an effective date.

127  
128 Be It Enacted by the Legislature of the State of Florida:

129  
130 Section 1. Section 16.0151, Florida Statutes, is created to  
131 read:

132 16.0151 Condominium and Homeowners' Association Economic  
133 Crime, Fraud, and Corruption Investigation Pilot Program.-

134 (1) The Condominium and Homeowners' Association Economic  
135 Crime, Fraud, and Corruption Investigation Pilot Program is  
136 created within the Department of Legal Affairs. The purpose of  
137 the pilot program is to investigate condominium and homeowners'  
138 association-related economic crime, fraud, and corruption in  
139 this state. For the purposes of this section, the term  
140 "corruption" means the act of an official or a fiduciary person  
141 who unlawfully and wrongfully uses his or her position to  
142 procure a benefit for himself or herself or for another person,  
143 contrary to the duty and rights of others. The department may  
144 contract with a private entity that employs retired law  
145 enforcement officers who have subject matter expertise in

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146 financial fraud to achieve the purpose of the pilot program. If  
147 the department does not contract with a private entity, the  
148 department must hire a suitable number of financial  
149 investigators, investigators with previous law enforcement  
150 experience, and clerical employees to staff the pilot program.

151 (2) A person may submit a condominium or homeowners'  
152 association-related complaint to the Office of the Condominium  
153 and Homeowners' Ombudsman. The ombudsman shall review all  
154 complaints submitted to the office and determine which  
155 complaints to forward to the department for additional analysis  
156 and investigation under the pilot program. If a complaint  
157 submitted to the pilot program does not contain an allegation of  
158 economic crime, fraud, or corruption, the pilot program  
159 investigators must forward the complaint to the Division of  
160 Florida Condominiums, Timeshares, and Mobile Homes, which shall  
161 investigate such complaint pursuant to s. 718.501.

162 (3) The department has the power to issue subpoenas and  
163 conduct audits for investigations in furtherance of the pilot  
164 program and may administer oaths, subpoena witnesses, and compel  
165 the production of books, papers, or other records relevant to  
166 such investigations. If, after reviewing a complaint filed under  
167 the pilot program, the department finds sufficient evidence for  
168 criminal prosecution, it must refer the case to the appropriate  
169 state attorney for prosecution.

170 (4) The pilot program shall be funded as provided in the  
171 General Appropriations Act.

172 (5) The pilot program's primary office shall be located in  
173 Miami-Dade County.

174 (6) This section is repealed October 2, 2030, unless

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175 reviewed and saved from repeal through reenactment by the  
176 Legislature.

177 Section 2. Paragraph (w) is added to subsection (1) of  
178 section 215.22, Florida Statutes, to read:

179 215.22 Certain income and certain trust funds exempt.—

180 (1) The following income of a revenue nature or the  
181 following trust funds shall be exempt from the appropriation  
182 required by s. 215.20(1):

183 (w) The Division of Florida Condominiums, Timeshares, and  
184 Mobile Homes Trust Fund.

185 Section 3. Paragraph (h) of subsection (11) of section  
186 718.111, Florida Statutes, is amended to read:

187 718.111 The association.—

188 (11) INSURANCE.—In order to protect the safety, health, and  
189 welfare of the people of the State of Florida and to ensure  
190 consistency in the provision of insurance coverage to  
191 condominiums and their unit owners, this subsection applies to  
192 every residential condominium in the state, regardless of the  
193 date of its declaration of condominium. It is the intent of the  
194 Legislature to encourage lower or stable insurance premiums for  
195 associations described in this subsection.

196 (h) The association shall maintain insurance or fidelity  
197 bonding of all persons who control or disburse funds of the  
198 association. The insurance policy or fidelity bond must cover  
199 the maximum funds that will be in the custody of the association  
200 or its management agent at any one time. Upon receipt of a  
201 complaint, the division shall monitor an association for  
202 compliance with this paragraph and may issue fines and penalties  
203 established by the division for failure of an association to

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204 maintain the required insurance policy or fidelity bond. The  
205 division shall monitor compliance with this paragraph and may  
206 levy fines and penalties established by the division for failure  
207 of an association to maintain the required insurance policy or  
208 fidelity bond. As used in this paragraph, the term "persons who  
209 control or disburse funds of the association" includes, but is  
210 not limited to, those individuals authorized to sign checks on  
211 behalf of the association, and the president, secretary, and  
212 treasurer of the association. The association shall bear the  
213 cost of any such bonding.

214 Section 4. Subsection (3) of section 718.1224, Florida  
215 Statutes, is amended to read:

216 718.1224 Prohibition against SLAPP suits; other prohibited  
217 actions.-

218 (3) It is unlawful for a condominium association to fine,  
219 discriminatorily increase a unit owner's assessments,  
220 discriminatorily decrease services to a unit owner, or bring or  
221 threaten to bring an action for possession or other civil  
222 action, including a defamation, libel, slander, or tortious  
223 interference action, based on conduct described in this  
224 subsection. In order for the unit owner to raise the defense of  
225 retaliatory conduct, the unit owner must have acted in good  
226 faith and not for any improper purposes, such as to harass or to  
227 cause unnecessary delay or for frivolous purpose or needless  
228 increase in the cost of litigation. Examples of conduct for  
229 which a condominium association, an officer, a director, or an  
230 agent of an association may not retaliate include, but are not  
231 limited to, situations in which:

232 (a) The unit owner has in good faith complained to a



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233 governmental agency charged with responsibility for enforcement  
234 of a building, housing, or health code of a suspected violation  
235 applicable to the condominium;

236 (b) The unit owner has organized, encouraged, or  
237 participated in a unit owners' organization;

238 (c) The unit owner submitted information or filed a  
239 complaint alleging criminal violations or violations of this  
240 chapter or the rules of the division with the division, the  
241 Office of the Condominium and Homeowners' Ombudsman, a law  
242 enforcement agency, a state attorney, the Attorney General, or  
243 any other governmental agency;

244 (d) The unit owner has exercised his or her rights under  
245 this chapter;

246 (e) The unit owner has complained to the association or any  
247 of the association's representatives for the failure to comply  
248 with this chapter or chapter 617; or

249 (f) The unit owner has made public statements critical of  
250 the operation or management of the association.

251 Section 5. Section 718.13, Florida Statutes, is created to  
252 read:

253 718.13 Database for condominium association information.-

254 (1) By July 1, 2027, the division shall establish a  
255 searchable, cloud-based database that contains information  
256 regarding each condominium association operating within this  
257 state. The division shall establish rules and procedures for the  
258 manner in which an association is to provide such information.  
259 The database must allow a user to search the name by which a  
260 condominium property is identified to find the association that  
261 governs such property. At a minimum, the database must include

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262 all of the following information for each association:

263 (a) The names, e-mail addresses, and other contact  
264 information of officers and directors of the association.

265 (b) An indication that the association is self-managed, or,  
266 if not self-managed, the contact information for any person  
267 licensed under part VIII of chapter 468 who is responsible for  
268 management of the association.

269 (c) A copy of the association's governing documents,  
270 including, but not limited to, declarations, bylaws, and rules  
271 and any amendments thereto.

272 (d) A copy of the association's adopted annual budget, in a  
273 file format that is compatible with the database, which includes  
274 the amount and purpose of any monthly assessments and current or  
275 pending special assessments levied by the association.

276 (e) A copy of any studies regarding funds in reserve  
277 accounts held by the association or any reports regarding the  
278 physical inspection of properties maintained by the association,  
279 including any structural integrity reserve studies conducted  
280 under s. 718.112(2)(g) of such properties.

281 (2) An association must notify the division of any change  
282 to the information related to the association which is included  
283 in the database within 30 days after such change occurs.

284 (3) Expenses associated with the creation and  
285 administration of the database must be funded in part by  
286 proceeds from the annual fee paid by associations pursuant to s.  
287 718.501(2)(a).

288 Section 6. Paragraphs (n) and (p) of subsection (1) of  
289 section 718.501, Florida Statutes, are amended to read:

290 718.501 Authority, responsibility, and duties of Division

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291 of Florida Condominiums, Timeshares, and Mobile Homes.—

292 (1) The division may enforce and ensure compliance with  
293 this chapter and rules relating to the development,  
294 construction, sale, lease, ownership, operation, and management  
295 of residential condominium units and complaints related to the  
296 procedural completion of milestone inspections under s. 553.899.  
297 In performing its duties, the division has complete jurisdiction  
298 to investigate complaints and enforce compliance with respect to  
299 associations that are still under developer control or the  
300 control of a bulk assignee or bulk buyer pursuant to part VII of  
301 this chapter and complaints against developers, bulk assignees,  
302 or bulk buyers involving improper turnover or failure to  
303 turnover, pursuant to s. 718.301. However, after turnover has  
304 occurred, the division has jurisdiction to investigate  
305 complaints related only to:

306 (n) If a complaint is made, the division must conduct its  
307 inquiry with due regard for the interests of the affected  
308 parties. Within 30 days after receipt of a complaint, the  
309 division shall acknowledge the complaint in writing and notify  
310 the complainant whether the complaint is within the jurisdiction  
311 of the division and whether additional information is needed by  
312 the division from the complainant. The division shall conduct  
313 its investigation and, within 90 days after receipt of the  
314 original complaint or of timely requested additional  
315 information, take action upon the complaint. However, the  
316 failure to complete the investigation within 90 days does not  
317 prevent the division from continuing the investigation,  
318 accepting or considering evidence obtained or received after 90  
319 days, or taking administrative action if reasonable cause exists

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320 to believe that a violation of this chapter or a rule has  
321 occurred. If an investigation is not completed within the time  
322 limits established in this paragraph, the division shall, on a  
323 monthly basis, notify the complainant in writing of the status  
324 of the investigation. If the division receives a complaint about  
325 an association which alleges economic crime, fraud, or  
326 corruption, the division must forward the complaint to the  
327 Office of the Condominium and Homeowners' Ombudsman. When  
328 reporting its action to the complainant, the division shall  
329 inform the complainant of any right to a hearing under ss.  
330 120.569 and 120.57. The division may adopt rules regarding the  
331 submission of a complaint against an association.

