

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

attendance at a meeting be mailed or delivered to the association in a specified manner; removing the requirement that a valid ballot be cast once confirmed valid; removing the requirement that a ballot for a lot that has more than one ballot submitted be disqualified; removing the provision that any ballot received after the closing of the balloting may not be considered; removing the provision that a member may nominate himself or herself as a candidate for the board at a meeting where the election is held, provided certain conditions are met; requiring that board members be elected by written ballot or voting machine; prohibiting the use of proxies in electing the board in general elections or in elections to fill vacancies; requiring the association to mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or electronic transmission, to each member entitled to vote a first notice of the date of the election a specified timeframe before the election; requiring a member intending to be a candidate for the board to give written notice of his or her intent within a specified timeframe before the election; prohibiting the use of nominating committees by associations; authorizing associations to use search

committees for a specified purpose; providing that search committees do not have the authority to nominate candidates for the board; requiring the association to send a second notice of the election, with the written notice of the annual meeting and agenda, to all members entitled to vote, together with a ballot that lists all candidates; requiring that an information sheet be sent in the second notice at the request of a candidate; providing requirements for such information sheet; requiring that the candidate furnish the information sheet to the association within a specified timeframe; requiring the association to bear the costs of mailing, delivering, or electronically transmitting the information sheet; providing that the association is not liable for the content of the information sheet; authorizing the association to print the information sheet on both sides of the paper; requiring that elections be decided by a plurality of ballots cast; providing that there are no quorum requirements; providing an exception; prohibiting a member from authorizing any other person to cast his or her ballot; providing that any improperly cast ballots are invalid; providing penalties; authorizing a member who requires assistance to cast a ballot to seek such assistance;

126 requiring the election to occur on the date of the
127 annual meeting; providing that an election is not
128 required unless more candidates file notices of intent
129 to run or are nominated than there are vacancies on
130 the board; providing that such candidates become board
131 members upon the adjournment of the annual meeting
132 under certain circumstances; providing applicability;
133 requiring that a candidate for board membership be
134 eligible at the time of the mailing, delivery, or
135 electronic transmission of the candidate's notice of
136 intent to be a candidate; prohibiting co-owners of a
137 parcel from serving together; providing exceptions;
138 removing the prohibition against write-in nominations
139 being permitted under certain circumstances and that
140 qualified candidates seeking nomination must commence
141 their service on the board of directors, regardless of
142 whether a quorum is attained at the annual meeting;
143 removing the requirement that boards of directors be
144 elected by a plurality of votes unless otherwise
145 provided by the governing documents; removing the
146 provision that any challenge to the election process
147 be commenced within a specified timeframe after the
148 election results are announced; providing that a
149 person who is delinquent in the payment of any
150 assessments is not eligible to be a candidate;

151 providing that a director or an officer is delinquent
152 if payment is not made by a specified due date
153 identified in the declaration, bylaws, or articles of
154 incorporation; providing that a payment is delinquent
155 on the first day of the assessment period if no
156 specified due date is in the declaration, bylaws, or
157 articles of incorporation; removing the definition of
158 the term "any fee, fine, or other monetary
159 obligation"; providing that the terms of all board
160 members expire at the annual meeting and that such
161 board members may stand for reelection unless
162 prohibited by the association's declaration, bylaws,
163 or articles of incorporation, if certain conditions
164 are met; amending s. 720.3086, F.S.; providing
165 requirements for financial reporting by a private
166 amenities owner; providing applicability; amending s.
167 720.311, F.S.; providing that a certain action filed
168 be tried without a jury; providing that the parties
169 are entitled to an immediate hearing; authorizing the
170 court to limit the time for taking testimony;
171 authorizing the party filing an action to request a
172 temporary injunction for a certain purpose;
173 authorizing a party to remove an action for
174 arbitration and seek a trial de novo in circuit court;
175 removing the requirement that the Department of

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

201 providing the scope and applicability of the part;
202 creating s. 720.412, F.S.; providing requirements for
203 recreational covenants recorded on or after a
204 specified date; providing requirements for
205 recreational covenants recorded before a specified
206 date; providing the maximum annual increase of amenity
207 expenses for certain recreational covenants;
208 authorizing a private amenities owner to increase
209 amenity expenses under certain conditions; providing
210 that a homeowners' association is not responsible for
211 collecting or remitting amenity dues; prohibiting
212 certain expenses and costs from being included as
213 amenity expenses; providing that a parcel owner or the
214 tenant of a parcel owner retains certain rights even
215 if a recreational covenant is terminated or the
216 private amenities owner suspends the use of the
217 privately-owned recreational amenities; specifying
218 that a recreational covenant is not a governing
219 document of a homeowners' association; providing
220 legislative intent; providing construction; creating
221 s. 720.413, F.S.; requiring each contract entered into
222 on or after a date certain for the sale of a
223 residential parcel governed by a homeowners'
224 association to include a specified disclosure summary;
225 requiring a developer or parcel owner selling the

