

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

26 | specified timeframe after receipt of a recall
27 | agreement; providing that board members are recalled
28 | effective immediately upon the conclusion of a board
29 | meeting, provided the recall is facially valid;
30 | specifying the timeframe in which a recalled board
31 | member must return to the board specified property
32 | belonging to the association; providing that the board
33 | may reject a parcel owner's recall agreement under
34 | 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; amending ss.

226 336.125, 558.002, 617.0725, 718.116, and 720.3085,
227 F.S.; conforming cross-references; providing an
228 effective date.

229
230 Be It Enacted by the Legislature of the State of Florida:

231
232 **Section 1. Subsections (8) through (13) of section**
233 **720.301, Florida Statutes, are renumbered as subsections (9)**
234 **through (14), respectively, subsection (1) and present**
235 **subsections (8) and (10) of that section are amended, and a new**
236 **subsection (8) is added to that section, to read:**

237 720.301 Definitions.—As used in this chapter, the term:

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

245 (8) "Financial statements" means a comprehensive report
246 prepared in accordance with generally accepted accounting
247 principles which accurately reflects the financial condition and
248 operations of the homeowners' association for a specified
249 reporting period. At a minimum, this report must include a
250 balance sheet, an income and expense statement, a budget

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

254 (9) (a) ~~(8)~~ "Governing documents" means both of the
 255 following:

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

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

261 (b) Consistent with s. 720.302(3) (b), recreational
 262 covenants relating to privately-owned recreational amenities as
 263 set forth in part IV of this chapter may not be considered
 264 governing documents of an association, even if such recreational
 265 covenants are attached as exhibits to a declaration of covenants
 266 for a community. This paragraph is remedial in nature and
 267 intended to clarify existing law.

268 (11) ~~(10)~~ "Member" means a member of an association, and
 269 may include, but is not limited to, a parcel owner or an
 270 association representing parcel owners or a combination thereof,
 271 and includes any person or entity obligated by the governing
 272 documents to pay an assessment to the association ~~or amenity~~
 273 fee.

274 **Section 2. Subsections (1) and (2) and paragraph (b) of**
 275 **subsection (3) of section 720.302, Florida Statutes, are amended**

276 **to read:**

277 720.302 Purposes, scope, and application.—

278 (1) This chapter defines the property rights of
279 individually owned and shared real property in a manner that is
280 intended to protect and preserve the private property rights of
281 the individual owners and the public policy of preserving
282 environmental protections and public safety. This chapter
283 creates standards for the preservation of property, including,
284 but not limited to, the preservation of the taxable value of the
285 property. This chapter is intended to create transparency of
286 management of the property and the transferability of ownership
287 interests in the property ~~The purposes of this chapter are to~~
288 ~~give statutory recognition to corporations not for profit that~~
289 ~~operate residential communities in this state, to provide~~
290 ~~procedures for operating homeowners' associations, and to~~
291 ~~protect the rights of association members without unduly~~
292 ~~impairing the ability of such associations to perform their~~
293 ~~functions.~~

294 (2) (a) The Legislature recognizes that it is not in the
295 best interest of homeowners' associations or the individual
296 association members thereof to create or impose a bureau or
297 other agency of state government to regulate the affairs of
298 homeowners' associations. However, in accordance with s.
299 720.311, the Legislature finds that homeowners' associations and
300 their individual members will benefit from an expedited

301 alternative process for resolution of election and recall
302 disputes and presuit mediation of other disputes involving
303 covenant enforcement and authorizes the department to hear,
304 administer, and determine these disputes as more fully set forth
305 in this chapter. Further, the Legislature recognizes that
306 certain contract rights have been created for the benefit of
307 homeowners' associations and members thereof before the
308 effective date of this act and that ss. 720.301-720.407 are not
309 intended to impair such contract rights, including, but not
310 limited to, the rights of the developer to complete the
311 community as initially contemplated.

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

318 2. Upon receipt of a petition of 10 percent of the total
319 voting interests in the homeowners' association or eight
320 members, whichever is greater, the ombudsman shall appoint a
321 division employee, a person specializing in election monitoring,
322 or an attorney licensed to practice in this state as the
323 election monitor. All costs associated with the election
324 monitoring process must be borne by the association. The
325 division shall adopt rules establishing procedures for the

326 appointment of such monitors, including the scope and extent of
327 the monitors' role in the election process. This subparagraph
328 does not apply to any election conducted in accordance with the
329 bylaws of the association.

330 (3) This chapter does not apply to:

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

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

343 720.303 Association powers and duties; meetings of board;
344 official records; budgets; financial reporting; association
345 funds; recalls.—

346 (4) OFFICIAL RECORDS.—

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

- 351 a. The articles of incorporation of the association and
352 each amendment thereto.
- 353 b. The recorded bylaws of the association and each
354 amendment thereto.
- 355 c. The declaration of covenants and a copy of each
356 amendment thereto.
- 357 d. The current rules of the association.
- 358 e. A list of all current executory contracts or documents
359 to which the association is a party or under which the
360 association or the parcel owners have an obligation or
361 responsibility and, after bidding for the related materials,
362 equipment, or services has closed, a list of bids received by
363 the association within the past year.
- 364 f. The annual budget required by subsection (6) and any
365 proposed budget to be considered at the annual meeting.
- 366 g. The financial report required by subsection (7) and any
367 monthly income or expense statement to be considered at a
368 meeting.
- 369 h. The association's current insurance policies.
- 370 i. The certification of each director as required by s.
371 720.3033(1) (a).
- 372 j. All contracts or transactions between the association
373 and any director, officer, corporation, firm, or association
374 that is not an affiliated homeowners' association or any other
375 entity in which a director of an association is also a director

376 or an officer and has a financial interest.

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

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

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

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

400 3. Upon written request by a parcel owner, the association

401 must provide the parcel owner with a username and password and
402 access to the protected sections of the association's website or
403 application which contains the official documents of the
404 association.