332 (p) The division director or any officer or employee of the  
333 division and the condominium and homeowners' ombudsman or any  
334 employee of the Office of the Condominium and Homeowners'  
335 Ombudsman may attend and observe any meeting of the board of  
336 administration or any unit owner meeting, including any meeting  
337 of a subcommittee or special committee, which is open to members  
338 of the association for the purpose of performing the duties of  
339 the division or the Office of the Condominium and Homeowners'  
340 Ombudsman under this chapter.

341 Section 7. Subsection (1) of section 718.5011, Florida  
342 Statutes, is amended to read:

343 718.5011 Ombudsman; appointment; administration.-

344 (1) There is created an Office of the Condominium and  
345 Homeowners' Ombudsman, to be located for administrative purposes  
346 within the Division of Florida Condominiums, Timeshares, and  
347 Mobile Homes. The functions of the office shall be funded by the  
348 Division of Florida Condominiums, Timeshares, and Mobile Homes

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349 Trust Fund. The ombudsman shall be a bureau chief of the  
350 division, and the office shall be set within the division in the  
351 same manner as any other bureau is staffed and funded.

352 Section 8. Section 718.5012, Florida Statutes, is amended  
353 to read:

354 718.5012 Ombudsman; powers and duties.—The ombudsman shall  
355 have the powers that are necessary to carry out the duties of  
356 his or her office for this chapter and chapter 720, including  
357 the following specific powers:

358 (1) To have access to and use of all files and records of  
359 the division.

360 (2) To employ professional and clerical staff as necessary  
361 for the efficient operation of the office.

362 (3) To prepare and issue reports and recommendations to the  
363 Governor, the department, the division, the Advisory Council on  
364 Condominiums, the President of the Senate, and the Speaker of  
365 the House of Representatives on any matter or subject within the  
366 jurisdiction of the division. The ombudsman shall make  
367 recommendations he or she deems appropriate for legislation  
368 relative to division procedures, rules, jurisdiction, personnel,  
369 and functions.

370 (4) To act as liaison between the division, unit owners,  
371 boards of directors, board members, community association  
372 managers, and other affected parties under this chapter and  
373 chapter 720. The ombudsman shall develop policies and procedures  
374 to assist homeowners, unit owners, boards of directors, board  
375 members, community association managers, and other affected  
376 parties to understand their rights and responsibilities as set  
377 forth in this chapter and the ~~condominium~~ documents governing

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378 their respective associations ~~association~~. The ombudsman shall  
379 coordinate and assist in the preparation and adoption of  
380 educational and reference material, and shall endeavor to  
381 coordinate with private or volunteer providers of these  
382 services, so that the availability of these resources is made  
383 known to the largest possible audience.

384 (5) To monitor and review procedures and disputes  
385 concerning ~~condominium~~ elections or meetings, including, but not  
386 limited to, recommending that the division pursue enforcement  
387 action in any manner where there is reasonable cause to believe  
388 that election misconduct has occurred and reviewing secret  
389 ballots cast at a vote of the association.

390 (6) To make recommendations to the division for changes in  
391 rules and procedures for the filing, investigation, and  
392 resolution of complaints filed by homeowners, unit owners,  
393 associations, and managers.

394 (7) To provide resources to assist members of boards of  
395 directors and officers of associations to carry out their powers  
396 and duties consistent with this chapter, chapter 720, division  
397 rules, and the condominium documents governing the association.

398 (8) To encourage and facilitate voluntary meetings with and  
399 between homeowners, unit owners, boards of directors, board  
400 members, community association managers, and other affected  
401 parties when the meetings may assist in resolving a dispute  
402 within a community association before a person submits a dispute  
403 for a formal or administrative remedy. It is the intent of the  
404 Legislature that the ombudsman act as a neutral resource for  
405 both the rights and responsibilities of homeowners, unit owners,  
406 associations, and board members.

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407 (9) To assist with the resolution of disputes between  
408 homeowners or unit owners and the association or between  
409 homeowners or unit owners when the dispute is not within the  
410 jurisdiction of the division to resolve.

411 (10) To appoint an election monitor to attend the annual  
412 meeting of the homeowners or unit owners and conduct the  
413 election of directors if 15 percent of the total voting  
414 interests in an association or six owners, whichever is greater,  
415 make such a petition to the ombudsman ~~Fifteen percent of the~~  
416 ~~total voting interests in a condominium association, or six unit~~  
417 ~~owners, whichever is greater, may petition the ombudsman to~~  
418 ~~appoint an election monitor to attend the annual meeting of the~~  
419 ~~unit owners and conduct the election of directors.~~ The ombudsman  
420 shall appoint a division employee, a person or persons  
421 specializing in homeowners' association or condominium election  
422 monitoring, as applicable, or an attorney licensed to practice  
423 in this state as the election monitor. All costs associated with  
424 the election monitoring process must ~~shall~~ be paid by the  
425 association. The division shall adopt a rule establishing  
426 procedures for the appointment of election monitors and the  
427 scope and extent of the monitor's role in the election process.

428 (11) To void an election if the ombudsman determines that a  
429 violation of this chapter or chapter 720 has occurred relating  
430 to elections.

431 (12) To petition the court to appoint a receiver if the  
432 appointment of a receiver is in the best interests of the  
433 association or owners.

434 (13) To issue subpoenas and conduct audits for  
435 investigations for the purposes of the Condominium and

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436 Homeowners' Association Economic Crime, Fraud, and Corruption  
437 Investigation Pilot Program established under s. 16.0151.

438 Section 9. Subsection (2) of section 718.509, Florida  
439 Statutes, is amended to read:

440 718.509 Division of Florida Condominiums, Timeshares, and  
441 Mobile Homes Trust Fund.—

442 (2) All moneys collected by the division from fees, fines,  
443 or penalties or from costs awarded to the division by a court or  
444 administrative final order must ~~shall~~ be paid into the Division  
445 of Florida Condominiums, Timeshares, and Mobile Homes Trust  
446 Fund. The Legislature shall appropriate funds from this trust  
447 fund sufficient to administer ~~carry out the provisions of~~ this  
448 chapter and the ~~provisions of~~ law with respect to each category  
449 of business covered by the trust fund. The division shall  
450 maintain separate revenue accounts in the trust fund for each of  
451 the businesses regulated by the division. The division shall  
452 provide for the proportionate allocation among the accounts of  
453 expenses incurred by the division in the performance of its  
454 duties with respect to each of these businesses. As part of its  
455 normal budgetary process, the division shall prepare an annual  
456 report of revenue and allocated expenses related to the  
457 operation of each of these businesses, which may be used to  
458 determine fees charged by the division. ~~This subsection shall~~  
459 ~~operate pursuant to the provisions of s. 215.20.~~

460 Section 10. Present subsections (2) through (12) and (13)  
461 of section 720.301, Florida Statutes, are redesignated as  
462 subsections (3) through (13) and (15), respectively, new  
463 subsections (2) and (14) are added to that section, and  
464 subsection (1) and present subsections (8) and (10) of that



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465 section are amended, to read:

466 720.301 Definitions.—As used in this chapter, the term:

467 (1) "Assessment" ~~or "amenity fee"~~ means a sum or sums of  
468 money payable to the association, ~~to the developer or other~~  
469 ~~owner of common areas, or to recreational facilities and other~~  
470 ~~properties serving the parcels by the owners of one or more~~  
471 ~~parcels~~ as authorized in the governing documents, which if not  
472 paid by the owner of a parcel, can result in a lien against the  
473 parcel by the association.

474 (2) "Amenity fee" means any dues, fees, charges, or other  
475 amounts due in accordance with a recreational covenant which are  
476 levied against an owner for recreational membership or use. The  
477 term does not mean assessments as defined in subsection (1).  
478 Amenity fees may consist, in part, of expenses, profit, interest  
479 or carrying cost recoupment, or other components that are to be  
480 paid to a private third-party commercial amenity or recreational  
481 facility owner, as may be set forth in a recreational covenant.  
482 However, the expenses of a homeowners' association may not be  
483 included in the amenity fee. All remedies available to amenity  
484 or recreational facility owners for nonpayment of amenity fees  
485 must be set forth in a recreational covenant, and the collection  
486 of amenity fees is not controlled by this chapter.

