

1 A bill to be entitled
2 An act relating to homeowners' associations; amending
3 s. 720.301, F.S.; revising definitions; amending s.
4 720.302, F.S.; revising the purpose and scope of ch.
5 720, F.S.; providing legislative findings; requiring
6 the Office of the Condominium Ombudsman, upon
7 petition, to appoint a specified employee or attorney
8 to monitor the homeowners' association election of
9 directors; requiring that all costs for such
10 monitoring be borne by the association; requiring the
11 division to adopt rules and procedures; providing
12 applicability; creating s. 720.3025, F.S.; providing
13 certain powers and authority to the division and local
14 law enforcement agencies; amending s. 720.303, F.S.;
15 prohibiting the suspension of a parcel owner's or
16 member's voting rights when voting on the recall of a
17 board member; providing that any specified prior
18 suspensions have no effect for any recall; requiring a
19 recall agreement to be served on an association by
20 registered mail, rather than by certified mail or by
21 personal service; removing the requirement that a
22 board perform certain actions to either certify or not
23 certify the written ballots or written agreements to
24 recall a director of a board; providing construction;
25 requiring a board to duly notice and hold a meeting of

26 | the board within a specified timeframe after receipt
27 | of a recall agreement; providing that board members
28 | are recalled effective immediately upon the conclusion
29 | of a board meeting, provided the recall is facially
30 | valid; specifying the timeframe in which a recalled
31 | board member must return to the board specified
32 | property belonging to the association; providing that
33 | the board may reject a parcel owner's recall agreement
34 | under certain circumstances; providing a rebuttable
35 | presumption that a parcel owner executing the recall
36 | agreement is the designated voter for the parcel;
37 | prohibiting an association from enforcing a voting
38 | certificate requirement under certain circumstances;
39 | removing the provision that board members may be
40 | recalled and removed by a vote taken at a meeting;
41 | removing the provision that a special meeting may be
42 | convened to recall a director or directors of the
43 | board if called by a specified percentage of the
44 | voting interests; removing the prohibition against
45 | electronic transmission being used as a method of
46 | giving notice of such a meeting; removing the
47 | requirement that a board file an action with a court
48 | or file with the Department of Business and
49 | Professional Regulation a petition for binding
50 | arbitration within a specified timeframe if the board

51 does not certify the written agreement or written
52 ballots to recall a director; removing the provision
53 that board members who voted at a meeting or who
54 executed an agreement in writing constitute one party
55 under the petition for arbitration or court action;
56 removing the provision that a recall is effective upon
57 the final order of the court or the mailing of the
58 final order of arbitration to the association;
59 requiring that recalled board members turn over
60 specified property of the association to the board
61 within a specified timeframe; revising the timeframe
62 in which such petition or action must be filed;
63 requiring that the association be named as the
64 respondent in such petition or action; providing that
65 a petition or action filed by a board member who has
66 been recalled may challenge the facial validity of the
67 recall agreement or the substantial compliance with
68 the procedural requirements for a recall; requiring
69 that a board member be reinstated and a recall be
70 deemed null and void if an arbitrator or a court
71 determines that a recall was invalid; providing that a
72 prevailing party is entitled to recover reasonable
73 attorney fees and costs if certain findings are made;
74 amending s. 720.306, F.S.; removing the requirement
75 that secret ballots cast by members who are not in

76 attendance at a meeting be mailed or delivered to the
77 association in a specified manner; removing the
78 requirement that a valid ballot be cast once confirmed
79 valid; removing the requirement that a ballot for a
80 lot that has more than one ballot submitted be
81 disqualified; removing the provision that any ballot
82 received after the closing of the balloting may not be
83 considered; removing the provision that a member may
84 nominate himself or herself as a candidate for the
85 board at a meeting where the election is held,
86 provided certain conditions are met; requiring that
87 board members be elected by written ballot or voting
88 machine; prohibiting the use of proxies in electing
89 the board in general elections or in elections to fill
90 vacancies; requiring the association to mail, deliver,
91 or electronically transmit, by separate association
92 mailing or included in another association mailing,
93 delivery, or electronic transmission, to each member
94 entitled to vote a first notice of the date of the
95 election a specified timeframe before the election;
96 requiring a member intending to be a candidate for the
97 board to give written notice of his or her intent a
98 specified timeframe before the election; requiring the
99 association to send a second notice of the election,
100 with the written notice of the annual meeting and

101 agenda, to all members entitled to vote, together with
102 a ballot that lists all candidates; requiring that an
103 information sheet be sent in the second notice at the
104 request of a candidate; providing requirements for
105 such information sheet; requiring that the candidate
106 furnish the information sheet to the association
107 within a specified timeframe; requiring the
108 association to bear the costs of mailing, delivering,
109 or electronically transmitting the information sheet;
110 providing that the association is not liable for the
111 content of the information sheet; authorizing the
112 association to print the information sheet on both
113 sides of the paper; requiring that elections be
114 decided by a plurality of ballots cast; providing that
115 there are no quorum requirements; providing an
116 exception; prohibiting a member from authorizing any
117 other person to cast his or her ballot; providing that
118 any improperly cast ballots are invalid; providing
119 penalties; authorizing a member who requires
120 assistance to cast a ballot to seek such assistance;
121 requiring the election to occur on the date of the
122 annual meeting; providing that an election is not
123 required unless more candidates file notices of intent
124 to run or are nominated than there are vacancies on
125 the board; providing that such candidates become board

126 members upon the adjournment of the annual meeting
127 under certain circumstances; providing applicability;
128 requiring that a candidate for board membership be
129 eligible at the time of the mailing, delivery, or
130 electronic transmission of the candidate's notice of
131 intent to be a candidate; prohibiting co-owners of a
132 parcel from serving together; providing exceptions;
133 removing the prohibition against write-in nominations
134 being permitted under certain circumstances and that
135 qualified candidates seeking nomination must commence
136 their service on the board of directors, regardless of
137 whether a quorum is attained at the annual meeting;
138 removing the requirement that boards of directors be
139 elected by a plurality of votes unless otherwise
140 provided by the governing documents; removing the
141 provision that any challenge to the election process
142 be commenced within a specified timeframe after the
143 election results are announced; providing that a
144 person who is delinquent in the payment of any
145 assessments is not eligible to be a candidate;
146 providing that a director or an officer is delinquent
147 if payment is not made by a specified due date
148 identified in the declaration, bylaws, or articles of
149 incorporation; providing that a payment is delinquent
150 on the first day of the assessment period if no

151 specified due date is in the declaration, bylaws, or
152 articles of incorporation; removing the definition of
153 the term "any fee, fine, or other monetary
154 obligation"; providing that the terms of all board
155 members expire at the annual meeting and that such
156 board members may stand for reelection unless
157 prohibited by the association's declaration, bylaws,
158 or articles of incorporation, if certain conditions
159 are met; amending s. 720.3086, F.S.; providing
160 requirements for financial reporting by a private
161 amenities owner; providing applicability; amending s.
162 720.311, F.S.; providing that a certain action filed
163 be tried without a jury; providing that the parties
164 are entitled to an immediate hearing; authorizing the
165 court to limit the time for taking testimony;
166 authorizing the party filing an action to request a
167 temporary injunction for a certain purpose;
168 authorizing a party to remove an action for
169 arbitration and seek a trial de novo in circuit court;
170 removing the requirement that the Department of
171 Business and Professional Regulation adopt rules;
172 requiring that an association be ordered, by judgment
173 or decree, to pay a prevailing parcel owner's
174 reasonable attorney fees and costs; providing that
175 compensation or fees of an attorney may be included in

176 the judgment or decree rendered in such action or in a
177 separate judgment or decree; prohibiting any other
178 recovery of attorney fees or costs, with an exception;
179 amending s. 720.401, F.S.; requiring prospective
180 purchasers of a parcel subject to association
181 membership to be provided with certain documents, in
182 addition to the disclosure summary, before executing a
183 contract; authorizing prospective purchasers to cancel
184 their contract within a specified timeframe under
185 certain circumstances; specifying that the 3-day
186 cancellation period does not include Saturdays,
187 Sundays, and legal holidays; reenacting ss.
188 720.3033(4)(b) and 720.405(6), F.S., relating to
189 officers and directors and organizing committee parcel
190 and parcel owner approval, respectively, to
191 incorporate the amendment made to s. 720.306, F.S., in
192 references thereto; creating part IV of ch. 720, F.S.,
193 entitled "Recreational Covenants"; creating s.
194 720.408, F.S.; providing definitions; creating s.
195 720.409, F.S.; providing legislative findings;
196 providing the scope and applicability of the part;
197 creating s. 720.412, F.S.; providing requirements for
198 recreational covenants recorded on or after a
199 specified date; providing requirements for
200 recreational covenants recorded before a specified

201 date; providing the maximum annual increase of amenity
202 expenses for certain recreational covenants;
203 authorizing a private amenities owner to increase
204 amenity expenses under certain conditions; providing
205 that a homeowners' association is not responsible for
206 collecting or remitting amenity dues; prohibiting
207 certain expenses and costs from being included as
208 amenity expenses; providing that a parcel owner or the
209 tenant of a parcel owner retains certain rights even
210 if a recreational covenant is terminated or the
211 private amenities owner suspends the use of the
212 privately-owned recreational amenities; specifying
213 that a recreational covenant is not a governing
214 document of a homeowners' association; providing
215 legislative intent; providing construction; creating
216 s. 720.413, F.S.; requiring each contract entered into
217 on or after a date certain for the sale of a
218 residential parcel governed by a homeowners'
219 association to include a specified disclosure summary;
220 requiring a developer or parcel owner selling the
221 parcel to provide such disclosure summary to a
222 prospective purchaser; providing that a contract or
223 agreement for sale of a parcel is voidable under
224 certain circumstances; providing the method in which
225 such contract or agreement is voidable; providing an

effective date.