226 parcel to provide such disclosure summary to a
227 prospective purchaser; providing that a contract or
228 agreement for sale of a parcel is voidable under
229 certain circumstances; providing the method in which
230 such contract or agreement is voidable; amending ss.
231 336.125, 558.002, 617.0725, 718.116, and 720.3085,
232 F.S.; conforming cross-references; providing an
233 effective date.

234
235 Be It Enacted by the Legislature of the State of Florida:

236
237 **Section 1. Subsections (8) through (13) of section**
238 **720.301, Florida Statutes, are renumbered as subsections (9)**
239 **through (14), respectively, subsection (1) and present**
240 **subsections (8) and (10) of that section are amended, and a new**
241 **subsection (8) is added to that section, to read:**

242 720.301 Definitions.—As used in this chapter, the term:

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

250 (8) "Financial statements" means a comprehensive report

251 prepared in accordance with generally accepted accounting
252 principles which accurately reflects the financial condition and
253 operations of the homeowners' association for a specified
254 reporting period. At a minimum, this report must include a
255 balance sheet, an income and expense statement, a budget
256 comparison, and a complete set of bank statements for all
257 association accounts, including copies of check images for all
258 disbursements made during the reporting period.

259 (9) (a) ~~(8)~~ "Governing documents" means both of the
260 following:

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

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

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

273 (11) ~~(10)~~ "Member" means a member of an association, and
274 may include, but is not limited to, a parcel owner or an
275 association representing parcel owners or a combination thereof,

and includes any person or entity obligated by the governing documents to pay an assessment to the association ~~or amenity~~ fee.

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

720.302 Purposes, scope, and application.—

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

(2) (a) The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual

association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations. However, in accordance with s. 720.311, the Legislature finds that homeowners' associations and their individual members will benefit from an expedited alternative process for resolution of election and recall disputes and presuit mediation of other disputes involving covenant enforcement and authorizes the department to hear, administer, and determine these disputes as more fully set forth in this chapter. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof before the effective date of this act and that ss. 720.301-720.407 are not intended to impair such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.

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

2. Upon receipt of a petition of 10 percent of the total voting interests in the homeowners' association or eight members, whichever is greater, the ombudsman shall appoint a

326 division employee, a person specializing in election monitoring,
327 or an attorney licensed to practice in this state as the
328 election monitor. All costs associated with the election
329 monitoring process must be borne by the association. The
330 division shall adopt rules establishing procedures for the
331 appointment of such monitors, including the scope and extent of
332 the monitors' role in the election process. This subparagraph
333 does not apply to any election conducted in accordance with the
334 bylaws of the association.

335 (3) This chapter does not apply to:

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

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

348 720.303 Association powers and duties; meetings of board;
349 official records; budgets; financial reporting; association
350 funds; recalls.—

(4) OFFICIAL RECORDS.—

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

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

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

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

d. The current rules of the association.

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

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

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

h. The association's current insurance policies.

i. The certification of each director as required by s.

376 720.3033(1) (a) .

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

382 k. Any contract or document regarding a conflict of
383 interest or possible conflict of interest as provided in ss.
384 468.436(2) (b) 6. and 720.3033(2) .

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

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

400 2. The association's website or application must be

401 accessible through the Internet and must contain a subpage, web
402 portal, or other protected electronic location that is
403 inaccessible to the general public and accessible only to parcel
404 owners and employees of the association.

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

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

423 (10) RECALL OF DIRECTORS.—

424 (a)1. Regardless of any provision to the contrary
425 contained in the governing documents, subject to ~~the provisions~~

426 ~~of~~ s. 720.307 regarding transition of association control, any
427 member of the board of directors may be recalled and removed
428 from office with or without cause by a majority of the total
429 voting interests. The voting rights of a parcel owner or member
430 may not be suspended when voting on the recall of a board
431 director, and any prior suspension of voting rights pursuant to
432 s. 720.305(4) shall have no effect on a recall vote.