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

418 (10) RECALL OF DIRECTORS.—

419 (a)1. Regardless of any provision to the contrary
420 contained in the governing documents, subject to ~~the provisions~~
421 ~~of~~ s. 720.307 regarding transition of association control, any
422 member of the board of directors may be recalled and removed
423 from office with or without cause by a majority of the total
424 voting interests. The voting rights of a parcel owner or member
425 may not be suspended when voting on the recall of a board

426 director, and any prior suspension of voting rights pursuant to
427 s. 720.305(4) shall have no effect on a recall vote.

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

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

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

448 2. If ~~3. When~~ it is determined by the department pursuant
449 to binding arbitration proceedings or the court in an action
450 filed in a court of competent jurisdiction that an initial

451 recall effort was defective, ~~written~~ recall agreements ~~or~~
452 ~~written ballots~~ used in the first recall effort and not found to
453 be defective may be reused in one subsequent recall effort.
454 However, in no event is a recall ~~written~~ agreement ~~or written~~
455 ~~ballet~~ valid for more than 120 days after it has been signed by
456 the member.

457 3.4. Any rescission or revocation of a member's ~~written~~
458 recall ~~ballet or~~ agreement must be in writing and, ~~in order to~~
459 ~~be effective, must be~~ delivered to the association before the
460 association is served with the ~~written~~ recall agreements ~~or~~
461 ~~ballots~~. This subparagraph must be liberally construed to ensure
462 a parcel owner is not disenfranchised by an association in a
463 recall and to prevent an association from failing to certify a
464 recall agreement on a technical omission playing no part in the
465 discharge of a parcel owner's voting rights.

466 4.5. The recall agreement ~~in writing or ballot~~ must shall
467 list at least as many possible replacement directors as there
468 are directors subject to the recall, when at least a majority of
469 the board is sought to be recalled; the person executing the
470 recall instrument may vote for as many replacement candidates as
471 there are directors subject to the recall.

472 (c)1. The board shall duly notice and hold a meeting of
473 the board within 5 business days after receipt of the recall
474 agreement. The board member or members are recalled effective
475 immediately upon the conclusion of the board meeting, provided

476 that the recall is facially valid. A recalled member must return
477 to the board all records and property of the association in his
478 or her possession within 10 business days after being recalled.

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

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

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

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

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

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

492 3. There is a rebuttable presumption that a parcel owner
493 executing the recall agreement is the designated voter for the
494 parcel. An association may not enforce a voting certificate
495 requirement if the association has not enforced such requirement
496 in all matters in the year immediately preceding service of the
497 recall agreement ~~If the declaration, articles of incorporation,~~
498 ~~or bylaws specifically provide, the members may also recall and~~
499 ~~remove a board director or directors by a vote taken at a~~
500 ~~meeting. If so provided in the governing documents, a special~~

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

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

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

526 ~~under the petition for arbitration or in a court action. If the~~
527 ~~arbitrator or court certifies the recall as to any director or~~
528 ~~directors of the board, the recall will be effective upon the~~
529 ~~final order of the court or the mailing of the final order of~~
530 ~~arbitration to the association. The director or directors so~~
531 ~~recalled shall deliver to the board any and all records of the~~
532 ~~association in their possession within 5 full business days~~
533 ~~after the effective date of the recall.~~

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

542 (e) ~~(g)~~ If the board fails to duly notice and hold the
543 required meeting or at the conclusion of the meeting the board
544 determines that the recall is facially invalid ~~fails to file the~~
545 ~~required petition or action~~, the parcel owner representative may
546 file a petition ~~or a court action~~ under s. 718.1255 or file an
547 action in a court of competent jurisdiction challenging the
548 board's failure to act or determination that the recall is
549 invalid. The petition or court action must be filed within 30 ~~60~~
550 days after the expiration of the applicable 5-full-business-day

551 period. The review of a petition or court action under this
552 paragraph is limited to the sufficiency of service on the board
553 and the facial validity of the recall ~~written~~ agreement ~~or~~
554 ~~ballots~~ filed. The association must be named as the respondent.

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

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

576 that the petitioner's claim is frivolous.

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

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

588 720.306 Meetings of members; voting and election
589 procedures; amendments.—

590 (1) QUORUM; AMENDMENTS.—

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

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

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

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

626 ~~ballots for that lot or parcel shall be disqualified. Any vote~~
627 ~~by ballot received after the closing of the balloting may not be~~
628 ~~considered.~~

629 (9) ELECTIONS AND BOARD VACANCIES.—

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

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

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

645 2. At least 60 days before a scheduled election, the
646 association must mail, deliver, or electronically transmit, by
647 separate association mailing or included in another association
648 mailing, delivery, or electronic transmission, including
649 regularly published newsletters, to each member entitled to vote
650 a first notice of the date of the election.

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

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

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

670 6. Elections must be decided by a plurality of ballots
671 cast. There are no quorum requirements; however, at least 20
672 percent of the eligible voters must cast a ballot in order to
673 have a valid election. A member may not authorize any other
674 person to cast his or her ballot, and any ballot improperly cast
675 is deemed invalid. A member who violates this subparagraph may

676 be fined by the association under s. 720.305.

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

679 8. The election must occur on the date of the annual
680 meeting.

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

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

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

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

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

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

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

747 (d) Unless otherwise provided in the bylaws, any vacancy
748 occurring on the board before the expiration of a term may be
749 filled by an affirmative vote of the majority of the remaining
750 directors, even if the remaining directors constitute less than

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

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

766 **Section 5. Section 720.3086, Florida Statutes, is amended**
767 **to read:**

768 720.3086 Financial report.—

769 (1) In a residential subdivision in which the owners of
770 lots or parcels must pay mandatory maintenance or use amenity
771 fees to the subdivision developer or to the owners of the common
772 areas, ~~recreational~~ facilities, and other properties serving the
773 lots or parcels, the developer or owner of such areas,
774 facilities, or properties shall make public, within 60 days
775 after ~~following~~ the end of each fiscal year, a complete

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

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

787 (b) Amounts paid to local governmental entities, including
788 special districts; or

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

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

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

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

813 (b) Amounts paid to local governmental entities, including
814 special districts.

