

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>          </u>	

Committee/Subcommittee hearing bill: Judiciary Committee  
Representative Porras offered the following:

**Amendment (with title amendment)**

Remove lines 237-1498 and insert:

**Section 1. Subsections (8) through (13) of section 720.301, Florida Statutes, are renumbered as subsections (9) through (14), respectively, and a new subsection (8) is added to that section, to read:**

720.301 Definitions.—As used in this chapter, the term:  
(8) "Financial statements" means a comprehensive report prepared in accordance with generally accepted accounting principles which accurately reflects the financial condition and operations of the homeowners' association for a specified reporting period. At a minimum, this report must include a balance sheet, an income and expense statement, a budget

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17 comparison, and a complete set of bank statements for all  
18 association accounts, including copies of check images for all  
19 disbursements made during the reporting period.

20 **Section 2. Subsection (2) of section 720.302, Florida**  
21 **Statutes, is amended to read:**

22 720.302 Purposes, scope, and application.—

23 (2)(a) The Legislature recognizes that it is not in the  
24 best interest of homeowners' associations or the individual  
25 association members thereof to create or impose a bureau or  
26 other agency of state government to regulate the affairs of  
27 homeowners' associations. However, in accordance with s.  
28 720.311, the Legislature finds that homeowners' associations and  
29 their individual members will benefit from an expedited  
30 alternative process for resolution of election and recall  
31 disputes and presuit mediation of other disputes involving  
32 covenant enforcement and authorizes the department to hear,  
33 administer, and determine these disputes as more fully set forth  
34 in this chapter. Further, the Legislature recognizes that  
35 certain contract rights have been created for the benefit of  
36 homeowners' associations and members thereof before the  
37 effective date of this act and that ss. 720.301-720.407 are not  
38 intended to impair such contract rights, including, but not  
39 limited to, the rights of the developer to complete the  
40 community as initially contemplated.

41 (b)1. Further, the Legislature finds that homeowners'

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associations and their individual members will benefit from oversight of the election of directors, and the Legislature authorizes the Office of the Condominium Ombudsman to appoint an election monitor to attend the annual meeting of the members and to conduct the election of directors.

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

**Section 3. Paragraphs (e) through (l) of subsection (10) of section 720.303, Florida Statutes, are redesignated as paragraphs (d) through (k), respectively, present paragraphs (a) through (d), (f), (g), (j), (k), and (l) of subsection (10) are amended, and paragraph (b) of subsection (4) of that section is republished to read:**

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association

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67 funds; recalls.—

68 (4) OFFICIAL RECORDS.—

69 (b)1. By January 1, 2025, an association that has 100 or  
70 more parcels shall post the following documents on its website  
71 or make available such documents through an application that can  
72 be downloaded on a mobile device:

73 a. The articles of incorporation of the association and  
74 each amendment thereto.

75 b. The recorded bylaws of the association and each  
76 amendment thereto.

77 c. The declaration of covenants and a copy of each  
78 amendment thereto.

79 d. The current rules of the association.

80 e. A list of all current executory contracts or documents  
81 to which the association is a party or under which the  
82 association or the parcel owners have an obligation or  
83 responsibility and, after bidding for the related materials,  
84 equipment, or services has closed, a list of bids received by  
85 the association within the past year.

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

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

91 h. The association's current insurance policies.

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

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

k. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.436(2)(b)6. and 720.3033(2).

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

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

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117           2. The association's website or application must be  
118 accessible through the Internet and must contain a subpage, web  
119 portal, or other protected electronic location that is  
120 inaccessible to the general public and accessible only to parcel  
121 owners and employees of the association.

122           3. Upon written request by a parcel owner, the association  
123 must provide the parcel owner with a username and password and  
124 access to the protected sections of the association's website or  
125 application which contains the official documents of the  
126 association.

127           4. The association shall ensure that the information and  
128 records described in paragraph (5)(g), which are not allowed to  
129 be accessible to parcel owners, are not posted on the  
130 association's website or application. If protected information  
131 or information restricted from being accessible to parcel owners  
132 is included in documents that are required to be posted on the  
133 association's website or application, the association must  
134 ensure the information is redacted before posting the documents.  
135 Notwithstanding the foregoing, the association or its authorized  
136 agent is not liable for disclosing information that is protected  
137 or restricted under paragraph (5)(g) unless such disclosure was  
138 made with a knowing or intentional disregard of the protected or  
139 restricted nature of such information.

140           (10) RECALL OF DIRECTORS.—

141           (a)1. Regardless of any provision to the contrary

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142 contained in the governing documents, subject to ~~the provisions~~  
143 ~~of~~ s. 720.307 regarding transition of association control, any  
144 member of the board of directors may be recalled and removed  
145 from office with or without cause by a majority of the total  
146 voting interests. The voting rights of a parcel owner or member  
147 may not be suspended when voting on the recall of a board  
148 director, and any prior suspension of voting rights pursuant to  
149 s. 720.305(4) shall have no effect on a recall vote.

150 2. When the governing documents, including the  
151 declaration, articles of incorporation, or bylaws, provide that  
152 only a specific class of members is entitled to elect a board  
153 director or directors, only that class of members may vote to  
154 recall those board directors so elected.