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

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

444 ~~2. The board shall duly notice and hold a meeting of the~~
445 ~~board within 5 full business days after receipt of the agreement~~
446 ~~in writing or written ballots. At the meeting, the board shall~~
447 ~~either certify the written ballots or written agreement to~~
448 ~~recall a director or directors of the board, in which case such~~
449 ~~director or directors shall be recalled effective immediately~~
450 ~~and shall turn over to the board within 5 full business days any~~

451 ~~and all records and property of the association in their~~
452 ~~possession, or proceed as described in paragraph (d).~~

453 2. ~~If 3.~~ When it is determined by the department pursuant
454 to binding arbitration proceedings or the court in an action
455 filed in a court of competent jurisdiction that an initial
456 recall effort was defective, ~~written~~ recall agreements ~~or~~
457 ~~written ballots~~ used in the first recall effort and not found to
458 be defective may be reused in one subsequent recall effort.
459 However, in no event is a recall ~~written~~ agreement ~~or written~~
460 ~~ballot~~ valid for more than 120 days after it has been signed by
461 the member.

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

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

476 there are directors subject to the recall.

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

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

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

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

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

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

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

497 3. There is a rebuttable presumption that a parcel owner
498 executing the recall agreement is the designated voter for the
499 parcel. An association may not enforce a voting certificate
500 requirement if the association has not enforced such requirement

501 in all matters in the year immediately preceding service of the
502 recall agreement ~~If the declaration, articles of incorporation,~~
503 ~~or bylaws specifically provide, the members may also recall and~~
504 ~~remove a board director or directors by a vote taken at a~~
505 ~~meeting. If so provided in the governing documents, a special~~
506 ~~meeting of the members to recall a director or directors of the~~
507 ~~board of administration may be called by 10 percent of the~~
508 ~~voting interests giving notice of the meeting as required for a~~
509 ~~meeting of members, and the notice shall state the purpose of~~
510 ~~the meeting. Electronic transmission may not be used as a method~~
511 ~~of giving notice of a meeting called in whole or in part for~~
512 ~~this purpose.~~

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

521 ~~(d) If the board determines not to certify the written~~
522 ~~agreement or written ballots to recall a director or directors~~
523 ~~of the board or does not certify the recall by a vote at a~~
524 ~~meeting, the board shall, within 5 full business days after the~~
525 ~~meeting, file an action with a court of competent jurisdiction~~

526 ~~or file with the department a petition for binding arbitration~~
527 ~~under the applicable procedures in ss. 718.112(2)(1) and~~
528 ~~718.1255 and the rules adopted thereunder. For the purposes of~~
529 ~~this section, the members who voted at the meeting or who~~
530 ~~executed the agreement in writing shall constitute one party~~
531 ~~under the petition for arbitration or in a court action. If the~~
532 ~~arbitrator or court certifies the recall as to any director or~~
533 ~~directors of the board, the recall will be effective upon the~~
534 ~~final order of the court or the mailing of the final order of~~
535 ~~arbitration to the association. The director or directors so~~
536 ~~recalled shall deliver to the board any and all records of the~~
537 ~~association in their possession within 5 full business days~~
538 ~~after the effective date of the recall.~~

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

547 ~~(e)(g)~~ If the board fails to duly notice and hold the
548 required meeting or at the conclusion of the meeting the board
549 determines that the recall is facially invalid ~~fails to file the~~
550 ~~required petition or action, the parcel owner representative may~~

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

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

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

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

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

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

593 720.306 Meetings of members; voting and election
594 procedures; amendments.—

595 (1) QUORUM; AMENDMENTS.—

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

601 consented, in writing, to receive notice by electronic
602 transmission.

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

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

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

626 ~~ballot has been submitted for that lot or parcel, the inner~~
627 ~~envelope shall be removed from the outer envelope bearing the~~
628 ~~identification information, placed with the ballots which were~~
629 ~~personally cast, and opened when the ballots are counted. If~~
630 ~~more than one ballot is submitted for a lot or parcel, the~~
631 ~~ballots for that lot or parcel shall be disqualified. Any vote~~
632 ~~by ballot received after the closing of the balloting may not be~~
633 ~~considered.~~

634 (9) ELECTIONS AND BOARD VACANCIES.—

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

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

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

651 association must mail, deliver, or electronically transmit, by
652 separate association mailing or included in another association
653 mailing, delivery, or electronic transmission, including
654 regularly published newsletters, to each member entitled to vote
655 a first notice of the date of the election.