487 (9) (a) ~~(8)~~ "Governing documents" means:

488 1. (a) The recorded declaration of covenants for a community  
489 and all duly adopted and recorded amendments, supplements, and  
490 recorded exhibits thereto, subject to paragraph (b); and

491 2. (b) The articles of incorporation and bylaws of the  
492 homeowners' association and any duly adopted amendments thereto.

493 (b) Consistent with s. 720.302(3)(b) of the Homeowners'

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494 Association Act, recreational covenants with respect to  
495 commercial amenity properties, including where such recreational  
496 covenants are attached as exhibits to a declaration of covenants  
497 for a community, may not be deemed or considered to be governing  
498 documents of an association.

499 (11)~~(10)~~ "Member" means a member of an association, and may  
500 include, but is not limited to, a parcel owner or an association  
501 representing parcel owners or a combination thereof, and  
502 includes any person or entity obligated by the governing  
503 documents to pay an assessment ~~or amenity fee~~.

504 (14) "Recreational covenant" means a recorded covenant that  
505 is separate and distinct from a declaration of covenants for a  
506 community and that sets forth the nature and requirements of  
507 membership, use, or purchase of privately owned commercial  
508 recreational facilities or amenities for owners in one or more  
509 communities or community development districts. Recreational  
510 covenants are not governing documents of a community. A  
511 recreational covenant must be recorded in the public records of  
512 the county in which the recreational facility is located; must  
513 contain information regarding the amounts that may be levied  
514 against individuals who will be members, as well as any remedies  
515 the recreational facility owner has in connection with  
516 nonpayment of such amounts; and must include a mechanism,  
517 formula, or other means by which a future purchase of the  
518 recreational facility may be transacted between the recreational  
519 facility owner and an association, community development  
520 district, or other governmental entity.

521 Section 11. Subsection (3) of section 720.302, Florida  
522 Statutes, is amended to read:

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523 720.302 Purposes, scope, and application.—

524 (3) This chapter does not apply to:

525 (a) A community ~~that is~~ composed of property primarily  
526 intended for commercial, industrial, or other nonresidential  
527 use; or

528 (b) The commercial or industrial parcels, inclusive of  
529 amenities or recreational properties governed by a recreational  
530 covenant, in a community that contains both residential parcels  
531 and parcels intended for commercial or industrial use.

532 Section 12. Subsection (2) of section 720.305, Florida  
533 Statutes, is amended to read:

534 720.305 Obligations of members; remedies at law or in  
535 equity; levy of fines and suspension of use rights.—

536 (2) An association may levy reasonable fines for violations  
537 of its ~~the~~ declaration, ~~association~~ bylaws, or reasonable rules  
538 otherwise provided in its governing documents ~~of the~~  
539 ~~association~~. A fine may not exceed \$100 per violation against  
540 any member or any member's tenant, guest, or invitee for the  
541 failure of the owner of the parcel or its occupant, licensee, or  
542 invitee to comply with any provision of the association's  
543 declaration, ~~the association~~ bylaws, or reasonable rules  
544 otherwise provided in its governing documents ~~of the association~~  
545 unless otherwise provided in the governing documents, provided  
546 that the fine for such violation does not exceed \$1,000. A fine  
547 may not be assessed more than once for the same violation. A  
548 ~~fine may be levied by the board for each day of a continuing~~  
549 ~~violation, with a single notice and opportunity for hearing,~~  
550 ~~except that the fine may not exceed \$1,000 in the aggregate~~  
551 ~~unless otherwise provided in the governing documents. A fine of~~

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552 less than \$1,000 may not become a lien against a parcel, and  
553 finer may not be aggregated to create a lien against a parcel.  
554 In any action to recover a fine, the prevailing party may be ~~is~~  
555 entitled to reasonable attorney fees and costs from the  
556 nonprevailing party as provided in paragraph (d) ~~determined by~~  
557 ~~the court.~~

558 (a) An association may suspend, for a reasonable period of  
559 time, the right of a member, or a member's tenant, guest, or  
560 invitee, to use common areas and facilities for the failure of  
561 the owner of the parcel or its occupant, licensee, or invitee to  
562 comply with any provision of the declaration, the association  
563 bylaws, or reasonable rules of the association. This paragraph  
564 does not apply to that portion of common areas used to provide  
565 access or utility services to the parcel. A suspension may not  
566 prohibit an owner or tenant of a parcel from having vehicular  
567 and pedestrian ingress to and egress from the parcel, including,  
568 but not limited to, the right to park.

569 (b) A fine or suspension levied by the board of  
570 administration may not be imposed unless the board first  
571 provides at least 14 days' written notice of the parcel owner's  
572 right to a hearing to the parcel owner at his or her designated  
573 mailing or e-mail address in the association's official records  
574 and, if applicable, to any occupant, licensee, or invitee of the  
575 parcel owner, sought to be fined or suspended. Such hearing must  
576 be held within 90 days after issuance of the notice before a  
577 committee of at least three members appointed by the board who  
578 are not officers, directors, or employees of the association, or  
579 the spouse, parent, child, brother, or sister of an officer,  
580 director, or employee. The committee may hold the hearing by

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581 telephone or other electronic means. The notice must include a  
582 description of the alleged violation; the specific action  
583 required to cure such violation, if applicable; and the hearing  
584 date, location, and access information if held by telephone or  
585 other electronic means. A parcel owner has the right to attend a  
586 hearing by telephone, video teleconference, or other electronic  
587 means.

588 (c) If the committee, by majority vote, does not find that  
589 a violation exists or does not approve a proposed fine or  
590 suspension, the proposed fine or suspension may not be imposed  
591 and action may not be taken related to the alleged violation.  
592 The role of the committee is limited to determining whether a  
593 violation exists and, if so, to confirm or reject the fine or  
594 suspension levied by the board.

595 (d) Within 7 days after the hearing, the committee shall  
596 provide written notice to the parcel owner at his or her  
597 designated mailing or e-mail address in the association's  
598 official records and, if applicable, any occupant, licensee, or  
599 invitee of the parcel owner, of the committee's findings related  
600 to the violation, including any applicable fines or suspensions  
601 that the committee approved or rejected, and how the parcel  
602 owner or any occupant, licensee, or invitee of the parcel owner  
603 may cure the violation, if applicable, or fulfill a suspension,  
604 or the date by which a fine must be paid. Fines, suspensions,  
605 attorney fees, and costs must be determined and structured as  
606 follows:

607 1. If a violation is confirmed by the association and  
608 subsequently cured before the hearing, a fine or suspension may  
609 not be levied and attorney fees and costs may not be awarded.

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610 2. If a violation is confirmed at a hearing and the parcel  
611 owner cures the violation within 30 days after the hearing, the  
612 fine must be reduced by 50 percent and any applicable suspension  
613 must be lifted. Attorney fees and costs may not be awarded.

614 3. If a violation is confirmed at a hearing and not cured  
615 within 30 days after the hearing, reasonable attorney fees and  
616 costs may be awarded to the association for the work required to  
617 collect the fine and remedy the violation.

618 4. If a violation is confirmed at a hearing and not cured,  
619 finances for such violation are due no earlier than 30 days after  
620 the hearing. Following the hearing, the association shall  
621 provide written notice to the designated parcel owner and  
622 address any findings related to the violation, including  
623 applicable fines, suspensions, and instructions on how to cure  
624 the violation and pay associated penalties.

625 (e) If a violation and the proposed fine or suspension  
626 levied by the board is approved by the committee and the  
627 violation is not cured or the fine is not paid per the written  
628 notice required in paragraph (d), reasonable attorney fees and  
629 costs may be awarded to the association. Attorney fees and costs  
630 may not begin to accrue until after the date noticed for payment  
631 under paragraph (d) and the time for an appeal has expired ~~If a~~  
632 ~~violation has been cured before the hearing or in the manner~~  
633 ~~specified in the written notice required in paragraph (b) or~~  
634 ~~paragraph (d), a fine or suspension may not be imposed.~~

635 (f) A parcel owner has a right at any time to make a  
636 written request for a detailed accounting of all amounts due and  
637 payable from the parcel owner to the association, and the  
638 association must provide such information within 10 calendar

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639 days after receipt of such written request. Failure of the  
640 association to respond constitutes a waiver of any pending  
641 violation, fine, or penalty. Upon receiving payment for any  
642 outstanding amounts from a parcel owner, an association must  
643 apply the payment first to the fine, before satisfying any other  
644 outstanding amounts due. Attorney fees and costs may not  
645 continue to accrue after a parcel owner's satisfaction of the  
646 fine, and the parcel owner may request a hearing before the  
647 association to dispute the reasonableness of attorney fees and  
648 costs assessed in the association's collection of the fine. ~~If a~~  
649 ~~violation is not cured and the proposed fine or suspension~~  
650 ~~levied by the board is approved by the committee by a majority~~  
651 ~~vote, the committee must set a date by which the fine must be~~  
652 ~~paid, which date must be at least 30 days after delivery of the~~  
653 ~~written notice required in paragraph (d). Attorney fees and~~  
654 ~~costs may not be awarded against the parcel owner based on~~  
655 ~~actions taken by the board before the date set for the fine to~~  
656 ~~be paid.~~

657 ~~(g) If a violation and the proposed fine or suspension~~  
658 ~~levied by the board is approved by the committee and the~~  
659 ~~violation is not cured or the fine is not paid per the written~~  
660 ~~notice required in paragraph (d), reasonable attorney fees and~~  
661 ~~costs may be awarded to the association. Attorney fees and costs~~  
662 ~~may not begin to accrue until after the date noticed for payment~~  
663 ~~under paragraph (d) and the time for an appeal has expired.~~

664 Section 13. Section 720.3085, Florida Statutes, is amended  
665 to read:

666 720.3085 Priority of payment; payment for assessments; lien  
667 claims.-

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668           (1) Payments made by a parcel owner must be applied to any  
669 outstanding amounts due that are designated by the parcel owner  
670 on the payment instrument or otherwise in writing. In the event  
671 the parcel owner does not designate the outstanding amounts to  
672 which the remitted payment must be applied, the association must  
673 apply the parcel owner's payment in priority as follows:

674           (a) Regularly occurring assessments.