155 (b)1. Board directors may be recalled by an agreement ~~in~~  
156 ~~writing or by written ballot~~ without a membership meeting. The  
157 recall agreement in writing or the written ballots, or a copy  
158 thereof, must ~~shall~~ be served on the association by registered  
159 ~~certified mail or by personal service~~ in the manner authorized  
160 by chapter 48 and the Florida Rules of Civil Procedure.

161 ~~2. The board shall duly notice and hold a meeting of the~~  
162 ~~board within 5 full business days after receipt of the agreement~~  
163 ~~in writing or written ballots. At the meeting, the board shall~~  
164 ~~either certify the written ballots or written agreement to~~  
165 ~~recall a director or directors of the board, in which case such~~  
166 ~~director or directors shall be recalled effective immediately~~

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167 ~~and shall turn over to the board within 5 full business days any~~  
168 ~~and all records and property of the association in their~~  
169 ~~possession, or proceed as described in paragraph (d).~~

170 2. ~~If 3.~~ When it is determined by the department pursuant  
171 to binding arbitration proceedings or the court in an action  
172 filed in a court of competent jurisdiction that an initial  
173 recall effort was defective, ~~written~~ recall agreements ~~or~~  
174 ~~written ballots~~ used in the first recall effort and not found to  
175 be defective may be reused in one subsequent recall effort.  
176 However, in no event is a recall ~~written~~ agreement ~~or written~~  
177 ~~ballot~~ valid for more than 120 days after it has been signed by  
178 the member.

179 3.4. Any rescission or revocation of a member's ~~written~~  
180 recall ~~ballot or~~ agreement must be in writing and, ~~in order to~~  
181 ~~be effective, must be~~ delivered to the association before the  
182 association is served with the ~~written~~ recall agreements ~~or~~  
183 ~~ballots~~. This subparagraph must be liberally construed to ensure  
184 a parcel owner is not disenfranchised by an association in a  
185 recall and to prevent an association from failing to certify a  
186 recall agreement on a technical omission playing no part in the  
187 discharge of a parcel owner's voting rights.

188 4.5. The recall agreement ~~in writing or ballot must shall~~  
189 list at least as many possible replacement directors as there  
190 are directors subject to the recall, when at least a majority of  
191 the board is sought to be recalled; the person executing the



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recall instrument may vote for as many replacement candidates as there are directors subject to the recall.

(c)1. The board shall duly notice and hold a meeting of the board within 5 business days after receipt of the recall agreement. The board member or members are recalled effective immediately upon the conclusion of the board meeting, provided that the recall is facially valid. A recalled member must return to the board all records and property of the association in his or her possession within 10 business days after being recalled.

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

a. The parcel owner failed to properly serve notice of the recall agreement;

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

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

d. The recall agreement does not contain any marking indicating the selection by the parcel owner to either remove or retain a board member; or

e. The recall agreement does not contain the signature of the parcel owner or designated voter.

3. There is a rebuttable presumption that a parcel owner executing the recall agreement is the designated voter for the parcel. An association may not enforce a voting certificate

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requirement if the association has not enforced such requirement  
in all matters in the year immediately preceding service of the  
recall agreement ~~If the declaration, articles of incorporation,~~  
~~or bylaws specifically provide, the members may also recall and~~  
~~remove a board director or directors by a vote taken at a~~  
~~meeting. If so provided in the governing documents, a special~~  
~~meeting of the members to recall a director or directors of the~~  
~~board of administration may be called by 10 percent of the~~  
~~voting interests giving notice of the meeting as required for a~~  
~~meeting of members, and the notice shall state the purpose of~~  
~~the meeting. Electronic transmission may not be used as a method~~  
~~of giving notice of a meeting called in whole or in part for~~  
~~this purpose.~~

~~2. The board shall duly notice and hold a board meeting~~  
~~within 5 full business days after the adjournment of the member~~  
~~meeting to recall one or more directors. At the meeting, the~~  
~~board shall certify the recall, in which case such member or~~  
~~members shall be recalled effective immediately and shall turn~~  
~~over to the board within 5 full business days any and all~~  
~~records and property of the association in their possession, or~~  
~~shall proceed as set forth in paragraph (d).~~

~~(d) If the board determines not to certify the written~~  
~~agreement or written ballots to recall a director or directors~~  
~~of the board or does not certify the recall by a vote at a~~  
~~meeting, the board shall, within 5 full business days after the~~

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242 ~~meeting, file an action with a court of competent jurisdiction~~  
243 ~~or file with the department a petition for binding arbitration~~  
244 ~~under the applicable procedures in ss. 718.112(2)(1) and~~  
245 ~~718.1255 and the rules adopted thereunder. For the purposes of~~  
246 ~~this section, the members who voted at the meeting or who~~  
247 ~~executed the agreement in writing shall constitute one party~~  
248 ~~under the petition for arbitration or in a court action. If the~~  
249 ~~arbitrator or court certifies the recall as to any director or~~  
250 ~~directors of the board, the recall will be effective upon the~~  
251 ~~final order of the court or the mailing of the final order of~~  
252 ~~arbitration to the association. The director or directors so~~  
253 ~~recalled shall deliver to the board any and all records of the~~  
254 ~~association in their possession within 5 full business days~~  
255 ~~after the effective date of the recall.~~

256 (d) ~~(f)~~ If the board fails to duly notice and hold a board  
257 meeting within 5 full business days after service of a recall ~~an~~  
258 agreement in writing or within 5 full business days after the  
259 adjournment of the member recall meeting, the recall is ~~shall be~~  
260 deemed effective and the board member or members ~~directors~~ so  
261 recalled must ~~shall immediately~~ turn over to the board all  
262 records and property of the association within 10 full business  
263 days.