656 3. A member intending to be a candidate for the board must
657 give written notice of his or her intent to be a candidate to
658 the association at least 40 days before the scheduled election.
659 An association is prohibited from using a nominating committee.
660 A search committee may be used to encourage members of the
661 association to run for board membership; however, a search
662 committee does not have the authority to nominate candidates for
663 the board.

664 4. Together with the written notice of the annual meeting
665 and agenda, the association must mail, deliver, or
666 electronically transmit a second notice of the election to all
667 members entitled to vote, together with a ballot that lists all
668 candidates.

669 5. Upon the request of a candidate, an information sheet
670 must also be made available for the mailed, delivered, or
671 electronically transmitted second notice of the election. Such
672 information sheet may not be larger than 8 1/2 by 11 inches. The
673 candidate must furnish the information sheet to the association
674 no later than 35 days before the election. The association shall
675 bear the costs of mailing, delivering, or electronically

676 transmitting the information sheet. The association is not
677 liable for the content of the information sheet. In order to
678 reduce costs, the association may print or duplicate the
679 information sheets on both sides of the paper.

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

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

689 8. The election must occur on the date of the annual
690 meeting.

691 9. Notwithstanding this paragraph, an election is not
692 required unless more candidates file notices of intent to run or
693 are nominated than there are vacancies on the board. If the
694 number of board members whose terms expire at the annual meeting
695 equals or exceeds the number of candidates, the candidates
696 become board members effective upon the adjournment of the
697 annual meeting.

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

701 (b) A member desiring to be a candidate for board
702 membership must be eligible to be a candidate to serve on the
703 board at the time of the mailing, delivery, or electronic
704 transmission of a notice of intent to be a candidate. Co-owners
705 of a parcel may not serve together as members of the board
706 unless they own more than one parcel, or unless there are not
707 enough eligible candidates to fill the vacancies on the board at
708 the time of the vacancy ~~If an election is not required because~~
709 ~~there are either an equal number or fewer qualified candidates~~
710 ~~than vacancies exist, and if nominations from the floor are not~~
711 ~~required pursuant to this section or the bylaws, write-in~~
712 ~~nominations are not permitted and such qualified candidates~~
713 ~~shall commence service on the board of directors, regardless of~~
714 ~~whether a quorum is attained at the annual meeting. Except as~~
715 ~~otherwise provided in the governing documents, boards of~~
716 ~~directors must be elected by a plurality of the votes cast by~~
717 ~~eligible voters. Any challenge to the election process must be~~
718 ~~commenced within 60 days after the election results are~~
719 ~~announced.~~

720 ~~(b)~~ A person who is delinquent in the payment of any
721 assessment due to the association is not eligible to be a
722 candidate for board membership ~~any fee, fine, or other monetary~~
723 ~~obligation to the association on the day that he or she could~~
724 ~~last nominate himself or herself or be nominated for the board~~
725 ~~may not seek election to the board, and his or her name may~~

726 ~~shall~~ not be listed on the ballot. A person serving as a board
727 member who becomes more than 90 days delinquent in the payment
728 of any assessment due to the association ~~is fee, fine, or other~~
729 ~~monetary obligation to the association shall be~~ deemed to have
730 abandoned his or her seat on the board, creating a vacancy on
731 the board to be filled according to law. For purposes of this
732 paragraph, a person is delinquent if a payment is not made by
733 the due date as specifically identified by the declaration,
734 bylaws, or articles of incorporation. If a due date is not
735 specifically identified by the declaration, bylaws, or articles
736 of incorporation, the due date is the first day of the
737 assessment period ~~the term "any fee, fine, or other monetary~~
738 ~~obligation" means any delinquency to the association with~~
739 ~~respect to any parcel.~~ A person who has been convicted of any
740 felony in this state or in a United States District or
741 Territorial Court, or has been convicted of any offense in
742 another jurisdiction which would be considered a felony if
743 committed in this state, may not seek election to the board and
744 is not eligible for board membership unless such felon's civil
745 rights have been restored for at least 5 years as of the date on
746 which such person seeks election to the board. The validity of
747 any action by the board is not affected if it is later
748 determined that a person was ineligible to seek election to the
749 board or that a member of the board is ineligible for board
750 membership.

751 (c) Any election dispute between a member and an
752 association must be submitted to binding arbitration with the
753 division or filed with a court of competent jurisdiction. Such
754 proceedings that are submitted to binding arbitration with the
755 division must be conducted in the manner provided by s. 718.1255
756 and the procedural rules adopted by the division.