675           (b) Special assessments.

676           (c) Fines.

677           (d) Interest.

678           (e) Other fees or costs charged by the association,  
679 including attorney fees and costs.

680           (2) When authorized by the governing documents, the  
681 association has a lien on each parcel to secure the payment of  
682 assessments and other amounts provided for by this section.  
683 Except as otherwise set forth in this section, the lien is  
684 effective from and shall relate back to the date on which the  
685 original declaration of the community was recorded. However, as  
686 to first mortgages of record, the lien is effective from and  
687 after recording of a claim of lien in the public records of the  
688 county in which the parcel is located. This subsection does not  
689 bestow upon any lien, mortgage, or certified judgment of record  
690 on July 1, 2008, including the lien for unpaid assessments  
691 created in this section, a priority that, by law, the lien,  
692 mortgage, or judgment did not have before July 1, 2008.

693           (a) To be valid, a claim of lien must state the description  
694 of the parcel, the name of the record owner, the name and  
695 address of the association, the assessment amount due, and the  
696 due date. The claim of lien secures all unpaid assessments that



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697 are due and that may accrue subsequent to the recording of the  
698 claim of lien and before entry of a certificate of title, as  
699 well as interest, late charges, and reasonable costs and  
700 attorney fees incurred by the association incident to the  
701 collection process. The person making payment is entitled to a  
702 satisfaction of the lien upon payment in full.

703 (b) By recording a notice in substantially the following  
704 form, a parcel owner or the parcel owner's agent or attorney may  
705 require the association to enforce a recorded claim of lien  
706 against his or her parcel:

707  
708 NOTICE OF CONTEST OF LIEN  
709

710 TO: ...(Name and address of association)...

711  
712 You are notified that the undersigned contests the claim of lien  
713 filed by you on ....., ...(year)...., and recorded in Official  
714 Records Book .... at page ....., of the public records of ....  
715 County, Florida, and that the time within which you may file  
716 suit to enforce your lien is limited to 90 days following the  
717 date of service of this notice. Executed this .... day of .....,  
718 ...(year)....

719  
720 Signed: ...(Owner or Attorney)...

721  
722 After the notice of a contest of lien has been recorded, the  
723 clerk of the circuit court shall mail a copy of the recorded  
724 notice to the association by certified mail, return receipt  
725 requested, at the address shown in the claim of lien or the most

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726 recent amendment to it and shall certify to the service on the  
 727 face of the notice. Service is complete upon mailing. After  
 728 service, the association has 90 days in which to file an action  
 729 to enforce the lien and, if the action is not filed within the  
 730 90-day period, the lien is void. However, the 90-day period  
 731 shall be extended for any length of time that the association is  
 732 prevented from filing its action because of an automatic stay  
 733 resulting from the filing of a bankruptcy petition by the parcel  
 734 owner or by any other person claiming an interest in the parcel.

735 (c) The association may bring an action in its name to  
 736 foreclose a lien for assessments in the same manner in which a  
 737 mortgage of real property is foreclosed and may also bring an  
 738 action to recover a money judgment for the unpaid assessments  
 739 without waiving any claim of lien, but such money judgment  
 740 action must be brought in the same lawsuit as the claim of lien  
 741 action. The association is entitled to recover its reasonable  
 742 attorney ~~attorney's~~ fees incurred in an action to foreclose a  
 743 lien or an action to recover a money judgment for unpaid  
 744 assessments.

745 (d) A release of lien must be in substantially the  
 746 following form:

747  
 748 RELEASE OF LIEN  
 749

750 The undersigned lienor, in consideration of the final payment in  
 751 the amount of \$....., hereby waives and releases its lien and  
 752 right to claim a lien for unpaid assessments through .....,  
 753 ...(year)..., recorded in the Official Records Book .... at Page  
 754 ....., of the public records of .... County, Florida, for the

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755 following described real property:

756

757 (PARCEL NO. .... OR LOT AND BLOCK) OF ...(subdivision  
758 name)... SUBDIVISION AS SHOWN IN THE PLAT THEREOF,  
759 RECORDED AT PLAT BOOK ....., PAGE ....., OF THE OFFICIAL  
760 RECORDS OF .... COUNTY, FLORIDA.

761

762 ...(or insert appropriate metes and bounds description  
763 here)...

764

765 ...(Signature of Authorized Agent)... ...(Signature of  
766 Witness)...

767 ...(Print Name)... ...(Print Name)...

768

769 ...(Signature of Witness)...

770 ...(Print Name)...

771

772 Sworn to (or affirmed) and subscribed before me this .... day of  
773 ....., ...(year)...., by ...(name of person making statement)....

774

775 ...(Signature of Notary Public)...

776 ...(Print, type, or stamp commissioned name of Notary Public)...

777 Personally Known .... OR Produced .... as identification.

778 (e) If the parcel owner remains in possession of the parcel  
779 after a foreclosure judgment has been entered, the court may  
780 require the parcel owner to pay a reasonable rent for the  
781 parcel. If the parcel is rented or leased during the pendency of  
782 the foreclosure action, the association is entitled to the  
783 appointment of a receiver to collect the rent. The expenses of

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784 the receiver must be paid by the party who does not prevail in  
785 the foreclosure action.

786 (f) The association may purchase the parcel at the  
787 foreclosure sale and hold, lease, mortgage, or convey the  
788 parcel.

789 (3) (a) ~~(2) (a)~~ A parcel owner, regardless of how his or her  
790 title to property has been acquired, including by purchase at a  
791 foreclosure sale or by deed in lieu of foreclosure, is liable  
792 for all assessments that come due while he or she is the parcel  
793 owner. The parcel owner's liability for assessments may not be  
794 avoided by waiver or suspension of the use or enjoyment of any  
795 common area or by abandonment of the parcel upon which the  
796 assessments are made.

797 (b) A parcel owner is jointly and severally liable with the  
798 previous parcel owner for all unpaid assessments that came due  
799 up to the time of transfer of title. This liability is without  
800 prejudice to any right the present parcel owner may have to  
801 recover any amounts paid by the present owner from the previous  
802 owner. For the purposes of this paragraph, the term "previous  
803 owner" does ~~shall~~ not include an association that acquires title  
804 to a delinquent property through foreclosure or by deed in lieu  
805 of foreclosure. The present parcel owner's liability for unpaid  
806 assessments is limited to any unpaid assessments that accrued  
807 before the association acquired title to the delinquent property  
808 through foreclosure or by deed in lieu of foreclosure.

809 (c) Notwithstanding anything to the contrary contained in  
810 this section, the liability of a first mortgagee, or its  
811 successor or assignee as a subsequent holder of the first  
812 mortgage who acquires title to a parcel by foreclosure or by

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813 deed in lieu of foreclosure for the unpaid assessments that  
814 became due before the mortgagee's acquisition of title, shall be  
815 the lesser of:

816 1. The parcel's unpaid common expenses and regular periodic  
817 or special assessments that accrued or came due during the 12  
818 months immediately preceding the acquisition of title and for  
819 which payment in full has not been received by the association;  
820 or

821 2. One percent of the original mortgage debt.  
822

823 The limitations on first mortgagee liability provided by this  
824 paragraph apply only if the first mortgagee filed suit against  
825 the parcel owner and initially joined the association as a  
826 defendant in the mortgagee foreclosure action. Joinder of the  
827 association is not required if, on the date the complaint is  
828 filed, the association was dissolved or did not maintain an  
829 office or agent for service of process at a location that was  
830 known to or reasonably discoverable by the mortgagee.

831 (d) An association, or its successor or assignee, that  
832 acquires title to a parcel through the foreclosure of its lien  
833 for assessments is not liable for any unpaid assessments, late  
834 fees, interest, or reasonable attorney ~~attorney's~~ fees and costs  
835 that came due before the association's acquisition of title in  
836 favor of any other association, as defined in s. 718.103 or s.  
837 720.301 ~~s. 720.301(9)~~, which holds a superior lien interest on  
838 the parcel. This paragraph is intended to clarify existing law.