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

Section 1. Subsections (1), (8), and (10) of section 720.301, Florida Statutes, are amended to read:

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

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

(8) (a) "Governing documents" means both of the following:

1. ~~(a)~~ Subject to paragraph (b), the recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto.; ~~and~~

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

(b) Consistent with s. 720.302(3)(b), recreational covenants relating to privately-owned recreational amenities as set forth in part IV of this chapter may not be considered governing documents of an association, even if such recreational covenants are attached as exhibits to a declaration of covenants

251 for a community. This paragraph is remedial in nature and
252 intended to clarify existing law.

253 (10) "Member" means a member of an association, and may
254 include, but is not limited to, a parcel owner or an association
255 representing parcel owners or a combination thereof, and
256 includes any person or entity obligated by the governing
257 documents to pay an assessment to the association ~~or amenity~~
258 ~~fee.~~

259 **Section 2. Subsections (1) and (2) and paragraph (b) of**
260 **subsection (3) of section 720.302, Florida Statutes, are amended**
261 **to read:**

262 720.302 Purposes, scope, and application.—

263 (1) (a) This chapter defines the property rights of
264 individually owned and shared real property in a manner that is
265 intended to protect and preserve the private property rights of
266 the individual owners and the public policy of preserving
267 environmental protections and public safety. This chapter
268 creates standards for the preservation of property, including,
269 but not limited to, the preservation of the taxable value of the
270 property. This chapter is intended to create transparency of
271 management of the property and the transferability of ownership
272 interests in the property.

273 (b) As a matter of public policy, any provision of a
274 homeowners' association's declaration, as it is amended from
275 time to time, that unreasonably impairs or restricts the

276 transferability of real property owned individually, impairs the
277 taxable value of the property, facilitates the creation of
278 derelict properties at the end of the useful life of
279 improvements to the property, or jeopardizes the safety and
280 welfare of the occupants of the property are inconsistent with
281 this chapter and deemed void as a matter of public policy. The
282 declaration must require that the provisions of chapter 720 as
283 it exists on the date of recording and as amended from time to
284 time be adopted and included in the declaration. ~~The purposes of~~
285 ~~this chapter are to give statutory recognition to corporations~~
286 ~~not for profit that operate residential communities in this~~
287 ~~state, to provide procedures for operating homeowners'~~
288 ~~associations, and to protect the rights of association members~~
289 ~~without unduly impairing the ability of such associations to~~
290 ~~perform their functions.~~

291 (2) (a) The Legislature recognizes that it is not in the
292 best interest of homeowners' associations or the individual
293 association members thereof to create or impose a bureau or
294 other agency of state government to regulate the affairs of
295 homeowners' associations. However, in accordance with s.
296 720.311, the Legislature finds that homeowners' associations and
297 their individual members will benefit from an expedited
298 alternative process for resolution of election and recall
299 disputes and presuit mediation of other disputes involving
300 covenant enforcement and authorizes the department to hear,

301 administer, and determine these disputes as more fully set forth
302 in this chapter. Further, the Legislature recognizes that
303 certain contract rights have been created for the benefit of
304 homeowners' associations and members thereof before the
305 effective date of this act and that ss. 720.301-720.407 are not
306 intended to impair such contract rights, including, but not
307 limited to, the rights of the developer to complete the
308 community as initially contemplated.

309 (b)1. Further, the Legislature finds that homeowners'
310 associations and their individual members will benefit from
311 oversight of the election of directors, and the Legislature
312 authorizes the Office of the Condominium Ombudsman to appoint an
313 election monitor to attend the annual meeting of the members and
314 to conduct the election of directors.

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

326 bylaws of the association.

327 (3) This chapter does not apply to:

328 (b) The commercial or industrial parcels or privately-
329 owned recreational amenities in a community that contains both
330 residential parcels and parcels intended for commercial or
331 industrial use. However, privately-owned recreational amenities
332 are subject to and governed by s. 720.3086(2) and part IV of
333 this chapter.

334 **Section 3. Section 720.3025, Florida Statutes, is created**
335 **to read:**

336 720.3025 Regulation.—Local law enforcement agencies have
337 the authority to audit, inspect, and investigate homeowners'
338 associations under this chapter.

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

345 720.303 Association powers and duties; meetings of board;
346 official records; budgets; financial reporting; association
347 funds; recalls.—

348 (4) OFFICIAL RECORDS.—

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

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

353 a. The articles of incorporation of the association and
354 each amendment thereto.

355 b. The recorded bylaws of the association and each
356 amendment thereto.

357 c. The declaration of covenants and a copy of each
358 amendment thereto.

359 d. The current rules of the association.

360 e. A list of all current executory contracts or documents
361 to which the association is a party or under which the
362 association or the parcel owners have an obligation or
363 responsibility and, after bidding for the related materials,
364 equipment, or services has closed, a list of bids received by
365 the association within the past year.

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

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

371 h. The association's current insurance policies.

372 i. The certification of each director as required by s.
373 720.3033(1)(a).

374 j. All contracts or transactions between the association
375 and any director, officer, corporation, firm, or association

376 that is not an affiliated homeowners' association or any other
377 entity in which a director of an association is also a director
378 or an officer and has a financial interest.

379 k. Any contract or document regarding a conflict of
380 interest or possible conflict of interest as provided in ss.
381 468.436(2)(b)6. and 720.3033(2).

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

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

397 2. The association's website or application must be
398 accessible through the Internet and must contain a subpage, web
399 portal, or other protected electronic location that is
400 inaccessible to the general public and accessible only to parcel

401 owners and employees of the association.

402 3. Upon written request by a parcel owner, the association
403 must provide the parcel owner with a username and password and
404 access to the protected sections of the association's website or
405 application which contains the official documents of the
406 association.

407 4. The association shall ensure that the information and
408 records described in paragraph (5)(g), which are not allowed to
409 be accessible to parcel owners, are not posted on the
410 association's website or application. If protected information
411 or information restricted from being accessible to parcel owners
412 is included in documents that are required to be posted on the
413 association's website or application, the association must
414 ensure the information is redacted before posting the documents.
415 Notwithstanding the foregoing, the association or its authorized
416 agent is not liable for disclosing information that is protected
417 or restricted under paragraph (5)(g) unless such disclosure was
418 made with a knowing or intentional disregard of the protected or
419 restricted nature of such information.

420 (10) RECALL OF DIRECTORS.—

421 (a)1. Regardless of any provision to the contrary
422 contained in the governing documents, subject to ~~the provisions~~
423 ~~of~~ s. 720.307 regarding transition of association control, any
424 member of the board of directors may be recalled and removed
425 from office with or without cause by a majority of the total

426 voting interests. The voting rights of a parcel owner or member
427 may not be suspended when voting on the recall of a board
428 director, and any prior suspension of voting rights pursuant to
429 s. 720.305(4) shall have no effect on a recall vote.

430 2. When the governing documents, including the
431 declaration, articles of incorporation, or bylaws, provide that
432 only a specific class of members is entitled to elect a board
433 director or directors, only that class of members may vote to
434 recall those board directors so elected.