757 (d) Unless otherwise provided in the bylaws, any vacancy
758 occurring on the board before the expiration of a term may be
759 filled by an affirmative vote of the majority of the remaining
760 directors, even if the remaining directors constitute less than
761 a quorum, or by the sole remaining director. In the alternative,
762 a board may hold an election to fill the vacancy, in which case
763 the election procedures must conform to the requirements of the
764 governing documents. Unless otherwise provided in the bylaws, a
765 board member appointed or elected under this section is
766 appointed for the unexpired term of the seat being filled.
767 Filling vacancies created by recall is governed by s.
768 720.303(10) and rules adopted by the division.

769 (e) If the staggered term of a board member does not
770 expire until a later annual meeting, or if all the members'
771 terms would otherwise expire but there are no eligible
772 candidates, the terms of all board members must expire at the
773 annual meeting, and such members may stand for reelection unless
774 prohibited by the declaration, bylaws, or articles of
775 incorporation.

776 **Section 5. Section 720.3086, Florida Statutes, is amended**
777 **to read:**

778 720.3086 Financial report.—

779 (1) In a residential subdivision in which the owners of
780 lots or parcels must pay mandatory maintenance or use ~~amenity~~
781 fees to the subdivision developer or to the owners of the common
782 areas, ~~recreational~~ facilities, and other properties serving the
783 lots or parcels, the developer or owner of such areas,
784 facilities, or properties shall make public, within 60 days
785 after ~~following~~ the end of each fiscal year, a complete
786 financial report of the actual, total receipts of mandatory
787 maintenance or use ~~amenity~~ fees received by it, and an itemized
788 listing of the expenditures made by it from such fees, for that
789 year. Such report must ~~shall~~ be made public by mailing it to
790 each lot or parcel owner in the subdivision, by publishing it in
791 a publication regularly distributed within the subdivision, or
792 by posting it in prominent locations in the subdivision. This
793 subsection ~~section~~ does not apply to:

794 (a) Amounts paid to homeowner associations pursuant to
795 chapter 617, chapter 718, chapter 719, chapter 721, or chapter
796 723; ~~or to~~

797 (b) Amounts paid to local governmental entities, including
798 special districts; or

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

801 (2) In a residential subdivision in which a parcel owner
802 must pay amenity dues owed to a private amenities owner, the
803 private amenities owner shall make public, within 60 days after
804 the end of each fiscal year, a complete financial report of the
805 actual, total receipts of amenity dues received by the owner and
806 an itemized list of the expenditures the owner made with respect
807 to operational costs, expenses, or other amounts expended with
808 respect to the operation of the privately-owned recreational
809 amenities for that fiscal year. The private amenities owner must
810 make the financial report available for inspection upon written
811 request from a parcel owner within the applicable subdivision.
812 Such report must be made public to each parcel owner who is
813 subject to the payment of the amenity dues by publishing a
814 notice of the report's availability for inspection in a
815 publication regularly distributed within the subdivision or by
816 posting a notice in a prominent location in the subdivision,
817 including in a prominent location within the privately-owned
818 recreational amenities or other such properties. This subsection
819 does not apply to:

820 (a) Assessments or other amounts paid to homeowners'
821 associations pursuant to chapter 617, chapter 718, chapter 719,
822 chapter 721, or chapter 723; or

823 (b) Amounts paid to local governmental entities, including
824 special districts.

825 **Section 6. Subsection (1) and paragraphs (a) and (c) of**

subsection (2) of section 720.311, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

720.311 Dispute resolution.—

(1) (a) The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for arbitration or the serving of a demand for presuit mediation as provided for in this section shall toll the applicable statute of limitations. Any recall dispute filed with the department under s. 720.303(10) must ~~shall~~ be conducted by the department in accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255 and the rules adopted by the division. In addition, the department shall conduct binding arbitration of election disputes between a member and an association in accordance with s. 718.1255 and rules adopted by the division. Election disputes and recall disputes are not eligible for presuit mediation; these disputes must be arbitrated by the department or filed in a court of competent jurisdiction. At the conclusion of an arbitration proceeding, the department shall charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding. Initially, the petitioner shall remit a filing fee of at least \$200 to the department. The fees paid to the department shall become a recoverable cost in the arbitration proceeding, and the

851 prevailing party in an arbitration proceeding shall recover its
852 reasonable costs and attorney fees in an amount found reasonable
853 by the arbitrator.