815 **Section 6. Subsection (1) and paragraphs (a) and (c) of**
816 **subsection (2) of section 720.311, Florida Statutes, are**
817 **amended, and subsection (3) is added to that section, to read:**

818 720.311 Dispute resolution.—

819 (1)(a) The Legislature finds that alternative dispute
820 resolution has made progress in reducing court dockets and
821 trials and in offering a more efficient, cost-effective option
822 to litigation. The filing of any petition for arbitration or the
823 serving of a demand for presuit mediation as provided for in
824 this section shall toll the applicable statute of limitations.
825 Any recall dispute filed with the department under s.

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

844 (b) Any action filed pursuant to this section must be
845 tried without a jury. The parties are entitled to an immediate
846 hearing. However, the court may limit the time for taking
847 testimony, considering the circumstances of the matter and the
848 proximity of any succeeding election. Upon the division or the
849 court rendering a judgment or decree against an association and
850 in favor of a parcel owner, the division or the court shall

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

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

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

898
899 STATUTORY OFFER TO PARTICIPATE
900 IN PRESUIT MEDIATION

901
 902 The alleged aggrieved party,, hereby
 903 demands that, as the responding
 904 party, engage in mandatory presuit mediation in
 905 connection with the following disputes, which by
 906 statute are of a type that are subject to presuit
 907 mediation:

908
 909 (List specific nature of the dispute or disputes to be
 910 mediated and the authority supporting a finding of a
 911 violation as to each dispute.)

912
 913 Pursuant to section 720.311, Florida Statutes, this
 914 demand to resolve the dispute through presuit
 915 mediation is required before a lawsuit can be filed
 916 concerning the dispute. Pursuant to the statute, the
 917 parties are required to engage in presuit mediation
 918 with a neutral third-party mediator in order to
 919 attempt to resolve this dispute without court action,
 920 and the aggrieved party demands that you likewise
 921 agree to this process. If you fail to participate in
 922 the mediation process, suit may be brought against you
 923 without further warning.

924
 925 The process of mediation involves a supervised

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

937
938 If an agreement is reached, it shall be reduced to
939 writing and becomes a binding and enforceable
940 commitment of the parties. A resolution of one or more
941 disputes in this fashion avoids the need to litigate
942 these issues in court. The failure to reach an
943 agreement, or the failure of a party to participate in
944 the process, results in the mediator declaring an
945 impasse in the mediation, after which the aggrieved
946 party may proceed to court on all outstanding,
947 unsettled disputes. If you have failed or refused to
948 participate in the entire mediation process, you will
949 not be entitled to recover attorney ~~attorney's~~ fees,
950 even if you prevail.

951
952 The aggrieved party has selected and hereby lists five
953 certified mediators who we believe to be neutral and
954 qualified to mediate the dispute. You have the right
955 to select any one of these mediators. The fact that
956 one party may be familiar with one or more of the
957 listed mediators does not mean that the mediator
958 cannot act as a neutral and impartial facilitator. Any
959 mediator who cannot act in this capacity is required
960 ethically to decline to accept engagement. The
961 mediators that we suggest, and their current hourly
962 rates, are as follows:

963
964 (List the names, addresses, telephone numbers, and
965 hourly rates of the mediators. Other pertinent
966 information about the background of the mediators may
967 be included as an attachment.)

968
969 You may contact the offices of these mediators to
970 confirm that the listed mediators will be neutral and
971 will not show any favoritism toward either party. The
972 Florida Supreme Court can provide you a list of
973 certified mediators.

974
975 Unless otherwise agreed by the parties, section

976 720.311(2)(b), Florida Statutes, requires that the
977 parties share the costs of presuit mediation equally,
978 including the fee charged by the mediator. An average
979 mediation may require three to four hours of the
980 mediator's time, including some preparation time, and
981 the parties would need to share equally the mediator's
982 fees as well as their own attorney ~~attorney's~~ fees if
983 they choose to employ an attorney in connection with
984 the mediation. However, use of an attorney is not
985 required and is at the option of each party. The
986 mediators may require the advance payment of some or
987 all of the anticipated fees. The aggrieved party
988 hereby agrees to pay or prepay one-half of the
989 mediator's estimated fees and to forward this amount
990 or such other reasonable advance deposits as the
991 mediator requires for this purpose. Any funds
992 deposited will be returned to you if these are in
993 excess of your share of the fees incurred.

994
995 To begin your participation in presuit mediation to
996 try to resolve the dispute and avoid further legal
997 action, please sign below and clearly indicate which
998 mediator is acceptable to you. We will then ask the
999 mediator to schedule a mutually convenient time and
1000 place for the mediation conference to be held. The

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

1012
 1013 Therefore, please give this matter your immediate
 1014 attention. By law, your response must be mailed by
 1015 certified mail, return receipt requested, and by
 1016 first-class mail to the address shown on this demand.

1017
 1018
 1019

1020
 1021 RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR
 1022 AGREEMENT TO THAT CHOICE.

1023
 1024 AGREEMENT TO MEDIATE

1025

1026 | The undersigned hereby agrees to participate in
 1027 | presuit mediation and agrees to attend a mediation
 1028 | conducted by the following mediator or mediators who
 1029 | are listed above as someone who would be acceptable to
 1030 | mediate this dispute:

1031 |
 1032 | (List acceptable mediator or mediators.)
 1033 |

1034 | I/we further agree to pay or prepay one-half of the
 1035 | mediator's fees and to forward such advance deposits
 1036 | as the mediator may require for this purpose.