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

441 ~~2. The board shall duly notice and hold a meeting of the~~
442 ~~board within 5 full business days after receipt of the agreement~~
443 ~~in writing or written ballots. At the meeting, the board shall~~
444 ~~either certify the written ballots or written agreement to~~
445 ~~recall a director or directors of the board, in which case such~~
446 ~~director or directors shall be recalled effective immediately~~
447 ~~and shall turn over to the board within 5 full business days any~~
448 ~~and all records and property of the association in their~~
449 ~~possession, or proceed as described in paragraph (d).~~

450 2. If 3. ~~When~~ it is determined by the department pursuant

451 to binding arbitration proceedings or the court in an action
452 filed in a court of competent jurisdiction that an initial
453 recall effort was defective, ~~written~~ recall agreements ~~or~~
454 ~~written ballots~~ used in the first recall effort and not found to
455 be defective may be reused in one subsequent recall effort.
456 However, in no event is a recall ~~written~~ agreement ~~or written~~
457 ~~ballot~~ valid for more than 120 days after it has been signed by
458 the member.

459 3.4. Any rescission or revocation of a member's ~~written~~
460 recall ~~ballot or~~ agreement must be in writing and, ~~in order to~~
461 ~~be effective, must be~~ delivered to the association before the
462 association is served with the ~~written~~ recall agreements ~~or~~
463 ~~ballots~~. This subparagraph must be liberally construed to ensure
464 a parcel owner is not disenfranchised by an association in a
465 recall and to prevent an association from failing to certify a
466 recall agreement on a technical omission playing no part in the
467 discharge of a parcel owner's voting rights.

468 4.5. The recall agreement ~~in writing or ballot~~ must shall
469 list at least as many possible replacement directors as there
470 are directors subject to the recall, when at least a majority of
471 the board is sought to be recalled; the person executing the
472 recall instrument may vote for as many replacement candidates as
473 there are directors subject to the recall.

474 (c)1. The board shall duly notice and hold a meeting of
475 the board within 5 business days after receipt of the recall

476 agreement. The board member or members are recalled effective
477 immediately upon the conclusion of the board meeting, provided
478 that the recall is facially valid. A recalled member must return
479 to the board all records and property of the association in his
480 or her possession within 10 business days after being recalled.

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

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

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

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

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

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

494 3. There is a rebuttable presumption that a parcel owner
495 executing the recall agreement is the designated voter for the
496 parcel. An association may not enforce a voting certificate
497 requirement if the association has not enforced such requirement
498 in all matters in the year immediately preceding service of the
499 recall agreement ~~If the declaration, articles of incorporation,~~
500 ~~or bylaws specifically provide, the members may also recall and~~

501 ~~remove a board director or directors by a vote taken at a~~
502 ~~meeting. If so provided in the governing documents, a special~~
503 ~~meeting of the members to recall a director or directors of the~~
504 ~~board of administration may be called by 10 percent of the~~
505 ~~voting interests giving notice of the meeting as required for a~~
506 ~~meeting of members, and the notice shall state the purpose of~~
507 ~~the meeting. Electronic transmission may not be used as a method~~
508 ~~of giving notice of a meeting called in whole or in part for~~
509 ~~this purpose.~~

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

518 ~~(d) If the board determines not to certify the written~~
519 ~~agreement or written ballots to recall a director or directors~~
520 ~~of the board or does not certify the recall by a vote at a~~
521 ~~meeting, the board shall, within 5 full business days after the~~
522 ~~meeting, file an action with a court of competent jurisdiction~~
523 ~~or file with the department a petition for binding arbitration~~
524 ~~under the applicable procedures in ss. 718.112(2)(1) and~~
525 ~~718.1255 and the rules adopted thereunder. For the purposes of~~

526 ~~this section, the members who voted at the meeting or who~~
527 ~~executed the agreement in writing shall constitute one party~~
528 ~~under the petition for arbitration or in a court action. If the~~
529 ~~arbitrator or court certifies the recall as to any director or~~
530 ~~directors of the board, the recall will be effective upon the~~
531 ~~final order of the court or the mailing of the final order of~~
532 ~~arbitration to the association. The director or directors so~~
533 ~~recalled shall deliver to the board any and all records of the~~
534 ~~association in their possession within 5 full business days~~
535 ~~after the effective date of the recall.~~

536 (d) ~~(f)~~ If the board fails to duly notice and hold a board
537 meeting within 5 full business days after service of a recall ~~an~~
538 ~~agreement in writing or within 5 full business days after the~~
539 ~~adjournment of the member recall meeting,~~ the recall is ~~shall be~~
540 deemed effective and the board member or members ~~directors~~ so
541 recalled must ~~shall immediately~~ turn over to the board all
542 records and property of the association within 10 full business
543 days.

544 (e) ~~(g)~~ If the board fails to duly notice and hold the
545 required meeting or at the conclusion of the meeting the board
546 determines that the recall is facially invalid ~~fails to file the~~
547 ~~required petition or action,~~ the parcel owner representative may
548 file a petition ~~or a court action~~ under s. 718.1255 or file an
549 action in a court of competent jurisdiction challenging the
550 board's failure to act or determination that the recall is

551 invalid. The petition or court action must be filed within 30 ~~60~~
552 days after the expiration of the applicable 5-full-business-day
553 period. The review of a petition or court action under this
554 paragraph is limited to the sufficiency of service on the board
555 and the facial validity of the recall ~~written~~ agreement ~~or~~
556 ~~ballots filed~~. The association must be named as the respondent.

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

561 (g) ~~(k)~~ A board member who has been recalled may file an
562 action with a court of competent jurisdiction or a petition
563 under ss. 718.112(2)(1) and 718.1255 and the rules adopted
564 challenging the validity of the recall. The petition or court
565 action must be filed within 45 ~~60~~ days after the recall is
566 deemed certified. The association and the parcel owner
567 representative must ~~shall~~ be named as respondents. The petition
568 or the court action may challenge the facial validity of the
569 recall agreement or the substantial compliance with the
570 procedural requirements for the recall. If the arbitrator or the
571 court determines that the recall was invalid, the arbitrator or
572 the court must immediately reinstate the petitioning board
573 member and deem the recall null and void. A board member who
574 prevails is entitled to recover reasonable attorney fees and
575 costs from the respondents. The arbitrator or the court may

576 award reasonable attorney fees and costs to a respondent if they
 577 prevail, provided the arbitrator or the court makes a finding
 578 that the petitioner's claim is frivolous.

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

587 **Section 5. Subsections (8) and (9) of section 720.306,**
 588 **Florida Statutes, are amended, and paragraph (g) of subsection**
 589 **(1) of that section is republished, to read:**

590 720.306 Meetings of members; voting and election
 591 procedures; amendments.—

592 (1) QUORUM; AMENDMENTS.—

593 (g) A notice required under this section must be mailed or
 594 delivered to the address identified as the parcel owner's
 595 mailing address in the official records of the association as
 596 required under s. 720.303(4), or electronically transmitted in a
 597 manner authorized by the association if the parcel owner has
 598 consented, in writing, to receive notice by electronic
 599 transmission.

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

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

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

614 ~~(b) If the governing documents permit voting by secret~~
615 ~~ballot by members who are not in attendance at a meeting of the~~
616 ~~members for the election of directors, such ballots must be~~
617 ~~placed in an inner envelope with no identifying markings and~~
618 ~~mailed or delivered to the association in an outer envelope~~
619 ~~bearing identifying information reflecting the name of the~~
620 ~~member, the lot or parcel for which the vote is being cast, and~~
621 ~~the signature of the lot or parcel owner casting that ballot. If~~
622 ~~the eligibility of the member to vote is confirmed and no other~~
623 ~~ballot has been submitted for that lot or parcel, the inner~~
624 ~~envelope shall be removed from the outer envelope bearing the~~
625 ~~identification information, placed with the ballots which were~~

626 ~~personally cast, and opened when the ballots are counted. If~~
627 ~~more than one ballot is submitted for a lot or parcel, the~~
628 ~~ballots for that lot or parcel shall be disqualified. Any vote~~
629 ~~by ballot received after the closing of the balloting may not be~~
630 ~~considered.~~

631 (9) ELECTIONS AND BOARD VACANCIES.—

632 (a) Elections of directors must be conducted in accordance
633 with the procedures set forth in this subsection ~~the governing~~
634 ~~documents of the association.~~ Except as provided in paragraph
635 (b), all members of the association are eligible to serve on the
636 board of directors, ~~and a member may nominate himself or herself~~
637 ~~as a candidate for the board at a meeting where the election is~~
638 ~~to be held; provided, however, that if the election process~~
639 ~~allows candidates to be nominated in advance of the meeting, the~~
640 ~~association is not required to allow nominations at the meeting.~~
641 An election is not required unless more candidates are nominated
642 than vacancies exist.

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

647 2. At least 60 days before a scheduled election, the
648 association must mail, deliver, or electronically transmit, by
649 separate association mailing or included in another association
650 mailing, delivery, or electronic transmission, including

651 regularly published newsletters, to each member entitled to vote
652 a first notice of the date of the election.