264 (e) ~~(g)~~ If the board fails to duly notice and hold the  
265 required meeting or at the conclusion of the meeting the board  
266 determines that the recall is facially invalid ~~fails to file the~~

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~~required petition or action~~, the parcel owner representative may  
file a petition ~~or a court action~~ under s. 718.1255 or file an  
action in a court of competent jurisdiction challenging the  
board's failure to act or determination that the recall is  
invalid. The petition or court action must be filed within 30 ~~60~~  
days after the expiration of the applicable 5-full-business-day  
period. The review of a petition or court action under this  
paragraph is limited to the sufficiency of service on the board  
and the facial validity of the recall ~~written~~ agreement ~~or~~  
~~ballots filed~~. The association must be named as the respondent.

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

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

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the court must immediately reinstate the petitioning board member and deem the recall null and void. A board member who prevails is entitled to recover reasonable attorney fees and costs from the respondents. The arbitrator or the court may award reasonable attorney fees and costs to a respondent if they prevail, provided the arbitrator or the court makes a finding that the petitioner's claim is frivolous.

~~(h)(1)~~ The division or a court of competent jurisdiction may not accept for filing a recall petition or action, whether filed under paragraph (e) or paragraph (g) ~~(b), paragraph (c), paragraph (g), or paragraph (k)~~ and regardless of whether the recall was certified, when there are 60 or fewer days until the scheduled reelection of the board member sought to be recalled or when 45 ~~60~~ or fewer days have not elapsed since the election of the board member sought to be recalled.

**Section 4. Subsections (8) and (9) of section 720.306, Florida Statutes, are amended, and paragraph (g) of subsection (1) of that section is republished, to read:**

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

(1) QUORUM; AMENDMENTS.—

(g) A notice required under this section must be mailed or delivered to the address identified as the parcel owner's mailing address in the official records of the association as required under s. 720.303(4), or electronically transmitted in a

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manner authorized by the association if the parcel owner has consented, in writing, to receive notice by electronic transmission.

(8) PROXY VOTING.—The members have the right, unless otherwise provided in this subsection or in the governing documents, to vote in person or by proxy.

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

~~(b) If the governing documents permit voting by secret ballot by members who are not in attendance at a meeting of the members for the election of directors, such ballots must be placed in an inner envelope with no identifying markings and mailed or delivered to the association in an outer envelope bearing identifying information reflecting the name of the member, the lot or parcel for which the vote is being cast, and the signature of the lot or parcel owner casting that ballot. If~~

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~~the eligibility of the member to vote is confirmed and no other ballot has been submitted for that lot or parcel, the inner envelope shall be removed from the outer envelope bearing the identification information, placed with the ballots which were personally cast, and opened when the ballots are counted. If more than one ballot is submitted for a lot or parcel, the ballots for that lot or parcel shall be disqualified. Any vote by ballot received after the closing of the balloting may not be considered.~~

(9) ELECTIONS AND BOARD VACANCIES.—

(a) Elections of directors must be conducted in accordance with the procedures set forth in this subsection ~~the governing documents of the association~~. Except as provided in paragraph

(b), all members of the association are eligible to serve on the board of directors, ~~and a member may nominate himself or herself as a candidate for the board at a meeting where the election is to be held; provided, however, that if the election process allows candidates to be nominated in advance of the meeting, the association is not required to allow nominations at the meeting.~~ An election is not required unless more candidates are nominated than vacancies exist.

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

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367       2. At least 60 days before a scheduled election, the  
368 association must mail, deliver, or electronically transmit, by  
369 separate association mailing or included in another association  
370 mailing, delivery, or electronic transmission, including  
371 regularly published newsletters, to each member entitled to vote  
372 a first notice of the date of the election.

373       3. A member intending to be a candidate for the board must  
374 give written notice of his or her intent to be a candidate to  
375 the association at least 40 days before the scheduled election.  
376 An association is prohibited from using a nominating committee.  
377 A search committee may be used to encourage members of the  
378 association to run for board membership; however, a search  
379 committee does not have the authority to nominate candidates for  
380 the board.

381       4. Together with the written notice of the annual meeting  
382 and agenda, the association must mail, deliver, or  
383 electronically transmit a second notice of the election to all  
384 members entitled to vote, together with a ballot that lists all  
385 candidates.

386       5. Upon the request of a candidate, an information sheet  
387 must also be made available for the mailed, delivered, or  
388 electronically transmitted second notice of the election. Such  
389 information sheet may not be larger than 8 1/2 by 11 inches. The  
390 candidate must furnish the information sheet to the association  
391 no later than 35 days before the election. The association shall



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392 bear the costs of mailing, delivering, or electronically  
393 transmitting the information sheet. The association is not  
394 liable for the content of the information sheet. In order to  
395 reduce costs, the association may print or duplicate the  
396 information sheets on both sides of the paper.

397 6. Elections must be decided by a plurality of ballots  
398 cast. There are no quorum requirements; however, at least 20  
399 percent of the eligible voters must cast a ballot in order to  
400 have a valid election. A member may not authorize any other  
401 person to cast his or her ballot, and any ballot improperly cast  
402 is deemed invalid. A member who violates this subparagraph may  
403 be fined by the association under s. 720.305.