1037 |
 1038 |
 1039 | Signature of responding party #1

1040 |
 1041 |
 1042 | Telephone contact information

1043 |
 1044 |
 1045 | Signature and telephone contact information of
 1046 | responding party #2 (if applicable) (if property is
 1047 | owned by more than one person, all owners must sign)

1048 |
 1049 | (c) If presuit mediation as described in paragraph (a) is
 1050 | not successful in resolving all issues between the parties, the

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

1070 (3) Upon the mediator or the court rendering a judgment or
1071 decree against an association and in favor of a parcel owner,
1072 the mediator or the court shall award to the parcel owner
1073 reasonable attorney fees and costs incurred in the action.
1074 Attorney fees or costs relating to an action for the recall of a
1075 director may only be awarded as provided in this subsection or

1076 | as awarded as a sanction pursuant to s. 57.105.

1077 | **Section 7. Subsection (1) of section 720.401, Florida**
 1078 | **Statutes, is amended to read:**

1079 | 720.401 Prospective purchasers subject to association
 1080 | membership requirement; disclosure required; covenants;
 1081 | assessments; contract cancellation.—

1082 | (1)(a) A prospective purchaser ~~parcel owner~~ in a community
 1083 | must be presented a disclosure summary before executing the
 1084 | contract for sale. The disclosure summary must be in a form
 1085 | substantially similar to the following form:

1086 | DISCLOSURE SUMMARY
 1087 | FOR
 1088 | (NAME OF COMMUNITY)

1089 | 1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL
 1090 | BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS' ASSOCIATION.

1091 | 2. THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE
 1092 | COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN THIS
 1093 | COMMUNITY.

1094 | 3. YOU WILL BE OBLIGATED TO PAY ASSESSMENTS TO THE
 1095 | ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO PERIODIC CHANGE. IF
 1096 | APPLICABLE, THE CURRENT AMOUNT IS \$.... PER

1097 | YOU WILL ALSO
 1098 | BE OBLIGATED TO PAY ANY SPECIAL ASSESSMENTS IMPOSED BY THE
 1098 | ASSOCIATION. SUCH SPECIAL ASSESSMENTS MAY BE SUBJECT TO CHANGE.
 1099 | IF APPLICABLE, THE CURRENT AMOUNT IS \$.... PER

1100 | 4. YOU MAY BE OBLIGATED TO PAY SPECIAL ASSESSMENTS TO THE

1101 RESPECTIVE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. ALL
 1102 ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

1103 5. YOUR FAILURE TO PAY SPECIAL ASSESSMENTS OR ASSESSMENTS
 1104 LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION COULD RESULT IN A
 1105 LIEN ON YOUR PROPERTY.

1106 6. THERE MAY BE AN OBLIGATION TO PAY RENT OR LAND USE FEES
 1107 FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES AS AN
 1108 OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS' ASSOCIATION. IF
 1109 APPLICABLE, THE CURRENT AMOUNT IS \$.... PER

1110 7. THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE
 1111 RESTRICTIVE COVENANTS WITHOUT THE APPROVAL OF THE ASSOCIATION
 1112 MEMBERSHIP OR THE APPROVAL OF THE PARCEL OWNERS.

1113 8. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE
 1114 ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU
 1115 SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING
 1116 DOCUMENTS BEFORE PURCHASING PROPERTY.

1117 9. YOU ACKNOWLEDGE THAT YOU ARE ENTITLED TO RECEIVE A
 1118 CURRENT COPY OF THE ASSOCIATION'S BYLAWS, ARTICLES OF
 1119 INCORPORATION, DECLARATION OF RESTRICTIONS, RULES AND
 1120 REGULATIONS, NOTICES PERTAINING TO SPECIAL ASSESSMENTS, THE MOST
 1121 RECENT FINANCIAL STATEMENTS, AND THE AGENDAS AND MINUTES FROM
 1122 ALL ASSOCIATION BOARD MEETINGS THAT TOOK PLACE IN THE 12 MONTHS
 1123 IMMEDIATELY PRECEDING THE EXECUTION OF THE CONTRACT FOR SALE
 1124 ~~THESE DOCUMENTS ARE EITHER MATTERS OF PUBLIC RECORD AND CAN BE~~
 1125 ~~OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY~~

1126 ~~IS LOCATED, OR ARE NOT RECORDED AND CAN BE OBTAINED FROM THE~~
 1127 ~~DEVELOPER.~~

1128 DATE: PURCHASER:
 1129 PURCHASER:

1130 The disclosure summary must be supplied by the developer, or by
 1131 the parcel owner if the sale is by an owner that is not the
 1132 developer. Any contract or agreement for sale must ~~shall~~ refer
 1133 to and incorporate the disclosure summary and ~~shall~~ include, in
 1134 prominent language, a statement that the prospective purchaser
 1135 ~~potential buyer~~ should not execute the contract or agreement
 1136 until he or she has ~~they have~~ received and read the disclosure
 1137 summary required by this section.

1138 (b) Each contract entered into for the sale of property
 1139 governed by covenants subject to disclosure required by this
 1140 section must contain in conspicuous type a clause that states:
 1141 IF THE DISCLOSURE SUMMARY; A CURRENT COPY OF THE ASSOCIATION'S
 1142 BYLAWS, ARTICLES OF INCORPORATION, DECLARATION OF RESTRICTIONS,
 1143 RULES AND REGULATIONS, NOTICES PERTAINING TO SPECIAL
 1144 ASSESSMENTS, AND MOST RECENT FINANCIAL STATEMENTS; AND THE
 1145 AGENDAS AND MINUTES FROM ALL ASSOCIATION BOARD MEETINGS THAT
 1146 TOOK PLACE IN THE 12 MONTHS IMMEDIATELY PRECEDING THE EXECUTION
 1147 OF THIS CONTRACT, AS REQUIRED BY SECTION 720.401, FLORIDA
 1148 STATUTES, HAVE ~~HAS~~ NOT BEEN PROVIDED TO THE PROSPECTIVE
 1149 PURCHASER BEFORE EXECUTING THIS CONTRACT FOR SALE, THIS CONTRACT
 1150 IS VOIDABLE BY THE PROSPECTIVE PURCHASER ~~BUYER~~ BY DELIVERING TO