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

656 4. Together with the written notice of the annual meeting
657 and agenda, the association must mail, deliver, or
658 electronically transmit a second notice of the election to all
659 members entitled to vote, together with a ballot that lists all
660 candidates.

661 5. Upon the request of a candidate, an information sheet
662 must also be made available for the mailed, delivered, or
663 electronically transmitted second notice of the election. Such
664 information sheet may not be larger than 8 1/2 by 11 inches. The
665 candidate must furnish the information sheet to the association
666 no later than 35 days before the election. The association shall
667 bear the costs of mailing, delivering, or electronically
668 transmitting the information sheet. The association is not
669 liable for the content of the information sheet. In order to
670 reduce costs, the association may print or duplicate the
671 information sheets on both sides of the paper.

672 6. Elections must be decided by a plurality of ballots
673 cast. There are no quorum requirements; however, at least 20
674 percent of the eligible voters must cast a ballot in order to
675 have a valid election. A member may not authorize any other

676 person to cast his or her ballot, and any ballot improperly cast
677 is deemed invalid. A member who violates this subparagraph may
678 be fined by the association under s. 720.305.

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

681 8. The election must occur on the date of the annual
682 meeting.

683 9. Notwithstanding this paragraph, an election is not
684 required unless more candidates file notices of intent to run or
685 are nominated than there are vacancies on the board. If the
686 number of board members whose terms expire at the annual meeting
687 equals or exceeds the number of candidates, the candidates
688 become board members effective upon the adjournment of the
689 annual meeting.

690 10. This paragraph applies to all elections for directors
691 where the process for the election is scheduled to commence on
692 or after October 1, 2025.

693 (b) A member desiring to be a candidate for board
694 membership must be eligible to be a candidate to serve on the
695 board at the time of the mailing, delivery, or electronic
696 transmission of a notice of intent to be a candidate. Co-owners
697 of a parcel may not serve together as members of the board
698 unless they own more than one parcel, or unless there are not
699 enough eligible candidates to fill the vacancies on the board at
700 the time of the vacancy ~~If an election is not required because~~

701 ~~there are either an equal number or fewer qualified candidates~~
702 ~~than vacancies exist, and if nominations from the floor are not~~
703 ~~required pursuant to this section or the bylaws, write-in~~
704 ~~nominations are not permitted and such qualified candidates~~
705 ~~shall commence service on the board of directors, regardless of~~
706 ~~whether a quorum is attained at the annual meeting. Except as~~
707 ~~otherwise provided in the governing documents, boards of~~
708 ~~directors must be elected by a plurality of the votes cast by~~
709 ~~eligible voters. Any challenge to the election process must be~~
710 ~~commenced within 60 days after the election results are~~
711 ~~announced.~~

712 ~~(b)~~ A person who is delinquent in the payment of any
713 assessment due to the association is not eligible to be a
714 candidate for board membership ~~any fee, fine, or other monetary~~
715 ~~obligation to the association on the day that he or she could~~
716 ~~last nominate himself or herself or be nominated for the board~~
717 ~~may not seek election to the board, and his or her name may~~
718 ~~shall~~ not be listed on the ballot. A person serving as a board
719 member who becomes more than 90 days delinquent in the payment
720 of any assessment due to the association is ~~fee, fine, or other~~
721 ~~monetary obligation to the association shall be deemed to have~~
722 ~~abandoned his or her seat on the board, creating a vacancy on~~
723 ~~the board to be filled according to law. For purposes of this~~
724 ~~paragraph, a person is delinquent if a payment is not made by~~
725 the due date as specifically identified by the declaration,

726 bylaws, or articles of incorporation. If a due date is not
727 specifically identified by the declaration, bylaws, or articles
728 of incorporation, the due date is the first day of the
729 assessment period ~~the term "any fee, fine, or other monetary~~
730 ~~obligation" means any delinquency to the association with~~
731 ~~respect to any parcel.~~ A person who has been convicted of any
732 felony in this state or in a United States District or
733 Territorial Court, or has been convicted of any offense in
734 another jurisdiction which would be considered a felony if
735 committed in this state, may not seek election to the board and
736 is not eligible for board membership unless such felon's civil
737 rights have been restored for at least 5 years as of the date on
738 which such person seeks election to the board. The validity of
739 any action by the board is not affected if it is later
740 determined that a person was ineligible to seek election to the
741 board or that a member of the board is ineligible for board
742 membership.

743 (c) Any election dispute between a member and an
744 association must be submitted to binding arbitration with the
745 division or filed with a court of competent jurisdiction. Such
746 proceedings that are submitted to binding arbitration with the
747 division must be conducted in the manner provided by s. 718.1255
748 and the procedural rules adopted by the division.

749 (d) Unless otherwise provided in the bylaws, any vacancy
750 occurring on the board before the expiration of a term may be

751 filled by an affirmative vote of the majority of the remaining
752 directors, even if the remaining directors constitute less than
753 a quorum, or by the sole remaining director. In the alternative,
754 a board may hold an election to fill the vacancy, in which case
755 the election procedures must conform to the requirements of the
756 governing documents. Unless otherwise provided in the bylaws, a
757 board member appointed or elected under this section is
758 appointed for the unexpired term of the seat being filled.
759 Filling vacancies created by recall is governed by s.
760 720.303(10) and rules adopted by the division.

761 (e) If the staggered term of a board member does not
762 expire until a later annual meeting, or if all the members'
763 terms would otherwise expire but there are no eligible
764 candidates, the terms of all board members must expire at the
765 annual meeting, and such members may stand for reelection unless
766 prohibited by the declaration, bylaws, or articles of
767 incorporation.

768 **Section 6. Section 720.3086, Florida Statutes, is amended**
769 **to read:**

770 720.3086 Financial report.—

771 (1) In a residential subdivision in which the owners of
772 lots or parcels must pay mandatory maintenance or use ~~amenity~~
773 fees to the subdivision developer or to the owners of the common
774 areas, ~~recreational~~ facilities, and other properties serving the
775 lots or parcels, the developer or owner of such areas,

776 facilities, or properties shall make public, within 60 days
777 after ~~following~~ the end of each fiscal year, a complete
778 financial report of the actual, total receipts of mandatory
779 maintenance or use amenity fees received by it, and an itemized
780 listing of the expenditures made by it from such fees, for that
781 year. Such report must ~~shall~~ be made public by mailing it to
782 each lot or parcel owner in the subdivision, by publishing it in
783 a publication regularly distributed within the subdivision, or
784 by posting it in prominent locations in the subdivision. This
785 subsection ~~section~~ does not apply to:

786 (a) Amounts paid to homeowner associations pursuant to
787 chapter 617, chapter 718, chapter 719, chapter 721, or chapter
788 723; ~~or to~~

789 (b) Amounts paid to local governmental entities, including
790 special districts; or

791 (c) Amounts paid to a private amenities owner. Amounts
792 paid to private amenities owners are governed by subsection (2).

793 (2) In a residential subdivision in which a parcel owner
794 must pay amenity dues owed to a private amenities owner, the
795 private amenities owner shall make public, within 60 days after
796 the end of each fiscal year, a complete financial report of the
797 actual, total receipts of amenity dues received by the owner and
798 an itemized list of the expenditures the owner made with respect
799 to operational costs, expenses, or other amounts expended with
800 respect to the operation of the privately-owned recreational

801 amenities for that fiscal year. The private amenities owner must
802 make the financial report available for inspection upon written
803 request from a parcel owner within the applicable subdivision.
804 Such report must be made public to each parcel owner who is
805 subject to the payment of the amenity dues by publishing a
806 notice of the report's availability for inspection in a
807 publication regularly distributed within the subdivision or by
808 posting a notice in a prominent location in the subdivision,
809 including in a prominent location within the privately-owned
810 recreational amenities or other such properties. This subsection
811 does not apply to:

812 (a) Assessments or other amounts paid to homeowners'
813 associations pursuant to chapter 617, chapter 718, chapter 719,
814 chapter 721, or chapter 723; or

815 (b) Amounts paid to local governmental entities, including
816 special districts.