839 (4) ~~(3)~~ Assessments and installments on assessments that are  
840 not paid when due bear interest from the due date until paid at  
841 the rate provided in the declaration of covenants or the bylaws

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842 of the association, which rate may not exceed the rate allowed  
843 by law. If no rate is provided in the declaration or bylaws,  
844 simple interest accrues at the rate of 18 percent per year.  
845 Notwithstanding the declaration or bylaws, compound interest may  
846 not accrue on assessments and installments on assessments that  
847 are not paid when due.

848 (a) If the declaration or bylaws so provide, the  
849 association may also charge an administrative late fee not to  
850 exceed the greater of \$25 or 5 percent of the amount of each  
851 installment ~~that is~~ paid past the due date.

852 (b) Any payment received by an association and accepted  
853 must ~~shall~~ be applied first to any interest accrued, then to any  
854 administrative late fee, then to any costs and reasonable  
855 attorney fees incurred in collection, and then to the delinquent  
856 assessment. This paragraph applies notwithstanding any  
857 restrictive endorsement, designation, or instruction placed on  
858 or accompanying a payment. A late fee is not subject to ~~the~~  
859 ~~provisions of~~ chapter 687 and is not a fine. The foregoing is  
860 applicable notwithstanding s. 673.3111, any purported accord and  
861 satisfaction, or any restrictive endorsement, designation, or  
862 instruction placed on or accompanying a payment. The preceding  
863 sentence is intended to clarify existing law.

864 (c)1. If an association sends out an invoice for  
865 assessments or a parcel's statement of the account described in  
866 s. 720.303(4)(a)10.b., the invoice for assessments or the  
867 parcel's statement of account must be delivered to the parcel  
868 owner by first-class United States mail or by electronic  
869 transmission to the parcel owner's e-mail address maintained in  
870 the association's official records.

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871           2. Before changing the method of delivery for an invoice  
872 for assessments or the statement of the account, the association  
873 must deliver a written notice of such change to each parcel  
874 owner. The written notice must be delivered to the parcel owner  
875 at least 30 days before the association sends the invoice for  
876 assessments or the statement of the account by the new delivery  
877 method. The notice must be sent by first-class United States  
878 mail to the owner at his or her last address as reflected in the  
879 association's records and, if such address is not the parcel  
880 address, must be sent by first-class United States mail to the  
881 parcel address. Notice is deemed to have been delivered upon  
882 mailing as required by this subparagraph.

883           3. A parcel owner must affirmatively acknowledge his or her  
884 understanding that the association will change its method of  
885 delivery of the invoice for assessments or the statement of the  
886 account before the association may change the method of  
887 delivering an invoice for assessments or the statement of  
888 account. The parcel owner may make the affirmative  
889 acknowledgment electronically or in writing.

890           (d) An association may not require payment of attorney fees  
891 related to a past due assessment without first delivering a  
892 written notice of late assessment to the parcel owner which  
893 specifies the amount owed the association and provides the  
894 parcel owner an opportunity to pay the amount owed without the  
895 assessment of attorney fees. The notice of late assessment must  
896 be sent by first-class United States mail to the owner at his or  
897 her last address as reflected in the association's records and,  
898 if such address is not the parcel address, must also be sent by  
899 first-class United States mail to the parcel address. Notice is

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900 deemed to have been delivered upon mailing as required by this  
 901 paragraph. A rebuttable presumption that an association mailed a  
 902 notice in accordance with this paragraph is established if a  
 903 board member, officer, or agent of the association, or a manager  
 904 licensed under part VIII of chapter 468, provides a sworn  
 905 affidavit attesting to such mailing. The notice must be in  
 906 substantially the following form:

907  
908 NOTICE OF LATE ASSESSMENT

909  
910 RE: Parcel .... of ...(name of association)...

911  
 912 The following amounts are currently due on your  
 913 account to ...(name of association)..., and must be  
 914 paid within 30 days after the date of this letter.  
 915 This letter is ~~shall serve as~~ the association's notice  
 916 to proceed with further collection action against your  
 917 property no sooner than 30 days after the date of this  
 918 letter, unless you pay in full the amounts set forth  
 919 below:

920  
 921  
 922 Maintenance due ...(dates)... \$.....  
 923 Late fee, if applicable \$.....  
 924 Interest through ...(dates)...\* \$.....  
 925 TOTAL OUTSTANDING \$.....

926  
 927 \*Interest accrues at the rate of .... percent per  
 928 annum.



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929  
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957

(5)~~(4)~~ A homeowners' association may not file a record of lien against a parcel for unpaid assessments unless a written notice or demand for past due assessments as well as any other amounts owed to the association pursuant to its governing documents has been made by the association. The written notice or demand must:

(a) Provide the owner with 45 days following the date the notice is deposited in the mail to make payment for all amounts due, including, but not limited to, any attorney ~~attorney's~~ fees and actual costs associated with the preparation and delivery of the written demand. The notice must be in substantially the following form:

NOTICE OF INTENT  
TO RECORD A CLAIM OF LIEN

RE: Parcel or (lot/block) ...(lot/parcel number)... of  
...(name of association)...

The following amounts are currently due on your account to ...(name of association)..., and must be paid within 45 days after your receipt of this letter. This letter is ~~shall serve as~~ the association's notice of intent to record a Claim of Lien against your property no sooner than 45 days after your receipt of this letter, unless you pay in full the amounts set forth below:

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958	Maintenance due ...(dates)...	\$.....
959	Late fee, if applicable	\$.....
960	Interest through ...(dates)...*	\$.....
961	Certified mail charges	\$.....
962	Other costs	\$.....
963	TOTAL OUTSTANDING	\$.....

964

965       \*Interest accrues at the rate of .... percent per

966       annum.

967

968       (b) Be sent by registered or certified mail, return receipt

969       requested, and by first-class United States mail to the parcel

970       owner at his or her last address as reflected in the records of

971       the association, if the address is within the United States, and

972       to the parcel owner subject to the demand at the address of the

973       parcel if the owner's address as reflected in the records of the

974       association is not the parcel address. If the address reflected

975       in the records is outside the United States, ~~then~~ sending the

976       notice to that address and to the parcel address by first-class

977       United States mail is sufficient.

978       (6)~~(5)~~ The association may bring an action in its name to

979       foreclose a lien for unpaid assessments secured by a lien in the

980       same manner that a mortgage of real property is foreclosed and

981       may also bring an action to recover a money judgment for the

982       unpaid assessments without waiving any claim of lien. The action

983       to foreclose the lien may not be brought until 45 days after the

984       parcel owner has been provided notice of the association's

985       intent to foreclose and collect the unpaid amount. The notice

986       must be given in the manner provided in paragraph (5) (b)

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987 ~~paragraph (4) (b)~~, and the notice may not be provided until the  
 988 passage of the 45 days required in paragraph (5) (a) ~~paragraph~~  
 989 ~~(4) (a)~~. The notice must be in substantially the following form:

990  
 991 DELINQUENT ASSESSMENT

992  
 993 This letter is to inform you a Claim of Lien has been filed  
 994 against your property because you have not paid the ...(type of  
 995 assessment)... assessment to ...(name of association).... The  
 996 association intends to foreclose the lien and collect the unpaid  
 997 amount within 45 days of this letter being provided to you.

998  
 999 You owe the interest accruing from ...(month/year)... to the  
 1000 present. As of the date of this letter, the total amount due  
 1001 with interest is \$..... All costs of any action and interest  
 1002 from this day forward will also be charged to your account.

1003  
 1004 Any questions concerning this matter should be directed to  
 1005 ...(insert name, addresses, and telephone numbers of association  
 1006 representative)....

1007 (a) The association may recover any interest, late charges,  
 1008 costs, and reasonable attorney ~~attorney's~~ fees incurred in a  
 1009 lien foreclosure action or in an action to recover a money  
 1010 judgment for the unpaid assessments.

1011 (b) The time limitations in this subsection do not apply if  
 1012 the parcel is subject to a foreclosure action or forced sale of  
 1013 another party, or if an owner of the parcel is a debtor in a  
 1014 bankruptcy proceeding.

1015 (7) (6) If after service of a summons on a complaint to

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1016 foreclose a lien the parcel is not the subject of a mortgage  
1017 foreclosure or a notice of tax certificate sale, the parcel  
1018 owner is not a debtor in bankruptcy proceedings, or the trial of  
1019 or trial docket for the lien foreclosure action is not set to  
1020 begin within 30 days, the parcel owner may serve and file with  
1021 the court a qualifying offer at any time before the entry of a  
1022 foreclosure judgment. For purposes of this subsection, the term  
1023 "qualifying offer" means a written offer to pay all amounts  
1024 secured by the lien of the association plus amounts accruing  
1025 during the pendency of the offer. The parcel owner may make only  
1026 one qualifying offer during the pendency of a foreclosure  
1027 action. If a parcel becomes the subject of a mortgage  
1028 foreclosure or a notice of tax certificate sale while a  
1029 qualifying offer is pending, the qualifying offer becomes  
1030 voidable at the election of the association. If the parcel owner  
1031 becomes a debtor in bankruptcy proceedings while a qualifying  
1032 offer is pending, the qualifying offer becomes void.