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

406 8. The election must occur on the date of the annual  
407 meeting.

408 9. Notwithstanding this paragraph, an election is not  
409 required unless more candidates file notices of intent to run or  
410 are nominated than there are vacancies on the board. If the  
411 number of board members whose terms expire at the annual meeting  
412 equals or exceeds the number of candidates, the candidates  
413 become board members effective upon the adjournment of the  
414 annual meeting.

415 10. This paragraph applies to all elections for directors  
416 where the process for the election is scheduled to commence on

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417 or after October 1, 2025.

418 (b) A member desiring to be a candidate for board  
419 membership must be eligible to be a candidate to serve on the  
420 board at the time of the mailing, delivery, or electronic  
421 transmission of a notice of intent to be a candidate. Co-owners  
422 of a parcel may not serve together as members of the board  
423 unless they own more than one parcel, or unless there are not  
424 enough eligible candidates to fill the vacancies on the board at  
425 the time of the vacancy ~~If an election is not required because~~  
426 ~~there are either an equal number or fewer qualified candidates~~  
427 ~~than vacancies exist, and if nominations from the floor are not~~  
428 ~~required pursuant to this section or the bylaws, write-in~~  
429 ~~nominations are not permitted and such qualified candidates~~  
430 ~~shall commence service on the board of directors, regardless of~~  
431 ~~whether a quorum is attained at the annual meeting. Except as~~  
432 ~~otherwise provided in the governing documents, boards of~~  
433 ~~directors must be elected by a plurality of the votes cast by~~  
434 ~~eligible voters. Any challenge to the election process must be~~  
435 ~~commenced within 60 days after the election results are~~  
436 ~~announced.~~

437 ~~(b)~~ A person who is delinquent in the payment of any  
438 assessment due to the association is not eligible to be a  
439 candidate for board membership ~~any fee, fine, or other monetary~~  
440 ~~obligation to the association on the day that he or she could~~  
441 ~~last nominate himself or herself or be nominated for the board~~

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## COMMITTEE/SUBCOMMITTEE AMENDMENT

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442 ~~may not seek election to the board,~~ and his or her name may  
443 ~~shall~~ not be listed on the ballot. A person serving as a board  
444 member who becomes more than 90 days delinquent in the payment  
445 of any assessment due to the association is fee, fine, or other  
446 ~~monetary obligation to the association shall be deemed to have~~  
447 abandoned his or her seat on the board, creating a vacancy on  
448 the board to be filled according to law. For purposes of this  
449 paragraph, a person is delinquent if a payment is not made by  
450 the due date as specifically identified by the declaration,  
451 bylaws, or articles of incorporation. If a due date is not  
452 specifically identified by the declaration, bylaws, or articles  
453 of incorporation, the due date is the first day of the  
454 assessment period ~~the term "any fee, fine, or other monetary~~  
455 ~~obligation" means any delinquency to the association with~~  
456 ~~respect to any parcel.~~ A person who has been convicted of any  
457 felony in this state or in a United States District or  
458 Territorial Court, or has been convicted of any offense in  
459 another jurisdiction which would be considered a felony if  
460 committed in this state, may not seek election to the board and  
461 is not eligible for board membership unless such felon's civil  
462 rights have been restored for at least 5 years as of the date on  
463 which such person seeks election to the board. The validity of  
464 any action by the board is not affected if it is later  
465 determined that a person was ineligible to seek election to the  
466 board or that a member of the board is ineligible for board

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467 membership.

468 (c) Any election dispute between a member and an  
469 association must be submitted to binding arbitration with the  
470 division or filed with a court of competent jurisdiction. Such  
471 proceedings that are submitted to binding arbitration with the  
472 division must be conducted in the manner provided by s. 718.1255  
473 and the procedural rules adopted by the division.

474 (d) Unless otherwise provided in the bylaws, any vacancy  
475 occurring on the board before the expiration of a term may be  
476 filled by an affirmative vote of the majority of the remaining  
477 directors, even if the remaining directors constitute less than  
478 a quorum, or by the sole remaining director. In the alternative,  
479 a board may hold an election to fill the vacancy, in which case  
480 the election procedures must conform to the requirements of the  
481 governing documents. Unless otherwise provided in the bylaws, a  
482 board member appointed or elected under this section is  
483 appointed for the unexpired term of the seat being filled.  
484 Filling vacancies created by recall is governed by s.  
485 720.303(10) and rules adopted by the division.

486 (e) If the staggered term of a board member does not  
487 expire until a later annual meeting, or if all the members'  
488 terms would otherwise expire but there are no eligible  
489 candidates, the terms of all board members must expire at the  
490 annual meeting, and such members may stand for reelection unless  
491 prohibited by the declaration, bylaws, or articles of

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492 incorporation.