817 **Section 7. Subsection (1) and paragraphs (a) and (c) of**
818 **subsection (2) of section 720.311, Florida Statutes, are**
819 **amended, and subsection (3) is added to that section, to read:**

820 720.311 Dispute resolution.—

821 (1)(a) The Legislature finds that alternative dispute
822 resolution has made progress in reducing court dockets and
823 trials and in offering a more efficient, cost-effective option
824 to litigation. The filing of any petition for arbitration or the
825 serving of a demand for presuit mediation as provided for in

826 | this section shall toll the applicable statute of limitations.
827 | Any recall dispute filed with the department under s.
828 | 720.303(10) must ~~shall~~ be conducted by the department in
829 | accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255
830 | and the rules adopted by the division. In addition, the
831 | department shall conduct binding arbitration of election
832 | disputes between a member and an association in accordance with
833 | s. 718.1255 and rules adopted by the division. Election disputes
834 | and recall disputes are not eligible for presuit mediation;
835 | these disputes must be arbitrated by the department or filed in
836 | a court of competent jurisdiction. At the conclusion of an
837 | arbitration proceeding, the department shall charge the parties
838 | a fee in an amount adequate to cover all costs and expenses
839 | incurred by the department in conducting the proceeding.
840 | Initially, the petitioner shall remit a filing fee of at least
841 | \$200 to the department. The fees paid to the department shall
842 | become a recoverable cost in the arbitration proceeding, and the
843 | prevailing party in an arbitration proceeding shall recover its
844 | reasonable costs and attorney fees in an amount found reasonable
845 | by the arbitrator.

846 | (b) Any action filed pursuant to this section must be
847 | tried without a jury. The parties are entitled to an immediate
848 | hearing. However, the court may limit the time for taking
849 | testimony, considering the circumstances of the matter and the
850 | proximity of any succeeding election. Upon the division or the

851 court rendering a judgment or decree against an association and
852 in favor of a parcel owner, the division or the court shall
853 award to the parcel owner reasonable attorney fees and costs
854 incurred in the action. When so awarded, compensation or fees
855 and costs of the attorney may be included in the judgment or
856 decree rendered in the action or in a separate judgment or
857 decree. The party filing an action under this section may
858 request the issuance of a temporary injunction to stay any
859 upcoming election that may occur while the challenge is pending.
860 ~~The department shall adopt rules to effectuate the purposes of~~
861 ~~this section.~~

862 (2) (a) Disputes between an association and a parcel owner
863 regarding use of or changes to the parcel or the common areas
864 and other covenant enforcement disputes, disputes regarding
865 amendments to the association documents, disputes regarding
866 meetings of the board and committees appointed by the board,
867 membership meetings not including election meetings, and access
868 to the official records of the association shall be the subject
869 of a demand for presuit mediation served by an aggrieved party
870 before the dispute is filed in court. Presuit mediation
871 proceedings must be conducted in accordance with the applicable
872 Florida Rules of Civil Procedure, and these proceedings are
873 privileged and confidential to the same extent as court-ordered
874 mediation. Disputes subject to presuit mediation under this
875 section shall not include the collection of any assessment,

876 fine, or other financial obligation, including attorney
877 ~~attorney's~~ fees and costs, claimed to be due or any action to
878 enforce a prior mediation settlement agreement between the
879 parties. Also, in any dispute subject to presuit mediation under
880 this section where emergency relief is required, a motion for
881 temporary injunctive relief may be filed with the court without
882 first complying with the presuit mediation requirements of this
883 section. After any issues regarding emergency or temporary
884 relief are resolved, the court may either refer the parties to a
885 mediation program administered by the courts or require
886 mediation under this section. An arbitrator or judge may not
887 consider any information or evidence arising from the presuit
888 mediation proceeding except in a proceeding to impose sanctions
889 for failure to attend a presuit mediation session or to enforce
890 a mediated settlement agreement. Persons who are not parties to
891 the dispute may not attend the presuit mediation conference
892 without the consent of all parties, except for counsel for the
893 parties and a corporate representative designated by the
894 association. When mediation is attended by a quorum of the
895 board, such mediation is not a board meeting for purposes of
896 notice and participation set forth in s. 720.303. An aggrieved
897 party shall serve on the responding party a written demand to
898 participate in presuit mediation in substantially the following
899 form:
900

901 STATUTORY OFFER TO PARTICIPATE
 902 IN PRESUIT MEDIATION

903
 904 The alleged aggrieved party,, hereby
 905 demands that, as the responding
 906 party, engage in mandatory presuit mediation in
 907 connection with the following disputes, which by
 908 statute are of a type that are subject to presuit
 909 mediation:

910
 911 (List specific nature of the dispute or disputes to be
 912 mediated and the authority supporting a finding of a
 913 violation as to each dispute.)

914
 915 Pursuant to section 720.311, Florida Statutes, this
 916 demand to resolve the dispute through presuit
 917 mediation is required before a lawsuit can be filed
 918 concerning the dispute. Pursuant to the statute, the
 919 parties are required to engage in presuit mediation
 920 with a neutral third-party mediator in order to
 921 attempt to resolve this dispute without court action,
 922 and the aggrieved party demands that you likewise
 923 agree to this process. If you fail to participate in
 924 the mediation process, suit may be brought against you
 925 without further warning.

926
927 The process of mediation involves a supervised
928 negotiation process in which a trained, neutral third-
929 party mediator meets with both parties and assists
930 them in exploring possible opportunities for resolving
931 part or all of the dispute. By agreeing to participate
932 in presuit mediation, you are not bound in any way to
933 change your position. Furthermore, the mediator has no
934 authority to make any decisions in this matter or to
935 determine who is right or wrong and merely acts as a
936 facilitator to ensure that each party understands the
937 position of the other party and that all options for
938 reasonable settlement are fully explored.

939
940 If an agreement is reached, it shall be reduced to
941 writing and becomes a binding and enforceable
942 commitment of the parties. A resolution of one or more
943 disputes in this fashion avoids the need to litigate
944 these issues in court. The failure to reach an
945 agreement, or the failure of a party to participate in
946 the process, results in the mediator declaring an
947 impasse in the mediation, after which the aggrieved
948 party may proceed to court on all outstanding,
949 unsettled disputes. If you have failed or refused to
950 participate in the entire mediation process, you will

951 not be entitled to recover attorney ~~attorney's~~ fees,
952 even if you prevail.

953
954 The aggrieved party has selected and hereby lists five
955 certified mediators who we believe to be neutral and
956 qualified to mediate the dispute. You have the right
957 to select any one of these mediators. The fact that
958 one party may be familiar with one or more of the
959 listed mediators does not mean that the mediator
960 cannot act as a neutral and impartial facilitator. Any
961 mediator who cannot act in this capacity is required
962 ethically to decline to accept engagement. The
963 mediators that we suggest, and their current hourly
964 rates, are as follows:

965
966 (List the names, addresses, telephone numbers, and
967 hourly rates of the mediators. Other pertinent
968 information about the background of the mediators may
969 be included as an attachment.)

970
971 You may contact the offices of these mediators to
972 confirm that the listed mediators will be neutral and
973 will not show any favoritism toward either party. The
974 Florida Supreme Court can provide you a list of
975 certified mediators.

976
 977 Unless otherwise agreed by the parties, section
 978 720.311(2)(b), Florida Statutes, requires that the
 979 parties share the costs of presuit mediation equally,
 980 including the fee charged by the mediator. An average
 981 mediation may require three to four hours of the
 982 mediator's time, including some preparation time, and
 983 the parties would need to share equally the mediator's
 984 fees as well as their own attorney ~~attorney's~~ fees if
 985 they choose to employ an attorney in connection with
 986 the mediation. However, use of an attorney is not
 987 required and is at the option of each party. The
 988 mediators may require the advance payment of some or
 989 all of the anticipated fees. The aggrieved party
 990 hereby agrees to pay or prepay one-half of the
 991 mediator's estimated fees and to forward this amount
 992 or such other reasonable advance deposits as the
 993 mediator requires for this purpose. Any funds
 994 deposited will be returned to you if these are in
 995 excess of your share of the fees incurred.
 996
 997 To begin your participation in presuit mediation to
 998 try to resolve the dispute and avoid further legal
 999 action, please sign below and clearly indicate which
 1000 mediator is acceptable to you. We will then ask the

1001 mediator to schedule a mutually convenient time and
 1002 place for the mediation conference to be held. The
 1003 mediation conference must be held within ninety (90)
 1004 days of this date, unless extended by mutual written
 1005 agreement. In the event that you fail to respond
 1006 within 20 days from the date of this letter, or if you
 1007 fail to agree to at least one of the mediators that we
 1008 have suggested or to pay or prepay to the mediator
 1009 one-half of the costs involved, the aggrieved party
 1010 will be authorized to proceed with the filing of a
 1011 lawsuit against you without further notice and may
 1012 seek an award of attorney ~~attorney's~~ fees or costs
 1013 incurred in attempting to obtain mediation.

1014
 1015 Therefore, please give this matter your immediate
 1016 attention. By law, your response must be mailed by
 1017 certified mail, return receipt requested, and by
 1018 first-class mail to the address shown on this demand.

1019
 1020
 1021

1022
 1023 RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR
 1024 AGREEMENT TO THAT CHOICE.