1033 (a) The parcel owner shall deliver a copy of the filed  
1034 qualifying offer to the association's attorney by hand delivery,  
1035 obtaining a written receipt, or by certified mail, return  
1036 receipt requested.

1037 (b) The parcel owner's filing of the qualifying offer with  
1038 the court stays the foreclosure action for the period stated in  
1039 the qualifying offer, which may not exceed 60 days following the  
1040 date of service of the qualifying offer and no sooner than 30  
1041 days before the date of trial, arbitration, or the beginning of  
1042 the trial docket, whichever occurs first, to permit the parcel  
1043 owner to pay the qualifying offer to the association plus any  
1044 amounts accruing during the pendency of the offer.

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1045 (c) The qualifying offer must be in writing, be signed by  
 1046 all owners of the parcel and the spouse of any owner if the  
 1047 spouse resides in or otherwise claims a homestead interest in  
 1048 the parcel, be acknowledged by a notary public, and be in  
 1049 substantially the following form:

1050  
 1051 QUALIFYING OFFER  
 1052 AUTOMATIC STAY INVOKED  
 1053 PURSUANT TO F.S. 720.3085  
 1054

1055 I/We, [Name(s) of Parcel Owner(s)], admit the following:

1056 1. The total amount due the association is secured by the  
 1057 lien of the association.

1058 2. The association is entitled to foreclose its claim of  
 1059 lien and obtain a foreclosure judgment for the total amount due  
 1060 if I/we breach this qualifying offer by failing to pay the  
 1061 amount due by the date specified in this qualifying offer.

1062 3. I/We will not permit the priority of the lien of the  
 1063 association or the amounts secured by the lien to be endangered.

1064 4. I/We hereby affirm that the date(s) by which the  
 1065 association will receive \$ [specify amount] as the total amount  
 1066 due is [specify date, no later than 60 days after the date of  
 1067 service of the qualifying offer and at least 30 days before the  
 1068 trial or arbitration date], in the following amounts and dates:

1069 5. I/We hereby confirm that I/we have requested and have  
 1070 received from the homeowners' association a breakdown and total  
 1071 of all sums due the association and that the amount offered  
 1072 above is equal to or greater than the total amount provided by  
 1073 the association.

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1074           6. This qualifying offer operates as a stay to all portions  
 1075 of the foreclosure action which seek to collect unpaid  
 1076 assessments as provided in s. 720.3085.

1077  
 1078 Signed: ...(Signatures of all parcel owners and spouses, if  
 1079 any)...

1080  
 1081 Sworn to and subscribed this ...(date)... day of ...(month)...,  
 1082 ...(year)..., before the undersigned authority.

1083  
 1084 Notary Public: ...(Signature of notary public)...

1085  
 1086 If the parcel owner makes a qualifying offer under this  
 1087 subsection, the association may not add the cost of any legal  
 1088 fees incurred by the association within the period of the stay  
 1089 other than costs acquired in defense of a mortgage foreclosure  
 1090 action concerning the parcel, a bankruptcy proceeding in which  
 1091 the parcel owner is a debtor, or in response to filings by a  
 1092 party other than the association in the lien foreclosure action  
 1093 of the association.

1094           (8)~~(7)~~ If the parcel owner breaches the qualifying offer,  
 1095 the stay must ~~shall~~ be vacated and the association may proceed  
 1096 in its action to obtain a foreclosure judgment against the  
 1097 parcel and the parcel owners for the amount in the qualifying  
 1098 offer and any amounts accruing after the date of the qualifying  
 1099 offer.

1100           (9) (a)~~(8) (a)~~ If the parcel is occupied by a tenant and the  
 1101 parcel owner is delinquent in paying any monetary obligation due  
 1102 to the association, the association may demand that the tenant

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1103 pay to the association the subsequent rental payments and  
 1104 continue to make such payments until all the monetary  
 1105 obligations of the parcel owner related to the parcel have been  
 1106 paid in full to the association and the association releases the  
 1107 tenant or until the tenant discontinues tenancy in the parcel.

1108 1. The association must provide the tenant a notice, by  
 1109 hand delivery or United States mail, in substantially the  
 1110 following form:

1111

1112 Pursuant to section 720.3085(9) ~~720.3085(8)~~,  
 1113 Florida Statutes, we demand that you make your rent  
 1114 payments directly to the homeowners' association and  
 1115 continue doing so until the association notifies you  
 1116 otherwise.

1117 Payment due the homeowners' association may be in  
 1118 the same form as you paid your landlord and must be  
 1119 sent by United States mail or hand delivery to  
 1120 ...(full address)..., payable to ...(name)....

1121 Your obligation to pay your rent to the  
 1122 association begins immediately, unless you have  
 1123 already paid rent to your landlord for the current  
 1124 period before receiving this notice. In that case, you  
 1125 must provide the association written proof of your  
 1126 payment within 14 days after receiving this notice and  
 1127 your obligation to pay rent to the association would  
 1128 then begin with the next rental period.

1129 Pursuant to section 720.3085(9) ~~720.3085(8)~~,  
 1130 Florida Statutes, your payment of rent to the  
 1131 association gives you complete immunity from any claim

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1132 for the rent by your landlord.

1133  
1134 2. A tenant is immune from any claim by the parcel owner  
1135 related to the rent timely paid to the association after the  
1136 association has made written demand.

1137 (b) If the tenant paid rent to the landlord or parcel owner  
1138 for a given rental period before receiving the demand from the  
1139 association and provides written evidence to the association of  
1140 having paid the rent within 14 days after receiving the demand,  
1141 the tenant must ~~shall~~ begin making rental payments to the  
1142 association for the following rental period and must ~~shall~~  
1143 continue making rental payments to the association to be  
1144 credited against the monetary obligations of the parcel owner  
1145 until the association releases the tenant or the tenant  
1146 discontinues tenancy in the unit. The association shall, upon  
1147 request, provide the tenant with written receipts for payments  
1148 made. The association shall mail written notice to the parcel  
1149 owner of the association's demand that the tenant pay monetary  
1150 obligations to the association.

1151 (c) The liability of the tenant may not exceed the amount  
1152 due from the tenant to the tenant's landlord. The tenant shall  
1153 be given a credit against rents due to the landlord in the  
1154 amount of assessments paid to the association.

1155 (d) The association may issue notice under s. 83.56 and sue  
1156 for eviction under ss. 83.59-83.625 as if the association were a  
1157 landlord under part II of chapter 83 if the tenant fails to pay  
1158 a monetary obligation. However, the association is not otherwise  
1159 considered a landlord under chapter 83 and specifically has no  
1160 obligations under s. 83.51.



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1161 (e) The tenant does not, by virtue of payment of monetary  
1162 obligations, have any of the rights of a parcel owner to vote in  
1163 any election or to examine the books and records of the  
1164 association.

1165 (f) A court may supersede the effect of this subsection by  
1166 appointing a receiver.

1167 Section 14. Section 720.3086, Florida Statutes, is amended  
1168 to read:

1169 720.3086 Financial report.—In a residential subdivision in  
1170 which the owners of lots or parcels must pay mandatory  
1171 maintenance or amenity fees to the subdivision developer or to  
1172 the owners of the common areas, recreational facilities, and  
1173 other properties serving the lots or parcels, the developer or  
1174 owner of such areas, facilities, or properties shall make  
1175 available for inspection public, within 60 days following the  
1176 end of each fiscal year, and upon written request from an owner  
1177 in the applicable subdivision, a complete financial report of  
1178 the actual, total receipts of mandatory maintenance or amenity  
1179 fees received by it, and an itemized listing of the expenditures  
1180 made by it from such fees, for that year. ~~Such report shall be~~  
1181 ~~made public by mailing it to each lot or parcel owner in the~~  
1182 ~~subdivision, by publishing it in a publication regularly~~  
1183 ~~distributed within the subdivision, or by posting it in~~  
1184 ~~prominent locations in the subdivision.~~ This section does not  
1185 apply to amounts paid to homeowner associations pursuant to  
1186 chapter 617, chapter 718, chapter 719, chapter 721, or chapter  
1187 723, or to amounts paid to local governmental entities,  
1188 including special districts.

1189 Section 15. Paragraph (a) of subsection (1) of section

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1190 336.125, Florida Statutes, is amended to read:

1191 336.125 Closing and abandonment of roads; optional  
1192 conveyance to homeowners' association; traffic control  
1193 jurisdiction.—

1194 (1) (a) In addition to the authority provided in s. 336.12,  
1195 the governing body of the county may abandon the roads and  
1196 rights-of-way dedicated in a recorded residential subdivision  
1197 plat and simultaneously convey the county's interest in such  
1198 roads, rights-of-way, and appurtenant drainage facilities to a  
1199 homeowners' association for the subdivision, if the following  
1200 conditions have been met:

1201 1. The homeowners' association has requested the  
1202 abandonment and conveyance in writing for the purpose of  
1203 converting the subdivision to a gated neighborhood with  
1204 restricted public access.

1205 2. No fewer than four-fifths of the owners of record of  
1206 property located in the subdivision have consented in writing to  
1207 the abandonment and simultaneous conveyance to the homeowners'  
1208 association.