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

1159 (c) If the disclosure summary; a current copy of the
 1160 association's bylaws, articles of incorporation, declaration of
 1161 restrictions, rules and regulations, notices pertaining to
 1162 special assessments, and most recent financial statements; and
 1163 the agendas and minutes from all association board meetings that
 1164 took place in the 12 months immediately preceding the execution
 1165 of a contract are ~~is~~ not provided to a prospective purchaser
 1166 before such ~~the~~ purchaser executes a contract for the sale of
 1167 property governed by covenants that are subject to disclosure
 1168 pursuant to this section, the prospective purchaser may void the
 1169 contract by delivering to the seller or the seller's agent or
 1170 representative written notice canceling the contract within 3
 1171 days, excluding Saturdays, Sundays, and legal holidays, after
 1172 receipt of such documents or before ~~the disclosure summary or~~
 1173 ~~prior to~~ closing, whichever occurs first. This right may not be
 1174 waived by the prospective purchaser but terminates at closing.

1175 **Section 8. For the purpose of incorporating the amendments**

1176 **made by this act to section 720.306, Florida Statutes, in a**
 1177 **reference thereto, paragraph (b) of subsection (4) of section**
 1178 **720.3033, Florida Statutes, is reenacted to read:**

1179 720.3033 Officers and directors.—

1180 (4)

1181 (b) The board shall fill the vacancy as provided in s.
 1182 720.306(9) until the end of the period of the suspension or the
 1183 end of the director's term of office, whichever occurs first. If
 1184 such criminal charge is pending against the officer or director,
 1185 he or she may not be appointed or elected to a position as an
 1186 officer or a director of any association and may not have access
 1187 to the official records of any association, except pursuant to a
 1188 court order. However, if the charges are resolved without a
 1189 finding of guilt or without acceptance of a plea of guilty or
 1190 nolo contendere, the director or officer shall be reinstated for
 1191 any remainder of his or her term of office.

1192 **Section 9. For the purpose of incorporating the amendment**
 1193 **made by this act to section 720.306, Florida Statutes, in a**
 1194 **reference thereto, subsection (6) of section 720.405, Florida**
 1195 **Statutes, is reenacted to read:**

1196 720.405 Organizing committee; parcel owner approval.—

1197 (6) A majority of the affected parcel owners must agree in
 1198 writing to the revived declaration of covenants and governing
 1199 documents of the association or approve the revived declaration
 1200 and governing documents by a vote at a meeting of the affected

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

1206 **Section 10.** Part IV of chapter 720, Florida Statutes,
 1207 consisting of ss. 720.408 through 720.413, is created and
 1208 entitled "Recreational Covenants."

1209 **Section 11. Section 720.408, Florida Statutes, is created**
 1210 **to read:**

1211 720.408 Definitions.—As used in this part, the term:

1212 (1) "Amenity dues" means all amenity expenses and amenity
 1213 fees, collectively, that are charged in accordance with a
 1214 recreational covenant. Amenity dues are not homeowners'
 1215 association assessments as defined in s. 720.301.

1216 (2) "Amenity expenses" means all costs, whether direct or
 1217 indirect, of owning, operating, managing, maintaining, and
 1218 insuring privately-owned recreational amenities that are made
 1219 available to parcel owners pursuant to a recreational covenant.
 1220 The term includes maintenance expenses; cleaning fees; trash
 1221 collection expenses; utility charges; cable service charges;
 1222 legal fees; management fees; reserve funding expenses; the cost
 1223 of repairs, replacement, and refurbishments; payroll and payroll
 1224 costs; insurance; working capital; ad valorem or other taxes,
 1225 excluding income taxes; and costs, expenses, levies, and charges

1226 of any nature that may be levied or imposed against, or in
1227 connection with, the privately-owned recreational amenities made
1228 available to parcel owners pursuant to a recreational covenant.
1229 Amenity expenses are not homeowners' association assessments as
1230 defined in s. 720.301.

1231 (3) "Amenity fees" means any amounts, other than amenity
1232 expenses, that are levied against a parcel owner for membership
1233 to or use of privately-owned recreational amenities in
1234 accordance with a recreational covenant. Amenity fees may be
1235 comprised, in part, of profit or other components to be paid to
1236 a private amenities owner as set forth in a recreational
1237 covenant, which are not otherwise categorized as amenity
1238 expenses in this part. Amenity fees are not homeowners'
1239 association assessments as defined in s. 720.301.

1240 (4) "Private amenities owner" means the record title owner
1241 of privately-owned recreational amenities who is responsible for
1242 the operation and maintenance of the privately-owned
1243 recreational amenities and who may levy amenity dues pursuant to
1244 a recreational covenant. For purposes of this part, the term
1245 does not include corporations not for profit pursuant to chapter
1246 617 or local governmental entities, including special districts.

1247 (5) "Privately-owned recreational amenities" means
1248 recreational facilities or amenities owned by a private
1249 amenities owner which are intended for recreational use or
1250 leisure activities by a parcel owner through mandatory

1251 membership or use rights established pursuant to a recreational
1252 covenant. The term does not include common areas as defined in
1253 s. 720.301, any property or facilities owned by a corporation
1254 not for profit pursuant to chapter 617, or a local governmental
1255 entity, including a special district.

1256 (6) "Recreational covenant" means a recorded covenant,
1257 separate and distinct from a declaration of covenants for a
1258 homeowners' association, that sets forth the nature and
1259 requirements for membership, use, or purchase of privately-owned
1260 recreational amenities by parcel owners in one or more
1261 community. A recreational covenant must:

1262 (a) Be recorded in the public records of the county in
1263 which the property encumbered thereby is located.