493 **Section 5. Subsection (1) and paragraphs (a) and (c) of**  
494 **subsection (2) of section 720.311, Florida Statutes, are**  
495 **amended, and subsection (3) is added to that section, to read:**

496 720.311 Dispute resolution.—

497 (1) (a) The Legislature finds that alternative dispute  
498 resolution has made progress in reducing court dockets and  
499 trials and in offering a more efficient, cost-effective option  
500 to litigation. The filing of any petition for arbitration or the  
501 serving of a demand for presuit mediation as provided for in  
502 this section shall toll the applicable statute of limitations.  
503 Any recall dispute filed with the department under s.  
504 720.303(10) must ~~shall~~ be conducted by the department in  
505 accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255  
506 and the rules adopted by the division. In addition, the  
507 department shall conduct binding arbitration of election  
508 disputes between a member and an association in accordance with  
509 s. 718.1255 and rules adopted by the division. Election disputes  
510 and recall disputes are not eligible for presuit mediation;  
511 these disputes must be arbitrated by the department or filed in  
512 a court of competent jurisdiction. At the conclusion of an  
513 arbitration proceeding, the department shall charge the parties  
514 a fee in an amount adequate to cover all costs and expenses  
515 incurred by the department in conducting the proceeding.  
516 Initially, the petitioner shall remit a filing fee of at least

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517 \$200 to the department. The fees paid to the department shall  
518 become a recoverable cost in the arbitration proceeding, and the  
519 prevailing party in an arbitration proceeding shall recover its  
520 reasonable costs and attorney fees in an amount found reasonable  
521 by the arbitrator.

522 (b) An action filed pursuant to this section must be tried  
523 without a jury, and the parties are entitled to an immediate  
524 hearing. However, the court may limit the time for taking  
525 testimony, considering the circumstances of the matter and the  
526 proximity of any succeeding election. Upon the division or the  
527 court rendering a judgment or decree against an association and  
528 in favor of a parcel owner, the division or the court shall  
529 award to the parcel owner reasonable attorney fees and costs  
530 incurred in the action. When so awarded, compensation or fees  
531 and costs of the attorney may be included in the judgment or  
532 decree rendered in the action or in a separate judgment or  
533 decree. The party filing an action under this section may  
534 request the issuance of a temporary injunction to stay any  
535 upcoming election that may occur while the challenge is pending.  
536 ~~The department shall adopt rules to effectuate the purposes of~~  
537 ~~this section.~~

538 (2) (a) Disputes between an association and a parcel owner  
539 regarding use of or changes to the parcel or the common areas  
540 and other covenant enforcement disputes, disputes regarding  
541 amendments to the association documents, disputes regarding

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meetings of the board and committees appointed by the board, membership meetings not including election meetings, and access to the official records of the association shall be the subject of a demand for presuit mediation served by an aggrieved party before the dispute is filed in court. Presuit mediation proceedings must be conducted in accordance with the applicable Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Disputes subject to presuit mediation under this section shall not include the collection of any assessment, fine, or other financial obligation, including attorney ~~attorney's~~ fees and costs, claimed to be due or any action to enforce a prior mediation settlement agreement between the parties. Also, in any dispute subject to presuit mediation under this section where emergency relief is required, a motion for temporary injunctive relief may be filed with the court without first complying with the presuit mediation requirements of this section. After any issues regarding emergency or temporary relief are resolved, the court may either refer the parties to a mediation program administered by the courts or require mediation under this section. An arbitrator or judge may not consider any information or evidence arising from the presuit mediation proceeding except in a proceeding to impose sanctions for failure to attend a presuit mediation session or to enforce a mediated settlement agreement. Persons who are not parties to

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the dispute may not attend the presuit mediation conference without the consent of all parties, except for counsel for the parties and a corporate representative designated by the association. When mediation is attended by a quorum of the board, such mediation is not a board meeting for purposes of notice and participation set forth in s. 720.303. An aggrieved party shall serve on the responding party a written demand to participate in presuit mediation in substantially the following form:

STATUTORY OFFER TO PARTICIPATE  
IN PRESUIT MEDIATION

The alleged aggrieved party, ....., hereby demands that ....., as the responding party, engage in mandatory presuit mediation in connection with the following disputes, which by statute are of a type that are subject to presuit mediation:

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

Pursuant to section 720.311, Florida Statutes, this



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

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

If an agreement is reached, it shall be reduced to

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617 writing and becomes a binding and enforceable  
618 commitment of the parties. A resolution of one or more  
619 disputes in this fashion avoids the need to litigate  
620 these issues in court. The failure to reach an  
621 agreement, or the failure of a party to participate in  
622 the process, results in the mediator declaring an  
623 impasse in the mediation, after which the aggrieved  
624 party may proceed to court on all outstanding,  
625 unsettled disputes. If you have failed or refused to  
626 participate in the entire mediation process, you will  
627 not be entitled to recover attorney ~~attorney's~~ fees,  
628 even if you prevail.

629  
630 The aggrieved party has selected and hereby lists five  
631 certified mediators who we believe to be neutral and  
632 qualified to mediate the dispute. You have the right  
633 to select any one of these mediators. The fact that  
634 one party may be familiar with one or more of the  
635 listed mediators does not mean that the mediator  
636 cannot act as a neutral and impartial facilitator. Any  
637 mediator who cannot act in this capacity is required  
638 ethically to decline to accept engagement. The  
639 mediators that we suggest, and their current hourly  
640 rates, are as follows:  
641

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(List the names, addresses, telephone numbers, and hourly rates of the mediators. Other pertinent information about the background of the mediators may be included as an attachment.)