1025

AGREEMENT TO MEDIATE

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

(List acceptable mediator or mediators.)

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

.....
Signature of responding party #1

.....
Telephone contact information

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

1051 (c) If presuit mediation as described in paragraph (a) is
1052 not successful in resolving all issues between the parties, the
1053 parties may file the unresolved dispute in a court of competent
1054 jurisdiction or elect to enter into binding or nonbinding
1055 arbitration pursuant to ~~the procedures set forth in~~ s. 718.1255
1056 and rules adopted by the division, with the arbitration
1057 proceeding to be conducted by a department arbitrator or by a
1058 private arbitrator certified by the department. If all parties
1059 do not agree to arbitration proceedings following an
1060 unsuccessful presuit mediation, any party may file the dispute
1061 in court. A final order resulting from nonbinding arbitration is
1062 final and enforceable in the courts if a complaint for trial de
1063 novo is not filed in a court of competent jurisdiction within 30
1064 days after entry of the order. As to any issue or dispute that
1065 is not resolved at presuit mediation, and as to any issue that
1066 is settled at presuit mediation but is thereafter subject to an
1067 action seeking enforcement of the mediation settlement, the
1068 prevailing party in any subsequent arbitration or litigation
1069 proceeding shall be entitled to seek recovery of all costs and
1070 attorney ~~attorney's~~ fees incurred in the presuit mediation
1071 process.

1072 (3) Upon the mediator or the court rendering a judgment or
1073 decree against an association and in favor of a parcel owner,
1074 the mediator or the court shall award to the parcel owner
1075 reasonable attorney fees and costs incurred in the action.

1076 Attorney fees or costs relating to an action for the recall of a
 1077 director may only be awarded as provided in this subsection or
 1078 as awarded as a sanction pursuant to s. 57.105.

1079 **Section 8. Subsection (1) of section 720.401, Florida**
 1080 **Statutes, is amended to read:**

1081 720.401 Prospective purchasers subject to association
 1082 membership requirement; disclosure required; covenants;
 1083 assessments; contract cancellation.—

1084 (1) (a) A prospective purchaser ~~parcel owner~~ in a community
 1085 must be presented a disclosure summary before executing the
 1086 contract for sale. The disclosure summary must be in a form
 1087 substantially similar to the following form:

1088 DISCLOSURE SUMMARY
 1089 FOR
 1090 (NAME OF COMMUNITY)

1091 1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL
 1092 BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS' ASSOCIATION.

1093 2. THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE
 1094 COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN THIS
 1095 COMMUNITY.

1096 3. YOU WILL BE OBLIGATED TO PAY ASSESSMENTS TO THE
 1097 ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO PERIODIC CHANGE. IF
 1098 APPLICABLE, THE CURRENT AMOUNT IS \$.... PER

1099 BE OBLIGATED TO PAY ANY SPECIAL ASSESSMENTS IMPOSED BY THE
 1100 ASSOCIATION. SUCH SPECIAL ASSESSMENTS MAY BE SUBJECT TO CHANGE.

1101 IF APPLICABLE, THE CURRENT AMOUNT IS \$.... PER

1102 4. YOU MAY BE OBLIGATED TO PAY SPECIAL ASSESSMENTS TO THE
 1103 RESPECTIVE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. ALL
 1104 ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

1105 5. YOUR FAILURE TO PAY SPECIAL ASSESSMENTS OR ASSESSMENTS
 1106 LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION COULD RESULT IN A
 1107 LIEN ON YOUR PROPERTY.

1108 6. THERE MAY BE AN OBLIGATION TO PAY RENT OR LAND USE FEES
 1109 FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES AS AN
 1110 OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS' ASSOCIATION. IF
 1111 APPLICABLE, THE CURRENT AMOUNT IS \$.... PER

1112 7. THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE
 1113 RESTRICTIVE COVENANTS WITHOUT THE APPROVAL OF THE ASSOCIATION
 1114 MEMBERSHIP OR THE APPROVAL OF THE PARCEL OWNERS.

1115 8. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE
 1116 ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU
 1117 SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING
 1118 DOCUMENTS BEFORE PURCHASING PROPERTY.

1119 9. YOU ACKNOWLEDGE THAT YOU ARE ENTITLED TO RECEIVE A
 1120 CURRENT COPY OF THE ASSOCIATION'S BYLAWS, ARTICLES OF
 1121 INCORPORATION, DECLARATION OF RESTRICTIONS, RULES AND
 1122 REGULATIONS, NOTICES PERTAINING TO SPECIAL ASSESSMENTS, THE MOST
 1123 RECENT FINANCIAL STATEMENTS, AND THE AGENDAS AND MINUTES FROM
 1124 ALL ASSOCIATION BOARD MEETINGS THAT TOOK PLACE IN THE 12 MONTHS
 1125 IMMEDIATELY PRECEDING THE EXECUTION OF THE CONTRACT FOR SALE

1126 ~~THESE DOCUMENTS ARE EITHER MATTERS OF PUBLIC RECORD AND CAN BE~~
 1127 ~~OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY~~
 1128 ~~IS LOCATED, OR ARE NOT RECORDED AND CAN BE OBTAINED FROM THE~~
 1129 ~~DEVELOPER.~~

1130 DATE: PURCHASER:
 1131 PURCHASER:

1132 The disclosure summary must be supplied by the developer, or by
 1133 the parcel owner if the sale is by an owner that is not the
 1134 developer. Any contract or agreement for sale must ~~shall~~ refer
 1135 to and incorporate the disclosure summary and ~~shall~~ include, in
 1136 prominent language, a statement that the prospective purchaser
 1137 ~~potential buyer~~ should not execute the contract or agreement
 1138 until he or she has ~~they have~~ received and read the disclosure
 1139 summary required by this section.

1140 (b) Each contract entered into for the sale of property
 1141 governed by covenants subject to disclosure required by this
 1142 section must contain in conspicuous type a clause that states:
 1143 IF THE DISCLOSURE SUMMARY; A CURRENT COPY OF THE ASSOCIATION'S
 1144 BYLAWS, ARTICLES OF INCORPORATION, DECLARATION OF RESTRICTIONS,
 1145 RULES AND REGULATIONS, NOTICES PERTAINING TO SPECIAL
 1146 ASSESSMENTS, AND MOST RECENT FINANCIAL STATEMENTS; AND THE
 1147 AGENDAS AND MINUTES FROM ALL ASSOCIATION BOARD MEETINGS THAT
 1148 TOOK PLACE IN THE 12 MONTHS IMMEDIATELY PRECEDING THE EXECUTION
 1149 OF THIS CONTRACT, AS REQUIRED BY SECTION 720.401, FLORIDA
 1150 STATUTES, HAVE ~~HAS~~ NOT BEEN PROVIDED TO THE PROSPECTIVE

1151 PURCHASER BEFORE EXECUTING THIS CONTRACT FOR SALE, THIS CONTRACT
 1152 IS VOIDABLE BY THE PROSPECTIVE PURCHASER ~~BUYER~~ BY DELIVERING TO
 1153 THE SELLER OR THE SELLER'S AGENT OR REPRESENTATIVE WRITTEN
 1154 NOTICE OF THE PROSPECTIVE PURCHASER'S ~~BUYER'S~~ INTENTION TO
 1155 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 1156 HOLIDAYS, AFTER RECEIPT OF SUCH DOCUMENTS OR BEFORE ~~THE~~
 1157 ~~DISCLOSURE SUMMARY OR PRIOR TO~~ CLOSING, WHICHEVER OCCURS FIRST.
 1158 ANY PURPORTED WAIVER OF THIS VOIDABILITY RIGHT HAS NO EFFECT.
 1159 THE PROSPECTIVE PURCHASER'S ~~BUYER'S~~ RIGHT TO VOID THIS CONTRACT
 1160 TERMINATES ~~SHALL TERMINATE~~ AT CLOSING.

1161 (c) If the disclosure summary; a current copy of the
 1162 association's bylaws, articles of incorporation, declaration of
 1163 restrictions, rules and regulations, notices pertaining to
 1164 special assessments, and most recent financial statements; and
 1165 the agendas and minutes from all association board meetings that
 1166 took place in the 12 months immediately preceding the execution
 1167 of a contract are ~~is~~ not provided to a prospective purchaser
 1168 before such ~~the~~ purchaser executes a contract for the sale of
 1169 property governed by covenants that are subject to disclosure
 1170 pursuant to this section, the prospective purchaser may void the
 1171 contract by delivering to the seller or the seller's agent or
 1172 representative written notice canceling the contract within 3
 1173 days, excluding Saturdays, Sundays, and legal holidays, after
 1174 receipt of such documents or before ~~the disclosure summary or~~
 1175 ~~prior to~~ closing, whichever occurs first. This right may not be

1176 waived by the prospective purchaser but terminates at closing.