1264 (b) Contain information regarding the amenity dues that
1265 may be levied against a parcel owner or other persons to be
1266 members or permitted to use privately-owned recreational
1267 amenities. The recreational covenant must also contain the
1268 remedies that the private amenities owner or other third party
1269 may have in connection with nonpayment of amenity dues.

1270 (c) Require mandatory membership or mandatory payment of
1271 amenity dues by some or all of the parcel owners in a community.

1272 **Section 12. Section 720.409, Florida Statutes, is created**
1273 **to read:**

1274 720.409 Legislative findings; purpose; applicability.—

1275 (1) The Legislature finds that recreational covenants are

1276 widely used throughout this state as a mechanism to provide
1277 enhanced recreational amenities to communities, but these
1278 covenants are largely unregulated. The Legislature also finds
1279 that there is a need to develop certain protections for parcel
1280 owners while encouraging the economic benefit of the development
1281 and availability of privately-owned recreational amenities by
1282 providing the means for private amenities owners to operate such
1283 privately-owned recreational amenities pursuant to a
1284 recreational covenant. The Legislature declares that it is the
1285 public policy of this state that recreational covenants be
1286 governed by this part.

1287 (2) This part is intended to provide certain protections
1288 for parcel owners and give statutory recognition to the use of
1289 recreational covenants.

1290 (3) Parcels within a community may be subject to a
1291 recreational covenant. Recreational covenants and any privately-
1292 owned recreational amenities governed by such covenants may only
1293 be governed by this part and s. 720.3086(2).

1294 (4) This part does not apply to recorded covenants,
1295 agreements, or other documents that are not recreational
1296 covenants.

1297 (5) This part applies to recreational covenants existing
1298 on or after July 1, 2025.

1299 **Section 13. Section 720.412, Florida Statutes, is created**
1300 **to read:**

1301 720.412 Requirements for recreational covenants.—

1302 (1) A recreational covenant recorded on or after July 1,
1303 2025, that requires mandatory membership in a club or imposes
1304 mandatory amenity dues on a parcel owner in a community governed
1305 by this chapter must specify all of the following:

1306 (a) The property or parcels within the community subject
1307 to mandatory membership in a club or subject to mandatory
1308 amenity dues.

1309 (b) The party responsible for owning, maintaining, and
1310 operating the privately-owned recreational amenities governed by
1311 the recreational covenant.

1312 (c)1. The manner or process by which amenity dues are
1313 apportioned and collected from the encumbered parcels or parcel
1314 owners and the party responsible for collecting the amenity
1315 dues.

1316 2. Except as provided in subsection (5), this section does
1317 not preclude additional components to be included in the amenity
1318 dues as long as such components and the description of such
1319 components are stated in the recreational covenant.

1320 (d) The amount of the amenity fees or, alternatively, if
1321 no specific dollar amount is set forth in the recreational
1322 covenant, the manner in which such amenity fees are calculated
1323 and increased.

1324 (e) The amount by which amenity fees may be increased,
1325 which may be calculated as a percentage, a fixed dollar amount,

1326 or the consumer price index.

1327 (f) The rights and remedies that are available to enforce
1328 the payment of amenity dues.

1329 (g) Whether the collection rights to enforce the payment
1330 of amenity dues are subordinate to an association's right to
1331 collect assessments.

1332 (h) Whether the privately-owned recreational amenities are
1333 open to the public or may be used by other persons who are not
1334 members or parcel owners within a community.

1335 (i) The remedies available to a private amenities owner
1336 for the nonpayment of amenity dues.

1337 (2) A recreational covenant recorded before July 1, 2025:

1338 (a) That requires mandatory membership in a club or
1339 imposes mandatory amenity dues on a parcel owner in a community
1340 governed by this chapter remains valid and effective as to its
1341 terms as long as such covenant includes the information required
1342 in paragraphs (1) (a)-(d).

1343 (b) That does not include the information required in
1344 paragraphs (1) (a)-(d) must be amended to include such
1345 information before July 1, 2026, to remain valid and effective.

1346 (c) That does not specify the amount by which the amenity
1347 fees may be increased as required in paragraph (e) is considered
1348 to include a maximum annual increase of no more than the annual
1349 increase for the current year in the Consumer Price Index for
1350 All Urban Consumers, U.S. City Average, All Items.

1351 (3) With respect to a recreational covenant recorded on or
1352 after July 1, 2025, and notwithstanding any provision to the
1353 contrary in the recreational covenant, a recreational covenant
1354 that does not specify the amount by which amenity expenses may
1355 be increased is considered to include a maximum annual increase
1356 of no more than 25 percent of the amenity expenses from the
1357 preceding fiscal year. However, a private amenities owner may
1358 increase amenity expenses in excess of such amount if necessary
1359 due to a natural disaster; act of God; increases in insurance
1360 costs, utility rates, supply costs, or labor rates; or any other
1361 circumstances outside of the reasonable control of the private
1362 amenities owner.

1363 (4) Notwithstanding any provision to the contrary in the
1364 recreational covenant, a homeowners' association does not have
1365 any obligation, duty, or responsibility to collect amenity dues
1366 or to remit amenity dues to the private amenities owner. A
1367 private amenities owner, or his or her management company or
1368 agent, other than the association, is solely responsible for the
1369 collection of amenity dues.

1370 (5) Amenity expenses may not include any of the following:

1371 (a) The initial cost of construction of the privately-
1372 owned recreational amenities.

1373 (b) Any costs or fees associated with a loan acquired for
1374 the construction or purchase of the privately-owned recreational
1375 amenities.

1376 (c) The cost of a debt service of the private amenities
1377 owner.