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

Unless otherwise agreed by the parties, section 720.311(2)(b), Florida Statutes, requires that the parties share the costs of presuit mediation equally, including the fee charged by the mediator. An average mediation may require three to four hours of the mediator's time, including some preparation time, and the parties would need to share equally the mediator's fees as well as their own attorney ~~attorney's~~ fees if they choose to employ an attorney in connection with the mediation. However, use of an attorney is not required and is at the option of each party. The mediators may require the advance payment of some or all of the anticipated fees. The aggrieved party hereby agrees to pay or prepay one-half of the

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mediator's estimated fees and to forward this amount or such other reasonable advance deposits as the mediator requires for this purpose. Any funds deposited will be returned to you if these are in excess of your share of the fees incurred.

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

Therefore, please give this matter your immediate

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attention. By law, your response must be mailed by  
certified mail, return receipt requested, and by  
first-class mail to the address shown on this demand.

.....  
.....

RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR  
AGREEMENT TO THAT CHOICE.

AGREEMENT TO MEDIATE

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

(List acceptable mediator or mediators.)

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

.....

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Signature of responding party #1

.....

Telephone contact information

.....

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

(c) If presuit mediation as described in paragraph (a) is not successful in resolving all issues between the parties, the parties may file the unresolved dispute in a court of competent jurisdiction or elect to enter into binding or nonbinding arbitration pursuant to ~~the procedures set forth in~~ s. 718.1255 and rules adopted by the division, with the arbitration proceeding to be conducted by a department arbitrator or by a private arbitrator certified by the department. If all parties do not agree to arbitration proceedings following an unsuccessful presuit mediation, any party may file the dispute in court. A final order resulting from nonbinding arbitration is final and enforceable in the courts if a complaint for trial de novo is not filed in a court of competent jurisdiction within 30 days after entry of the order. As to any issue or dispute that is not resolved at presuit mediation, and as to any issue that

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is settled at presuit mediation but is thereafter subject to an action seeking enforcement of the mediation settlement, the prevailing party in any subsequent arbitration or litigation proceeding shall be entitled to seek recovery of all costs and attorney ~~attorney's~~ fees incurred in the presuit mediation process.

(3) Upon the mediator or the court rendering a judgment or decree against an association and in favor of a parcel owner, the mediator or the court shall award to the parcel owner reasonable attorney fees and costs incurred in the action. Attorney fees or costs relating to an action for the recall of a director may only be awarded as provided in this subsection or as awarded as a sanction pursuant to s. 57.105.

**Section 6. Subsection (1) of section 720.401, Florida Statutes, is amended to read:**

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

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

DISCLOSURE SUMMARY

FOR

(NAME OF COMMUNITY)

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

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

772 3. YOU WILL BE OBLIGATED TO PAY ASSESSMENTS TO THE  
773 ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO PERIODIC CHANGE. IF  
774 APPLICABLE, THE CURRENT AMOUNT IS \$.... PER ..... YOU WILL ALSO  
775 BE OBLIGATED TO PAY ANY SPECIAL ASSESSMENTS IMPOSED BY THE  
776 ASSOCIATION. SUCH SPECIAL ASSESSMENTS MAY BE SUBJECT TO CHANGE.  
777 IF APPLICABLE, THE CURRENT AMOUNT IS \$.... PER .....

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

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

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

788 7. THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE  
789 RESTRICTIVE COVENANTS WITHOUT THE APPROVAL OF THE ASSOCIATION  
790 MEMBERSHIP OR THE APPROVAL OF THE PARCEL OWNERS.

791 8. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE



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ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING DOCUMENTS BEFORE PURCHASING PROPERTY.

9. YOU ACKNOWLEDGE THAT YOU ARE ENTITLED TO RECEIVE A CURRENT COPY OF THE ASSOCIATION'S BYLAWS, ARTICLES OF INCORPORATION, DECLARATION OF RESTRICTIONS, RULES AND REGULATIONS, NOTICES PERTAINING TO SPECIAL ASSESSMENTS, THE MOST RECENT FINANCIAL STATEMENTS, AND THE AGENDAS AND MINUTES FROM ALL ASSOCIATION BOARD MEETINGS THAT TOOK PLACE IN THE 12 MONTHS IMMEDIATELY PRECEDING THE EXECUTION OF THE CONTRACT FOR SALE  
~~THESE DOCUMENTS ARE EITHER MATTERS OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED, OR ARE NOT RECORDED AND CAN BE OBTAINED FROM THE DEVELOPER.~~

DATE:

PURCHASER:

PURCHASER:

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

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

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governed by covenants subject to disclosure required by this section must contain in conspicuous type a clause that states: IF THE DISCLOSURE SUMMARY; A CURRENT COPY OF THE ASSOCIATION'S BYLAWS, ARTICLES OF INCORPORATION, DECLARATION OF RESTRICTIONS, RULES AND REGULATIONS, NOTICES PERTAINING TO SPECIAL ASSESSMENTS, AND MOST RECENT FINANCIAL STATEMENTS; AND THE AGENDAS AND MINUTES FROM ALL ASSOCIATION BOARD MEETINGS THAT TOOK PLACE IN THE 12 MONTHS IMMEDIATELY PRECEDING THE EXECUTION OF THIS CONTRACT, AS REQUIRED BY SECTION 720.401, FLORIDA STATUTES, HAVE HAS NOT BEEN PROVIDED TO THE PROSPECTIVE PURCHASER BEFORE EXECUTING THIS CONTRACT FOR SALE, THIS CONTRACT IS VOIDABLE BY THE PROSPECTIVE PURCHASER BUYER BY DELIVERING TO THE SELLER OR THE SELLER'S AGENT OR REPRESENTATIVE WRITTEN NOTICE OF THE PROSPECTIVE PURCHASER'S BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER RECEIPT OF SUCH DOCUMENTS OR BEFORE THE DISCLOSURE SUMMARY OR PRIOR TO CLOSING, WHICHEVER OCCURS FIRST. ANY PURPORTED WAIVER OF THIS VOIDABILITY RIGHT HAS NO EFFECT. THE PROSPECTIVE PURCHASER'S BUYER'S RIGHT TO VOID THIS CONTRACT TERMINATES SHALL TERMINATE AT CLOSING.