1177 **Section 9. For the purpose of incorporating the amendments**
 1178 **made by this act to section 720.306, Florida Statutes, in a**
 1179 **reference thereto, paragraph (b) of subsection (4) of section**
 1180 **720.3033, Florida Statutes, is reenacted to read:**

1181 720.3033 Officers and directors.—

1182 (4)

1183 (b) The board shall fill the vacancy as provided in s.
 1184 720.306(9) until the end of the period of the suspension or the
 1185 end of the director's term of office, whichever occurs first. If
 1186 such criminal charge is pending against the officer or director,
 1187 he or she may not be appointed or elected to a position as an
 1188 officer or a director of any association and may not have access
 1189 to the official records of any association, except pursuant to a
 1190 court order. However, if the charges are resolved without a
 1191 finding of guilt or without acceptance of a plea of guilty or
 1192 nolo contendere, the director or officer shall be reinstated for
 1193 any remainder of his or her term of office.

1194 **Section 10. For the purpose of incorporating the amendment**
 1195 **made by this act to section 720.306, Florida Statutes, in a**
 1196 **reference thereto, subsection (6) of section 720.405, Florida**
 1197 **Statutes, is reenacted to read:**

1198 720.405 Organizing committee; parcel owner approval.—

1199 (6) A majority of the affected parcel owners must agree in
 1200 writing to the revived declaration of covenants and governing

1201 documents of the association or approve the revived declaration
1202 and governing documents by a vote at a meeting of the affected
1203 parcel owners noticed and conducted in the manner prescribed by
1204 s. 720.306. Proof of notice of the meeting to all affected
1205 owners of the meeting and the minutes of the meeting recording
1206 the votes of the property owners shall be certified by a court
1207 reporter or an attorney licensed to practice in the state.

1208 **Section 11.** Part IV of chapter 720, Florida Statutes,
1209 consisting of ss. 720.408 through 720.413, is created and
1210 entitled "Recreational Covenants."

1211 **Section 12. Section 720.408, Florida Statutes, is created**
1212 **to read:**

1213 720.408 Definitions.—As used in this part, the term:

1214 (1) "Amenity dues" means all amenity expenses and amenity
1215 fees, collectively, that are charged in accordance with a
1216 recreational covenant. Amenity dues are not homeowners'
1217 association assessments as defined in s. 720.301.

1218 (2) "Amenity expenses" means all costs, whether direct or
1219 indirect, of owning, operating, managing, maintaining, and
1220 insuring privately-owned recreational amenities that are made
1221 available to parcel owners pursuant to a recreational covenant.
1222 The term includes maintenance expenses; cleaning fees; trash
1223 collection expenses; utility charges; cable service charges;
1224 legal fees; management fees; reserve funding expenses; the cost
1225 of repairs, replacement, and refurbishments; payroll and payroll

1226 costs; insurance; working capital; ad valorem or other taxes,
1227 excluding income taxes; and costs, expenses, levies, and charges
1228 of any nature that may be levied or imposed against, or in
1229 connection with, the privately-owned recreational amenities made
1230 available to parcel owners pursuant to a recreational covenant.
1231 Amenity expenses are not homeowners' association assessments as
1232 defined in s. 720.301.

1233 (3) "Amenity fees" means any amounts, other than amenity
1234 expenses, that are levied against a parcel owner for membership
1235 to or use of privately-owned recreational amenities in
1236 accordance with a recreational covenant. Amenity fees may be
1237 comprised, in part, of profit or other components to be paid to
1238 a private amenities owner as set forth in a recreational
1239 covenant, which are not otherwise categorized as amenity
1240 expenses in this part. Amenity fees are not homeowners'
1241 association assessments as defined in s. 720.301.

1242 (4) "Private amenities owner" means the record title owner
1243 of privately-owned recreational amenities who is responsible for
1244 the operation and maintenance of the privately-owned
1245 recreational amenities and who may levy amenity dues pursuant to
1246 a recreational covenant. For purposes of this part, the term
1247 does not include corporations not for profit pursuant to chapter
1248 617 or local governmental entities, including special districts.

1249 (5) "Privately-owned recreational amenities" means
1250 recreational facilities or amenities owned by a private

1251 amenities owner which are intended for recreational use or
1252 leisure activities by a parcel owner through mandatory
1253 membership or use rights established pursuant to a recreational
1254 covenant. The term does not include common areas as defined in
1255 s. 720.301, any property or facilities owned by a corporation
1256 not for profit pursuant to chapter 617, or a local governmental
1257 entity, including a special district.

1258 (6) "Recreational covenant" means a recorded covenant,
1259 separate and distinct from a declaration of covenants for a
1260 homeowners' association, that sets forth the nature and
1261 requirements for membership, use, or purchase of privately-owned
1262 recreational amenities by parcel owners in one or more
1263 community. A recreational covenant must:

1264 (a) Be recorded in the public records of the county in
1265 which the property encumbered thereby is located.

1266 (b) Contain information regarding the amenity dues that
1267 may be levied against a parcel owner or other persons to be
1268 members or permitted to use privately-owned recreational
1269 amenities. The recreational covenant must also contain the
1270 remedies that the private amenities owner or other third party
1271 may have in connection with nonpayment of amenity dues.

1272 (c) Require mandatory membership or mandatory payment of
1273 amenity dues by some or all of the parcel owners in a community.

1274 **Section 13. Section 720.409, Florida Statutes, is created**
1275 **to read:**

1276 720.409 Legislative findings; purpose; applicability.—

1277 (1) The Legislature finds that recreational covenants are
1278 widely used throughout this state as a mechanism to provide
1279 enhanced recreational amenities to communities, but these
1280 covenants are largely unregulated. The Legislature also finds
1281 that there is a need to develop certain protections for parcel
1282 owners while encouraging the economic benefit of the development
1283 and availability of privately-owned recreational amenities by
1284 providing the means for private amenities owners to operate such
1285 privately-owned recreational amenities pursuant to a
1286 recreational covenant. The Legislature declares that it is the
1287 public policy of this state that recreational covenants be
1288 governed by this part.

1289 (2) This part is intended to provide certain protections
1290 for parcel owners and give statutory recognition to the use of
1291 recreational covenants.

1292 (3) Parcels within a community may be subject to a
1293 recreational covenant. Recreational covenants and any privately-
1294 owned recreational amenities governed by such covenants may only
1295 be governed by this part and s. 720.3086(2).

1296 (4) This part does not apply to recorded covenants,
1297 agreements, or other documents that are not recreational
1298 covenants.

1299 (5) This part applies to recreational covenants existing
1300 on or after July 1, 2025.

1301 **Section 14. Section 720.412, Florida Statutes, is created**
1302 **to read:**

1303 720.412 Requirements for recreational covenants.—

1304 (1) A recreational covenant recorded on or after July 1,
1305 2025, that requires mandatory membership in a club or imposes
1306 mandatory amenity dues on a parcel owner in a community governed
1307 by this chapter must specify all of the following:

1308 (a) The property or parcels within the community subject
1309 to mandatory membership in a club or subject to mandatory
1310 amenity dues.

1311 (b) The party responsible for owning, maintaining, and
1312 operating the privately-owned recreational amenities governed by
1313 the recreational covenant.

1314 (c)1. The manner or process by which amenity dues are
1315 apportioned and collected from the encumbered parcels or parcel
1316 owners and the party responsible for collecting the amenity
1317 dues.

1318 2. Except as provided in subsection (5), this section does
1319 not preclude additional components to be included in the amenity
1320 dues as long as such components and the description of such
1321 components are stated in the recreational covenant.

1322 (d) The amount of the amenity fees or, alternatively, if
1323 no specific dollar amount is set forth in the recreational
1324 covenant, the manner in which such amenity fees are calculated
1325 and increased.

1326 (e) The amount by which amenity fees may be increased,
1327 which may be calculated as a percentage, a fixed dollar amount,
1328 or the consumer price index.

1329 (f) The rights and remedies that are available to enforce
1330 the payment of amenity dues.

1331 (g) Whether the collection rights to enforce the payment
1332 of amenity dues are subordinate to an association's right to
1333 collect assessments.

1334 (h) Whether the privately-owned recreational amenities are
1335 open to the public or may be used by other persons who are not
1336 members or parcel owners within a community.

1337 (i) The remedies available to a private amenities owner
1338 for the nonpayment of amenity dues.

1339 (2) A recreational covenant recorded before July 1, 2025:

1340 (a) That requires mandatory membership in a club or
1341 imposes mandatory amenity dues on a parcel owner in a community
1342 governed by this chapter remains valid and effective as to its
1343 terms as long as such covenant includes the information required
1344 in paragraphs (1) (a)-(d).