1209 3. The homeowners' association is both a corporation not  
1210 for profit organized and in good standing under chapter 617, and  
1211 a "homeowners' association" as defined in s. 720.301 ~~s.~~  
1212 ~~720.301(9)~~ with the power to levy and collect assessments for  
1213 routine and periodic major maintenance and operation of street  
1214 lighting, drainage, sidewalks, and pavement in the subdivision.

1215 4. The homeowners' association has entered into and  
1216 executed such agreements, covenants, warranties, and other  
1217 instruments; has provided, or has provided assurance of, such  
1218 funds, reserve funds, and funding sources; and has satisfied

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1219 such other requirements and conditions as may be established or  
 1220 imposed by the county with respect to the ongoing operation,  
 1221 maintenance, and repair and the periodic reconstruction or  
 1222 replacement of the roads, drainage, street lighting, and  
 1223 sidewalks in the subdivision after the abandonment by the  
 1224 county.

1225 Section 16. Subsection (2) of section 558.002, Florida  
 1226 Statutes, is amended to read:

1227 558.002 Definitions.—As used in this chapter, the term:

1228 (2) "Association" has the same meaning as in s. 718.103, s.  
 1229 719.103(2), s. 720.301 ~~s. 720.301(9)~~, or s. 723.075.

1230 Section 17. Section 617.0725, Florida Statutes, is amended  
 1231 to read:

1232 617.0725 Quorum.—An amendment to the articles of  
 1233 incorporation or the bylaws which adds, changes, or deletes a  
 1234 greater or lesser quorum or voting requirement must meet the  
 1235 same quorum or voting requirement and be adopted by the same  
 1236 vote and voting groups required to take action under the quorum  
 1237 and voting requirements then in effect or proposed to be  
 1238 adopted, whichever is greater. This section does not apply to  
 1239 any corporation that is an association, ~~as defined in s. 720.301~~  
 1240 ~~s. 720.301(9)~~, or any corporation regulated under chapter 718 or  
 1241 chapter 719.

1242 Section 18. Paragraph (b) of subsection (10) of section  
 1243 697.07, Florida Statutes, is amended to read:

1244 697.07 Assignment of rents.—

1245 (10) This section does not apply to a corporation that is a  
 1246 homeowners' association or an association, as those terms are  
 1247 defined in s. 720.301, or a corporation regulated under chapter

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1248 718 or chapter 719, that:

1249 (b) Collects rents from tenants in a parcel or unit  
1250 pursuant to s. 718.116(11), s. 719.108(10), or s. 720.3085(9) ~~s.~~  
1251 ~~720.3085(8)~~.

1252 Section 19. Paragraph (j) of subsection (2) of section  
1253 702.10, Florida Statutes, is amended to read:

1254 702.10 Order to show cause; entry of final judgment of  
1255 foreclosure; payment during foreclosure.—

1256 (2) Except as provided in paragraph (i), in any action for  
1257 foreclosure, in addition to any other relief that the court may  
1258 award, the plaintiff may request that the court enter an order  
1259 directing the mortgagor defendant to show cause why an order to  
1260 make payments during the pendency of the foreclosure proceedings  
1261 or an order to vacate the premises should not be entered.

1262 (j) For purposes of this subsection, the term "mortgagor"  
1263 means a person who grants a mortgage or a successor in ownership  
1264 of the real property described in the mortgage. The term does  
1265 not include a homeowners' association or an association, as  
1266 those terms are defined in s. 720.301, or a corporation  
1267 regulated under chapter 718 or chapter 719, that:

1268 1. Acquires title to a parcel or unit through the  
1269 foreclosure of its claim of lien, or a deed in lieu of  
1270 foreclosure, provided that title remains vested in the  
1271 association or corporation and any rents collected are applied  
1272 to assessments that are then due; or

1273 2. Collects rents from the tenants in the parcel or unit  
1274 pursuant to s. 718.116(11), s. 719.108(10), or s. 720.3085(9) ~~s.~~  
1275 ~~720.3085(8)~~.

1276 Section 20. Paragraph (b) of subsection (1) of section

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1277 718.116, Florida Statutes, is amended, and subsection (10) of  
1278 that section is republished, to read:

1279 718.116 Assessments; liability; lien and priority;  
1280 interest; collection.—

1281 (1)

1282 (b)1. The liability of a first mortgagee or its successor  
1283 or assignees who acquire title to a unit by foreclosure or by  
1284 deed in lieu of foreclosure for the unpaid assessments that  
1285 became due before the mortgagee's acquisition of title is  
1286 limited to the lesser of:

1287 a. The unit's unpaid common expenses and regular periodic  
1288 assessments which accrued or came due during the 12 months  
1289 immediately preceding the acquisition of title and for which  
1290 payment in full has not been received by the association; or

1291 b. One percent of the original mortgage debt. ~~The~~  
1292 ~~provisions of~~ This paragraph applies ~~apply~~ only if the first  
1293 mortgagee joined the association as a defendant in the  
1294 foreclosure action. Joinder of the association is not required  
1295 if, on the date the complaint is filed, the association was  
1296 dissolved or did not maintain an office or agent for service of  
1297 process at a location which was known to or reasonably  
1298 discoverable by the mortgagee.

1299 2. An association, or its successor or assignee, that  
1300 acquires title to a unit through the foreclosure of its lien for  
1301 assessments is not liable for any unpaid assessments, late fees,  
1302 interest, or reasonable attorney ~~attorney's~~ fees and costs that  
1303 came due before the association's acquisition of title in favor  
1304 of any other association, as defined in s. 718.103 or s. 720.301  
1305 ~~s. 720.301(9)~~, which holds a superior lien interest on the unit.

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1306 This subparagraph is intended to clarify existing law.

1307 (10) The specific purpose or purposes of any special  
1308 assessment, including any contingent special assessment levied  
1309 in conjunction with the purchase of an insurance policy  
1310 authorized by s. 718.111(11), approved in accordance with the  
1311 condominium documents shall be set forth in a written notice of  
1312 such assessment sent or delivered to each unit owner. The funds  
1313 collected pursuant to a special assessment shall be used only  
1314 for the specific purpose or purposes set forth in such notice.  
1315 However, upon completion of such specific purpose or purposes,  
1316 any excess funds will be considered common surplus, and may, at  
1317 the discretion of the board, either be returned to the unit  
1318 owners or applied as a credit toward future assessments.

1319 Section 21. Paragraph (a) of subsection (4) and paragraph  
1320 (g) of subsection (5) of section 720.303, Florida Statutes, are  
1321 amended to read:

1322 720.303 Association powers and duties; meetings of board;  
1323 official records; budgets; financial reporting; association  
1324 funds; recalls.—

1325 (4) OFFICIAL RECORDS.—

1326 (a) The association shall maintain each of the following  
1327 items, when applicable, for at least 7 years, unless the  
1328 governing documents of the association require a longer period  
1329 of time, which constitute the official records of the  
1330 association:

1331 1. Copies of any plans, specifications, permits, and  
1332 warranties related to improvements constructed on the common  
1333 areas or other property that the association is obligated to  
1334 maintain, repair, or replace.

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1335           2. A copy of the bylaws of the association and of each  
1336 amendment to the bylaws.

1337           3. A copy of the articles of incorporation of the  
1338 association and of each amendment thereto.

1339           4. A copy of the declaration of covenants and a copy of  
1340 each amendment thereto.

1341           5. A copy of the current rules of the homeowners'  
1342 association.

1343           6. The minutes of all meetings of the board of directors  
1344 and of the members.

1345           7. A current roster of all members and their designated  
1346 mailing addresses and parcel identifications. A member's  
1347 designated mailing address is the member's property address,  
1348 unless the member has sent written notice to the association  
1349 requesting that a different mailing address be used for all  
1350 required notices. The association shall also maintain the e-mail  
1351 addresses and the facsimile numbers designated by members for  
1352 receiving notice sent by electronic transmission of those  
1353 members consenting to receive notice by electronic transmission.  
1354 A member's e-mail address is the e-mail address the member  
1355 provided when consenting in writing to receiving notice by  
1356 electronic transmission, unless the member has sent written  
1357 notice to the association requesting that a different e-mail  
1358 address be used for all required notices. The e-mail addresses  
1359 and facsimile numbers provided by members to receive notice by  
1360 electronic transmission must be removed from association records  
1361 when the member revokes consent to receive notice by electronic  
1362 transmission. However, the association is not liable for an  
1363 erroneous disclosure of the e-mail address or the facsimile

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1364 number for receiving electronic transmission of notices.

1365 8. All of the association's insurance policies or a copy  
1366 thereof.

1367 9. A current copy of all contracts to which the association  
1368 is a party, including, without limitation, any management  
1369 agreement, lease, or other contract under which the association  
1370 has any obligation or responsibility. Bids received by the  
1371 association for work to be performed are considered official  
1372 records and must be kept for a period of 1 year.

1373 10. The financial and accounting records of the  
1374 association, kept according to good accounting practices. The  
1375 financial and accounting records must include:

1376 a. Accurate, itemized, and detailed records of all receipts  
1377 and expenditures.