1378 (6) The termination of a recreational covenant or the
1379 right of a private amenities owner to suspend the use of the
1380 privately-owned recreational amenities may not:

1381 (a) Prohibit a parcel owner or tenant of a parcel owner
1382 from having vehicular and pedestrian ingress to and egress from
1383 the property or parcels subject to the recreational covenant;

1384 (b) Prohibit a parcel owner or tenant of a parcel owner
1385 from receiving utilities provided to the property or parcels
1386 subject to the recreational covenant by virtue of utility
1387 facilities or utility easements located within the privately-
1388 owned recreational amenities; or

1389 (c) Prohibit a parcel owner or tenant of a parcel owner
1390 from having access to any mail delivery facilities serving the
1391 property or parcels subject to the recreational covenant which
1392 may be located within the privately-owned recreational
1393 amenities.

1394 (7) A recreational covenant is not a governing document of
1395 a homeowners' association, even if such recreational covenant is
1396 attached as an exhibit to a declaration of covenants for a
1397 homeowners' association. This subsection is remedial in nature
1398 and intended to clarify existing law.

1399 (8) It is the intent of the Legislature to respect the
1400 intent of the parties to a real property transaction that

1401 occurred before July 1, 2025, and the parties' reliance on the
 1402 covenants, conditions, restrictions, or other interests created
 1403 by those transactions. However, this section does not revive or
 1404 reinstate any right or interest that has been fully and finally
 1405 adjudicated as invalid before July 1, 2025.

1406 **Section 14. Section 720.413, Florida Statutes, is created**
 1407 **to read:**

1408 720.413 Disclosure of recreational covenants before the
 1409 sale of residential parcels.—

1410 (1) Beginning July 1, 2025, each contract or agreement for
 1411 the sale of a residential parcel that is governed by a
 1412 homeowners' association and subject to a recreational covenant
 1413 must contain the following disclosure summary in conspicuous
 1414 type and in substantially the following form:

1415
 1416 DISCLOSURE SUMMARY

1417
 1418 YOUR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT. AS A
 1419 PURCHASER OF PROPERTY SUBJECT TO A RECREATIONAL COVENANT, YOU
 1420 ARE OBLIGATED TO PAY AMENITY DUES TO A PRIVATE AMENITIES OWNER.

1421
 1422 AS THE PURCHASER OF SUCH PROPERTY, I ACKNOWLEDGE ALL OF THE
 1423 FOLLOWING:

1424
 1425 1. THE PROPERTY ON WHICH THE PRIVATELY-OWNED RECREATIONAL

1426 AMENITIES ARE LOCATED, WHICH ARE GOVERNED BY THE RECREATIONAL
1427 COVENANT, IS NOT A COMMON AREA OF THE HOMEOWNERS' ASSOCIATION
1428 AND IS NOT OWNED OR CONTROLLED BY THE HOMEOWNERS' ASSOCIATION.
1429 THE RECREATIONAL COVENANT IS NOT A GOVERNING DOCUMENT OF THE
1430 ASSOCIATION.

1431
1432 2. THE AMOUNT OF ANY AMENITY DUES IS GOVERNED BY THE
1433 RECREATIONAL COVENANT. SUCH DOCUMENT CONTAINS IMPORTANT
1434 PROVISIONS AND RIGHTS AND IS A PUBLIC RECORD AND AVAILABLE UPON
1435 REQUEST.

1436
1437 3. THE PRIVATE AMENITIES OWNER DETERMINES THE BUDGET FOR THE
1438 OPERATION AND MAINTENANCE OF THE PRIVATELY-OWNED RECREATIONAL
1439 AMENITIES. HOWEVER, EACH PARCEL OWNER SUBJECT TO THE
1440 RECREATIONAL COVENANT IS STILL RESPONSIBLE FOR AMENITY DUES.

1441
1442 4. AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE. AMENITY DUES
1443 ARE IN ADDITION TO, AND SEPARATE AND DISTINCT FROM, THE
1444 ASSESSMENTS LEVIED BY THE ASSOCIATION.

1445
1446 5. THE FAILURE TO PAY AMENITY DUES OR OTHER CHARGES LEVIED BY A
1447 PRIVATE AMENITIES OWNER COULD RESULT IN A LIEN ON YOUR PARCEL.

1448
1449 6. THIRD PARTIES WHO ARE NOT MEMBERS OF THE ASSOCIATION MAY
1450 HAVE THE RIGHT TO ACCESS AND USE THE PRIVATELY-OWNED

1451 RECREATIONAL AMENITIES AS DETERMINED BY THE PRIVATE AMENITIES
 1452 OWNER.

1453
 1454 7. THE REQUIREMENT FOR MANDATORY MEMBERSHIP AND THE OBLIGATION
 1455 TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT OR
 1456 OTHER RECORDED INSTRUMENT.

1457
 1458 8. THE PRIVATE AMENITIES OWNER MAY AMEND THE RECREATIONAL
 1459 COVENANT WITHOUT THE APPROVAL OF THE ASSOCIATION OR PARCEL
 1460 OWNERS, SUBJECT TO THE TERMS OF THE RECREATIONAL COVENANT AND
 1461 SECTION 720.412, FLORIDA STATUTES.

1462
 1463 9. THE STATEMENTS CONTAINED IN THIS DISCLOSURE ARE ONLY SUMMARY
 1464 IN NATURE AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO
 1465 THE RECREATIONAL COVENANT BEFORE PURCHASING A PARCEL. THE
 1466 RECREATIONAL COVENANT IS A MATTER OF PUBLIC RECORD AND MAY BE
 1467 OBTAINED FROM THE RECORD OFFICE IN THE COUNTY IN WHICH THE
 1468 PARCEL YOU ARE PURCHASING IS LOCATED OR, IF NOT RECORDED, MAY BE
 1469 OBTAINED FROM THE DEVELOPER UPON REQUEST.

1470
 1471 (2) The disclosure summary required by this section must
 1472 be provided to a prospective purchaser by the developer or the
 1473 parcel owner selling the parcel. Any contract or agreement for
 1474 sale must refer to and incorporate the disclosure summary and
 1475 must include, in prominent language, a statement that the

1476 prospective purchaser should not execute the contract or
1477 agreement for sale until he or she has received and read the
1478 disclosure summary required by this section.