(c) If the disclosure summary; a current copy of the association's bylaws, articles of incorporation, declaration of restrictions, rules and regulations, notices pertaining to special assessments, and most recent financial statements; and the agendas and minutes from all association board meetings that

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took place in the 12 months immediately preceding the execution of a contract are ~~is~~ not provided to a prospective purchaser before such ~~the~~ purchaser executes a contract for the sale of property governed by covenants that are subject to disclosure pursuant to this section, the prospective purchaser may void the contract by delivering to the seller or the seller's agent or representative written notice canceling the contract within 3 days, excluding Saturdays, Sundays, and legal holidays, after receipt of such documents or before ~~the disclosure summary or~~ ~~prior to~~ closing, whichever occurs first. This right may not be waived by the prospective purchaser but terminates at closing.

**Section 7. For the purpose of incorporating the amendments made by this act to section 720.306, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 720.3033, Florida Statutes, is reenacted to read:**

720.3033 Officers and directors.—

(4)

(b) The board shall fill the vacancy as provided in s. 720.306(9) until the end of the period of the suspension or the end of the director's term of office, whichever occurs first. If such criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a

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finding of guilt or without acceptance of a plea of guilty or nolo contendere, the director or officer shall be reinstated for any remainder of his or her term of office.

**Section 8. For the purpose of incorporating the amendment made by this act to section 720.306, Florida Statutes, in a reference thereto, subsection (6) of section 720.405, Florida Statutes, is reenacted to read:**

720.405 Organizing committee; parcel owner approval.—

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

-----  
**T I T L E   A M E N D M E N T**

Remove lines 3-230 and insert:

s. 720.301, F.S.; defining the term "financial statements"; amending s. 720.302, F.S.; providing legislative findings; requiring the Office of the Condominium Ombudsman, upon petition, to appoint a

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specified employee or attorney to monitor the  
homeowners' association election of directors;  
requiring that all costs for such monitoring be borne  
by the association; requiring the Division of Florida  
Condominiums, Timeshares, and Mobile Homes to adopt  
rules and procedures; providing applicability;  
amending s. 720.303, F.S.; prohibiting the suspension  
of a parcel owner's or member's voting rights when  
voting on the recall of a board member; providing that  
any specified prior suspensions have no effect for any  
recall; requiring a recall agreement to be served on  
an association by registered mail, rather than by  
certified mail or by personal service; removing the  
requirement that a board perform certain actions to  
either certify or not certify the written ballots or  
written agreements to recall a director of a board;  
providing construction; requiring a board to duly  
notice and hold a meeting of the board within a  
specified timeframe after receipt of a recall  
agreement; providing that board members are recalled  
effective immediately upon the conclusion of a board  
meeting, provided the recall is facially valid;  
specifying the timeframe in which a recalled board  
member must return to the board specified property  
belonging to the association; providing that the board

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917 may reject a parcel owner's recall agreement under  
918 certain circumstances; providing a rebuttable  
919 presumption that a parcel owner executing the recall  
920 agreement is the designated voter for the parcel;  
921 prohibiting an association from enforcing a voting  
922 certificate requirement under certain circumstances;  
923 removing the provision that board members may be  
924 recalled and removed by a vote taken at a meeting;  
925 removing the provision that a special meeting may be  
926 convened to recall a director or directors of the  
927 board if called by a specified percentage of the  
928 voting interests; removing the prohibition against  
929 electronic transmission being used as a method of  
930 giving notice of such a meeting; removing the  
931 requirement that a board file an action with a court  
932 or file with the Department of Business and  
933 Professional Regulation a petition for binding  
934 arbitration within a specified timeframe if the board  
935 does not certify the written agreement or written  
936 ballots to recall a director; removing the provision  
937 that board members who voted at a meeting or who  
938 executed an agreement in writing constitute one party  
939 under the petition for arbitration or court action;  
940 removing the provision that a recall is effective upon  
941 the final order of the court or the mailing of the

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942 final order of arbitration to the association;  
943 requiring that recalled board members turn over  
944 specified property of the association to the board  
945 within a specified timeframe; revising the timeframe  
946 in which such petition or action must be filed;  
947 requiring that the association be named as the  
948 respondent in such petition or action; providing that  
949 a petition or action filed by a board member who has  
950 been recalled may challenge the facial validity of the  
951 recall agreement or the substantial compliance with  
952 the procedural requirements for a recall; requiring  
953 that a board member be reinstated and a recall be  
954 deemed null and void if an arbitrator or a court  
955 determines that a recall was invalid; providing that a  
956 prevailing party is entitled to recover reasonable  
957 attorney fees and costs if certain findings are made;  
958 amending s. 720.306, F.S.; removing the requirement  
959 that secret ballots cast by members who are not in  
960 attendance at a meeting be mailed or delivered to the  
961 association in a specified manner; removing the  
962 requirement that a valid ballot be cast once confirmed  
963 valid; removing the requirement that a ballot for a  
964 lot that has more than one ballot submitted be  
965 disqualified; removing the provision that any ballot  
966 received after the closing of the balloting may not be