1378 b. A current account and a periodic statement of the  
1379 account for each member, designating the name and current  
1380 address of each member ~~who is~~ obligated to pay assessments, the  
1381 due date and amount of each assessment or other charge against  
1382 the member, the date and amount of each payment on the account,  
1383 and the balance due.

1384 c. All tax returns, financial statements, and financial  
1385 reports of the association.

1386 d. Any other records that identify, measure, record, or  
1387 communicate financial information.

1388 11. A copy of the disclosure summary described in s.  
1389 720.401(1).

1390 12. Ballots, sign-in sheets, voting proxies, and all other  
1391 papers and electronic records relating to voting by parcel  
1392 owners, which must be maintained for at least 1 year after the



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1393 date of the election, vote, or meeting.

1394 13. All affirmative acknowledgments made pursuant to s.  
1395 720.3085(4)(c)3. ~~720.3085(3)(c)3.~~

1396 14. All other written records of the association not  
1397 specifically included in this subsection which are related to  
1398 the operation of the association.

1399 (5) INSPECTION AND COPYING OF RECORDS.—

1400 (g) The association may adopt reasonable written rules  
1401 governing the frequency, time, location, notice, records to be  
1402 inspected, and manner of inspections, but may not require a  
1403 parcel owner to demonstrate any proper purpose for the  
1404 inspection, state any reason for the inspection, or limit a  
1405 parcel owner's right to inspect records to less than one 8-hour  
1406 business day per month. The association may impose fees to cover  
1407 the costs of providing copies of the official records, including  
1408 the costs of copying and the costs required for personnel to  
1409 retrieve and copy the records if the time spent retrieving and  
1410 copying the records exceeds one-half hour and if the personnel  
1411 costs do not exceed \$20 per hour. Personnel costs may not be  
1412 charged for records requests that result in the copying of 25 or  
1413 fewer pages. The association may charge up to 25 cents per page  
1414 for copies made on the association's photocopier. If the  
1415 association does not have a photocopy machine available where  
1416 the records are kept, or if the records requested to be copied  
1417 exceed 25 pages in length, the association may have copies made  
1418 by an outside duplicating service and may charge the actual cost  
1419 of copying, as supported by the vendor invoice. The association  
1420 shall maintain an adequate number of copies of the recorded  
1421 governing documents, to ensure their availability to members and

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1422 prospective members. Notwithstanding this subsection, the  
1423 following records are not accessible to members or parcel  
1424 owners:

1425       1. Any record protected by the lawyer-client privilege as  
1426 described in s. 90.502 and any record protected by the work-  
1427 product privilege, including, but not limited to, a record  
1428 prepared by an association attorney or prepared at the  
1429 attorney's express direction which reflects a mental impression,  
1430 conclusion, litigation strategy, or legal theory of the attorney  
1431 or the association and which was prepared exclusively for civil  
1432 or criminal litigation or for adversarial administrative  
1433 proceedings or which was prepared in anticipation of such  
1434 litigation or proceedings until the conclusion of the litigation  
1435 or proceedings.

1436       2. Information obtained by an association in connection  
1437 with the approval of the lease, sale, or other transfer of a  
1438 parcel.

1439       3. Information an association obtains in a gated community  
1440 in connection with guests' visits to parcel owners or community  
1441 residents.

1442       4. Personnel records of association or management company  
1443 employees, including, but not limited to, disciplinary, payroll,  
1444 health, and insurance records. For purposes of this  
1445 subparagraph, the term "personnel records" does not include  
1446 written employment agreements with an association or management  
1447 company employee or budgetary or financial records that indicate  
1448 the compensation paid to an association or management company  
1449 employee.

1450       5. Medical records of parcel owners or community residents.

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1451           6. Social security numbers, driver license numbers, credit  
1452 card numbers, electronic mailing addresses, telephone numbers,  
1453 facsimile numbers, emergency contact information, any addresses  
1454 for a parcel owner other than as provided for association notice  
1455 requirements, and other personal identifying information of any  
1456 person, excluding the person's name, parcel designation, mailing  
1457 address, and property address. Notwithstanding the restrictions  
1458 in this subparagraph, an association may print and distribute to  
1459 parcel owners a directory containing the name, parcel address,  
1460 and all telephone numbers of each parcel owner. However, an  
1461 owner may exclude his or her telephone numbers from the  
1462 directory by so requesting in writing to the association. An  
1463 owner may consent in writing to the disclosure of other contact  
1464 information described in this subparagraph. The association is  
1465 not liable for the disclosure of information ~~that is~~ protected  
1466 under this subparagraph if the information is included in an  
1467 official record of the association and is voluntarily provided  
1468 by an owner and not requested by the association.

1469           7. Any electronic security measure ~~that is~~ used by the  
1470 association to safeguard data, including passwords.

1471           8. The software and operating system used by the  
1472 association which allows the manipulation of data, even if the  
1473 owner owns a copy of the same software used by the association.  
1474 The data is part of the official records of the association.

1475           9. All affirmative acknowledgments made pursuant to s.  
1476 720.3085(4)(c)3. ~~720.3085(3)(e)3.~~

1477           Section 22. For the purpose of incorporating the amendment  
1478 made by this act to section 718.111, Florida Statutes, in a  
1479 reference thereto, subsection (19) of section 626.854, Florida

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1480 Statutes, is reenacted to read:

1481       626.854 "Public adjuster" defined; prohibitions.—The  
1482 Legislature finds that it is necessary for the protection of the  
1483 public to regulate public insurance adjusters and to prevent the  
1484 unauthorized practice of law.

1485       (19) Subsections (5)-(18) apply only to residential  
1486 property insurance policies and condominium unit owner policies  
1487 as described in s. 718.111(11).

1488       Section 23. For the purpose of incorporating the amendment  
1489 made by this act to section 718.111, Florida Statutes, in a  
1490 reference thereto, paragraph (f) of subsection (11) of section  
1491 718.110, Florida Statutes, is reenacted to read:

1492       718.110 Amendment of declaration; correction of error or  
1493 omission in declaration by circuit court.—

1494       (11) The Legislature finds that the procurement of  
1495 mortgagee consent to amendments that do not affect the rights or  
1496 interests of mortgagees is an unreasonable and substantial  
1497 logistical and financial burden on the unit owners and that  
1498 there is a compelling state interest in enabling the members of  
1499 a condominium association to approve amendments to the  
1500 condominium documents through legal means. Accordingly, and  
1501 notwithstanding any provision to the contrary contained in this  
1502 section:

1503       (f) Notwithstanding the provisions of this section, any  
1504 amendment or amendments to conform a declaration of condominium  
1505 to the insurance coverage provisions in s. 718.111(11) may be  
1506 made as provided in that section.

1507       Section 24. For the purpose of incorporating the amendment  
1508 made by this act to section 718.111, Florida Statutes, in a

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1509 reference thereto, paragraph (f) of subsection (1) of section  
1510 718.115, Florida Statutes, is reenacted to read:

1511 718.115 Common expenses and common surplus.—

1512 (1)

1513 (f) Common expenses include the costs of insurance acquired  
1514 by the association under the authority of s. 718.111(11),  
1515 including costs and contingent expenses required to participate  
1516 in a self-insurance fund authorized and approved pursuant to s.  
1517 624.462.

1518 Section 25. For the purpose of incorporating the amendment  
1519 made by this act to section 718.111, Florida Statutes, in a  
1520 reference thereto, subsection (6) of section 718.406, Florida  
1521 Statutes, is reenacted to read:

1522 718.406 Condominiums created within condominium parcels.—

1523 (6) The primary condominium association may provide  
1524 insurance required by s. 718.111(11) for common elements and  
1525 other improvements within the secondary condominium if the  
1526 primary condominium declaration permits the primary condominium  
1527 association to provide such insurance for the benefit of the  
1528 condominium property included in the subdivided parcel, in lieu  
1529 of such insurance being provided by the secondary condominium  
1530 association.

1531 Section 26. For the purpose of incorporating the amendment  
1532 made by this act to section 720.302, Florida Statutes, in a  
1533 reference thereto, subsection (1) of section 723.0751, Florida  
1534 Statutes, is reenacted to read:

1535 723.0751 Mobile home subdivision homeowners' association.—

1536 (1) In the event that no homeowners' association has been  
1537 created pursuant to ss. 720.301-720.312 to operate a mobile home

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1538 subdivision, the owners of lots in such mobile home subdivision  
1539 shall be authorized to create a mobile home subdivision  
1540 homeowners' association in the manner prescribed in ss. 723.075,  
1541 723.076, and 723.078 which shall have the powers and duties, to  
1542 the extent applicable, set forth in ss. 723.002(2) and 723.074.

1543 Section 27. For the purpose of incorporating the amendment  
1544 made by this act to section 720.305, Florida Statutes, in a  
1545 reference thereto, subsection (9) of section 617.0825, Florida  
1546 Statutes, is reenacted to read:

1547 617.0825 Board committees and advisory committees.—

1548 (9) This section does not apply to a committee established  
1549 under chapter 718, chapter 719, or chapter 720 to perform the  
1550 functions set forth in s. 718.303(3), s. 719.303(3), s.  
1551 720.3035(1), s. 720.305(2), or s. 720.405, respectively.

1552 Section 28. This act shall take effect July 1, 2025.