1479 (3) A contract or agreement for sale is voidable by a
1480 purchaser if the disclosure summary required by this section is
1481 not provided to the purchaser before the execution of the
1482 contract or agreement. In order to void the contract or
1483 agreement, the purchaser must deliver written notice cancelling
1484 the contract or agreement to the seller or the seller's agent or
1485 representative within 3 days after receipt of the disclosure
1486 summary or before closing, whichever occurs first. The
1487 purchaser's right to void a contract or an agreement terminates
1488 at closing. This right may not be waived by the purchaser.

1489 **Section 15. Paragraph (a) of subsection (1) of section**
1490 **336.125, Florida Statutes, is amended to read:**

1491 336.125 Closing and abandonment of roads; optional
1492 conveyance to homeowners' association; traffic control
1493 jurisdiction.—

1494 (1) (a) In addition to the authority provided in s. 336.12,
1495 the governing body of the county may abandon the roads and
1496 rights-of-way dedicated in a recorded residential subdivision
1497 plat and simultaneously convey the county's interest in such
1498 roads, rights-of-way, and appurtenant drainage facilities to a
1499 homeowners' association for the subdivision, if the following
1500 conditions have been met:

1501 1. The homeowners' association has requested the
 1502 abandonment and conveyance in writing for the purpose of
 1503 converting the subdivision to a gated neighborhood with
 1504 restricted public access.

1505 2. No fewer than four-fifths of the owners of record of
 1506 property located in the subdivision have consented in writing to
 1507 the abandonment and simultaneous conveyance to the homeowners'
 1508 association.

1509 3. The homeowners' association is both a corporation not
 1510 for profit organized and in good standing under chapter 617, and
 1511 a "homeowners' association" as defined in s. 720.301 ~~s.~~
 1512 ~~720.301(9)~~ with the power to levy and collect assessments for
 1513 routine and periodic major maintenance and operation of street
 1514 lighting, drainage, sidewalks, and pavement in the subdivision.

1515 4. The homeowners' association has entered into and
 1516 executed such agreements, covenants, warranties, and other
 1517 instruments; has provided, or has provided assurance of, such
 1518 funds, reserve funds, and funding sources; and has satisfied
 1519 such other requirements and conditions as may be established or
 1520 imposed by the county with respect to the ongoing operation,
 1521 maintenance, and repair and the periodic reconstruction or
 1522 replacement of the roads, drainage, street lighting, and
 1523 sidewalks in the subdivision after the abandonment by the
 1524 county.

1525 **Section 16. Subsection (2) of section 558.002, Florida**

1526 **Statutes, is amended to read:**

1527 558.002 Definitions.—As used in this chapter, the term:

1528 (2) "Association" has the same meaning as in s. 718.103,
 1529 s. 719.103(2), s. 720.301 ~~s. 720.301(9)~~, or s. 723.075.

1530 **Section 17. Section 617.0725, Florida Statutes, is amended**
 1531 **to read:**

1532 617.0725 Quorum.—An amendment to the articles of
 1533 incorporation or the bylaws which adds, changes, or deletes a
 1534 greater or lesser quorum or voting requirement must meet the
 1535 same quorum or voting requirement and be adopted by the same
 1536 vote and voting groups required to take action under the quorum
 1537 and voting requirements then in effect or proposed to be
 1538 adopted, whichever is greater. This section does not apply to
 1539 any corporation that is an association, as defined in s. 720.301
 1540 ~~s. 720.301(9)~~, or any corporation regulated under chapter 718 or
 1541 chapter 719.

1542 **Section 18. Paragraph (b) of subsection (1) of section**
 1543 **718.116, Florida Statutes, is amended to read:**

1544 718.116 Assessments; liability; lien and priority;
 1545 interest; collection.—

1546 (1)

1547 (b)1. The liability of a first mortgagee or its successor
 1548 or assignees who acquire title to a unit by foreclosure or by
 1549 deed in lieu of foreclosure for the unpaid assessments that
 1550 became due before the mortgagee's acquisition of title is

1551 | limited to the lesser of:

1552 | a. The unit's unpaid common expenses and regular periodic
1553 | assessments which accrued or came due during the 12 months
1554 | immediately preceding the acquisition of title and for which
1555 | payment in full has not been received by the association; or

1556 | b. One percent of the original mortgage debt. The
1557 | provisions of this paragraph apply only if the first mortgagee
1558 | joined the association as a defendant in the foreclosure action.
1559 | Joinder of the association is not required if, on the date the
1560 | complaint is filed, the association was dissolved or did not
1561 | maintain an office or agent for service of process at a location
1562 | which was known to or reasonably discoverable by the mortgagee.

1563 | 2. An association, or its successor or assignee, that
1564 | acquires title to a unit through the foreclosure of its lien for
1565 | assessments is not liable for any unpaid assessments, late fees,
1566 | interest, or reasonable attorney's fees and costs that came due
1567 | before the association's acquisition of title in favor of any
1568 | other association, as defined in s. 718.103 or s. 720.301 ~~s.~~
1569 | ~~720.301(9)~~, which holds a superior lien interest on the unit.
1570 | This subparagraph is intended to clarify existing law.

1571 | **Section 19. Paragraph (d) of subsection (2) of section**
1572 | **720.3085, Florida Statutes, is amended to read:**

1573 | 720.3085 Payment for assessments; lien claims.—

1574 | (2)

1575 | (d) An association, or its successor or assignee, that

1576 acquires title to a parcel through the foreclosure of its lien
1577 for assessments is not liable for any unpaid assessments, late
1578 fees, interest, or reasonable attorney's fees and costs that
1579 came due before the association's acquisition of title in favor
1580 of any other association, as defined in s. 718.103 or s. 720.301
1581 ~~s. 720.301(9)~~, which holds a superior lien interest on the
1582 parcel. This paragraph is intended to clarify existing law.

1583 **Section 20.** This act shall take effect July 1, 2025.