1345 (b) That does not include the information required in
1346 paragraphs (1) (a)-(d) must be amended to include such
1347 information before July 1, 2026, to remain valid and effective.

1348 (c) That does not specify the amount by which the amenity
1349 fees may be increased as required in paragraph (e) is considered
1350 to include a maximum annual increase of no more than the annual

1351 increase for the current year in the Consumer Price Index for
1352 All Urban Consumers, U.S. City Average, All Items.

1353 (3) With respect to a recreational covenant recorded on or
1354 after July 1, 2025, and notwithstanding any provision to the
1355 contrary in the recreational covenant, a recreational covenant
1356 that does not specify the amount by which amenity expenses may
1357 be increased is considered to include a maximum annual increase
1358 of no more than 25 percent of the amenity expenses from the
1359 preceding fiscal year. However, a private amenities owner may
1360 increase amenity expenses in excess of such amount if necessary
1361 due to a natural disaster; act of God; increases in insurance
1362 costs, utility rates, supply costs, or labor rates; or any other
1363 circumstances outside of the reasonable control of the private
1364 amenities owner.

1365 (4) Notwithstanding any provision to the contrary in the
1366 recreational covenant, a homeowners' association does not have
1367 any obligation, duty, or responsibility to collect amenity dues
1368 or to remit amenity dues to the private amenities owner. A
1369 private amenities owner, or his or her management company or
1370 agent, other than the association, is solely responsible for the
1371 collection of amenity dues.

1372 (5) Amenity expenses may not include any of the following:

1373 (a) The initial cost of construction of the privately-
1374 owned recreational amenities.

1375 (b) Any costs or fees associated with a loan acquired for

1376 the construction or purchase of the privately-owned recreational
1377 amenities.

1378 (c) The cost of a debt service of the private amenities
1379 owner.

1380 (6) The termination of a recreational covenant or the
1381 right of a private amenities owner to suspend the use of the
1382 privately-owned recreational amenities may not:

1383 (a) Prohibit a parcel owner or tenant of a parcel owner
1384 from having vehicular and pedestrian ingress to and egress from
1385 the property or parcels subject to the recreational covenant;

1386 (b) Prohibit a parcel owner or tenant of a parcel owner
1387 from receiving utilities provided to the property or parcels
1388 subject to the recreational covenant by virtue of utility
1389 facilities or utility easements located within the privately-
1390 owned recreational amenities; or

1391 (c) Prohibit a parcel owner or tenant of a parcel owner
1392 from having access to any mail delivery facilities serving the
1393 property or parcels subject to the recreational covenant which
1394 may be located within the privately-owned recreational
1395 amenities.

1396 (7) A recreational covenant is not a governing document of
1397 a homeowners' association, even if such recreational covenant is
1398 attached as an exhibit to a declaration of covenants for a
1399 homeowners' association. This subsection is remedial in nature
1400 and intended to clarify existing law.

1401 (8) It is the intent of the Legislature to respect the
 1402 intent of the parties to a real property transaction that
 1403 occurred before July 1, 2025, and the parties' reliance on the
 1404 covenants, conditions, restrictions, or other interests created
 1405 by those transactions. However, this section does not revive or
 1406 reinstate any right or interest that has been fully and finally
 1407 adjudicated as invalid before July 1, 2025.

1408 **Section 15. Section 720.413, Florida Statutes, is created**
 1409 **to read:**

1410 720.413 Disclosure of recreational covenants before the
 1411 sale of residential parcels.-

1412 (1) Beginning July 1, 2025, each contract or agreement for
 1413 the sale of a residential parcel that is governed by a
 1414 homeowners' association and subject to a recreational covenant
 1415 must contain the following disclosure summary in conspicuous
 1416 type and in substantially the following form:

1417
 1418 DISCLOSURE SUMMARY

1419
 1420 YOUR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT. AS A
 1421 PURCHASER OF PROPERTY SUBJECT TO A RECREATIONAL COVENANT, YOU
 1422 ARE OBLIGATED TO PAY AMENITY DUES TO A PRIVATE AMENITIES OWNER.

1423
 1424 AS THE PURCHASER OF SUCH PROPERTY, I ACKNOWLEDGE ALL OF THE
 1425 FOLLOWING:

1426

1427 1. THE PROPERTY ON WHICH THE PRIVATELY-OWNED RECREATIONAL

1428 AMENITIES ARE LOCATED, WHICH ARE GOVERNED BY THE RECREATIONAL

1429 COVENANT, IS NOT A COMMON AREA OF THE HOMEOWNERS' ASSOCIATION

1430 AND IS NOT OWNED OR CONTROLLED BY THE HOMEOWNERS' ASSOCIATION.

1431 THE RECREATIONAL COVENANT IS NOT A GOVERNING DOCUMENT OF THE

1432 ASSOCIATION.

1433

1434 2. THE AMOUNT OF ANY AMENITY DUES IS GOVERNED BY THE

1435 RECREATIONAL COVENANT. SUCH DOCUMENT CONTAINS IMPORTANT

1436 PROVISIONS AND RIGHTS AND IS A PUBLIC RECORD AND AVAILABLE UPON

1437 REQUEST.

1438

1439 3. THE PRIVATE AMENITIES OWNER DETERMINES THE BUDGET FOR THE

1440 OPERATION AND MAINTENANCE OF THE PRIVATELY-OWNED RECREATIONAL

1441 AMENITIES. HOWEVER, EACH PARCEL OWNER SUBJECT TO THE

1442 RECREATIONAL COVENANT IS STILL RESPONSIBLE FOR AMENITY DUES.

1443

1444 4. AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE. AMENITY DUES

1445 ARE IN ADDITION TO, AND SEPARATE AND DISTINCT FROM, THE

1446 ASSESSMENTS LEVIED BY THE ASSOCIATION.

1447

1448 5. THE FAILURE TO PAY AMENITY DUES OR OTHER CHARGES LEVIED BY A

1449 PRIVATE AMENITIES OWNER COULD RESULT IN A LIEN ON YOUR PARCEL.

1450

1451 6. THIRD PARTIES WHO ARE NOT MEMBERS OF THE ASSOCIATION MAY
1452 HAVE THE RIGHT TO ACCESS AND USE THE PRIVATELY-OWNED
1453 RECREATIONAL AMENITIES AS DETERMINED BY THE PRIVATE AMENITIES
1454 OWNER.

1455
1456 7. THE REQUIREMENT FOR MANDATORY MEMBERSHIP AND THE OBLIGATION
1457 TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT OR
1458 OTHER RECORDED INSTRUMENT.

1459
1460 8. THE PRIVATE AMENITIES OWNER MAY AMEND THE RECREATIONAL
1461 COVENANT WITHOUT THE APPROVAL OF THE ASSOCIATION OR PARCEL
1462 OWNERS, SUBJECT TO THE TERMS OF THE RECREATIONAL COVENANT AND
1463 SECTION 720.412, FLORIDA STATUTES.

1464
1465 9. THE STATEMENTS CONTAINED IN THIS DISCLOSURE ARE ONLY SUMMARY
1466 IN NATURE AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO
1467 THE RECREATIONAL COVENANT BEFORE PURCHASING A PARCEL. THE
1468 RECREATIONAL COVENANT IS A MATTER OF PUBLIC RECORD AND MAY BE
1469 OBTAINED FROM THE RECORD OFFICE IN THE COUNTY IN WHICH THE
1470 PARCEL YOU ARE PURCHASING IS LOCATED OR, IF NOT RECORDED, MAY BE
1471 OBTAINED FROM THE DEVELOPER UPON REQUEST.

1472
1473 (2) The disclosure summary required by this section must
1474 be provided to a prospective purchaser by the developer or the
1475 parcel owner selling the parcel. Any contract or agreement for

1476 sale must refer to and incorporate the disclosure summary and
1477 must include, in prominent language, a statement that the
1478 prospective purchaser should not execute the contract or
1479 agreement for sale until he or she has received and read the
1480 disclosure summary required by this section.

1481 (3) A contract or agreement for sale is voidable by a
1482 purchaser if the disclosure summary required by this section is
1483 not provided to the purchaser before the execution of the
1484 contract or agreement. In order to void the contract or
1485 agreement, the purchaser must deliver written notice cancelling
1486 the contract or agreement to the seller or the seller's agent or
1487 representative within 3 days after receipt of the disclosure
1488 summary or before closing, whichever occurs first. The
1489 purchaser's right to void a contract or an agreement terminates
1490 at closing. This right may not be waived by the purchaser.

1491 **Section 16.** This act shall take effect July 1, 2025.