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considered; removing the provision that a member may  
nominate himself or herself as a candidate for the  
board at a meeting where the election is held,  
provided certain conditions are met; requiring that  
board members be elected by written ballot or voting  
machine; prohibiting the use of proxies in electing  
the board in general elections or in elections to fill  
vacancies; requiring the association to mail, deliver,  
or electronically transmit, by separate association  
mailing or included in another association mailing,  
delivery, or electronic transmission, to each member  
entitled to vote a first notice of the date of the  
election a specified timeframe before the election;  
requiring a member intending to be a candidate for the  
board to give written notice of his or her intent  
within a specified timeframe before the election;  
prohibiting the use of nominating committees by  
associations; authorizing associations to use search  
committees for a specified purpose; providing that  
search committees do not have the authority to  
nominate candidates for the board; requiring the  
association to send a second notice of the election,  
with the written notice of the annual meeting and  
agenda, to all members entitled to vote, together with  
a ballot that lists all candidates; requiring that an



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992 information sheet be sent in the second notice at the  
993 request of a candidate; providing requirements for  
994 such information sheet; requiring that the candidate  
995 furnish the information sheet to the association  
996 within a specified timeframe; requiring the  
997 association to bear the costs of mailing, delivering,  
998 or electronically transmitting the information sheet;  
999 providing that the association is not liable for the  
1000 content of the information sheet; authorizing the  
1001 association to print the information sheet on both  
1002 sides of the paper; requiring that elections be  
1003 decided by a plurality of ballots cast; providing that  
1004 there are no quorum requirements; providing an  
1005 exception; prohibiting a member from authorizing any  
1006 other person to cast his or her ballot; providing that  
1007 any improperly cast ballots are invalid; providing  
1008 penalties; authorizing a member who requires  
1009 assistance to cast a ballot to seek such assistance;  
1010 requiring the election to occur on the date of the  
1011 annual meeting; providing that an election is not  
1012 required unless more candidates file notices of intent  
1013 to run or are nominated than there are vacancies on  
1014 the board; providing that such candidates become board  
1015 members upon the adjournment of the annual meeting  
1016 under certain circumstances; providing applicability;

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1017 requiring that a candidate for board membership be  
1018 eligible at the time of the mailing, delivery, or  
1019 electronic transmission of the candidate's notice of  
1020 intent to be a candidate; prohibiting co-owners of a  
1021 parcel from serving together; providing exceptions;  
1022 removing the prohibition against write-in nominations  
1023 being permitted under certain circumstances and that  
1024 qualified candidates seeking nomination must commence  
1025 their service on the board of directors, regardless of  
1026 whether a quorum is attained at the annual meeting;  
1027 removing the requirement that boards of directors be  
1028 elected by a plurality of votes unless otherwise  
1029 provided by the governing documents; removing the  
1030 provision that any challenge to the election process  
1031 be commenced within a specified timeframe after the  
1032 election results are announced; providing that a  
1033 person who is delinquent in the payment of any  
1034 assessments is not eligible to be a candidate;  
1035 providing that a director or an officer is delinquent  
1036 if payment is not made by a specified due date  
1037 identified in the declaration, bylaws, or articles of  
1038 incorporation; providing that a payment is delinquent  
1039 on the first day of the assessment period if no  
1040 specified due date is in the declaration, bylaws, or  
1041 articles of incorporation; removing the definition of

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the term "any fee, fine, or other monetary obligation"; providing that the terms of all board members expire at the annual meeting and that such board members may stand for reelection unless prohibited by the association's declaration, bylaws, or articles of incorporation, if certain conditions are met; amending s. 720.311, F.S.; providing that a certain action filed be tried without a jury; providing that the parties are entitled to an immediate hearing; authorizing the court to limit the time for taking testimony; authorizing the party filing an action to request a temporary injunction for a certain purpose; authorizing a party to remove an action for arbitration and seek a trial de novo in circuit court; removing the requirement that the Department of Business and Professional Regulation adopt rules; requiring that an association be ordered, by judgment or decree, to pay a prevailing parcel owner's reasonable attorney fees and costs; providing that compensation or fees of an attorney may be included in the judgment or decree rendered in such action or in a separate judgment or decree; prohibiting any other recovery of attorney fees or costs, with an exception; amending s. 720.401, F.S.; requiring prospective purchasers of a parcel subject

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 983 (2025)

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1067 to association membership to be provided with certain  
1068 documents, in addition to the disclosure summary,  
1069 before executing a contract; authorizing prospective  
1070 purchasers to cancel their contract within a specified  
1071 timeframe under certain circumstances; specifying that  
1072 the 3-day cancellation period does not include  
1073 Saturdays, Sundays, and legal holidays; reenacting ss.  
1074 720.3033(4)(b) and 720.405(6), F.S., relating to  
1075 officers and directors and organizing committee parcel  
1076 and parcel owner approval, respectively, to  
1077 incorporate the amendment made to s. 720.306, F.S., in  
1078 references thereto; amending ss.