854 (b) Any action filed pursuant to this section must be
855 tried without a jury. The parties are entitled to an immediate
856 hearing. However, the court may limit the time for taking
857 testimony, considering the circumstances of the matter and the
858 proximity of any succeeding election. Upon the division or the
859 court rendering a judgment or decree against an association and
860 in favor of a parcel owner, the division or the court shall
861 award to the parcel owner reasonable attorney fees and costs
862 incurred in the action. When so awarded, compensation or fees
863 and costs of the attorney may be included in the judgment or
864 decree rendered in the action or in a separate judgment or
865 decree. The party filing an action under this section may
866 request the issuance of a temporary injunction to stay any
867 upcoming election that may occur while the challenge is pending.
868 ~~The department shall adopt rules to effectuate the purposes of~~
869 ~~this section.~~

870 (2) (a) Disputes between an association and a parcel owner
871 regarding use of or changes to the parcel or the common areas
872 and other covenant enforcement disputes, disputes regarding
873 amendments to the association documents, disputes regarding
874 meetings of the board and committees appointed by the board,
875 membership meetings not including election meetings, and access

876 to the official records of the association shall be the subject
877 of a demand for presuit mediation served by an aggrieved party
878 before the dispute is filed in court. Presuit mediation
879 proceedings must be conducted in accordance with the applicable
880 Florida Rules of Civil Procedure, and these proceedings are
881 privileged and confidential to the same extent as court-ordered
882 mediation. Disputes subject to presuit mediation under this
883 section shall not include the collection of any assessment,
884 fine, or other financial obligation, including attorney
885 ~~attorney's~~ fees and costs, claimed to be due or any action to
886 enforce a prior mediation settlement agreement between the
887 parties. Also, in any dispute subject to presuit mediation under
888 this section where emergency relief is required, a motion for
889 temporary injunctive relief may be filed with the court without
890 first complying with the presuit mediation requirements of this
891 section. After any issues regarding emergency or temporary
892 relief are resolved, the court may either refer the parties to a
893 mediation program administered by the courts or require
894 mediation under this section. An arbitrator or judge may not
895 consider any information or evidence arising from the presuit
896 mediation proceeding except in a proceeding to impose sanctions
897 for failure to attend a presuit mediation session or to enforce
898 a mediated settlement agreement. Persons who are not parties to
899 the dispute may not attend the presuit mediation conference
900 without the consent of all parties, except for counsel for the

parties and a corporate representative designated by the association. When mediation is attended by a quorum of the board, such mediation is not a board meeting for purposes of notice and participation set forth in s. 720.303. An aggrieved party shall serve on the responding party a written demand to participate in presuit mediation in substantially the following form:

STATUTORY OFFER TO PARTICIPATE
IN PRESUIT MEDIATION

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

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

Pursuant to section 720.311, Florida Statutes, this demand to resolve the dispute through presuit mediation is required before a lawsuit can be filed

926 concerning the dispute. Pursuant to the statute, the
927 parties are required to engage in presuit mediation
928 with a neutral third-party mediator in order to
929 attempt to resolve this dispute without court action,
930 and the aggrieved party demands that you likewise
931 agree to this process. If you fail to participate in
932 the mediation process, suit may be brought against you
933 without further warning.

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

947
948 If an agreement is reached, it shall be reduced to
949 writing and becomes a binding and enforceable
950 commitment of the parties. A resolution of one or more

951 disputes in this fashion avoids the need to litigate
952 these issues in court. The failure to reach an
953 agreement, or the failure of a party to participate in
954 the process, results in the mediator declaring an
955 impasse in the mediation, after which the aggrieved
956 party may proceed to court on all outstanding,
957 unsettled disputes. If you have failed or refused to
958 participate in the entire mediation process, you will
959 not be entitled to recover attorney ~~attorney's~~ fees,
960 even if you prevail.

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

973
974 (List the names, addresses, telephone numbers, and
975 hourly rates of the mediators. Other pertinent

976 information about the background of the mediators may
977 be included as an attachment.)
978

979 You may contact the offices of these mediators to
980 confirm that the listed mediators will be neutral and
981 will not show any favoritism toward either party. The
982 Florida Supreme Court can provide you a list of
983 certified mediators.
984

985 Unless otherwise agreed by the parties, section
986 720.311(2) (b), Florida Statutes, requires that the
987 parties share the costs of presuit mediation equally,
988 including the fee charged by the mediator. An average
989 mediation may require three to four hours of the
990 mediator's time, including some preparation time, and
991 the parties would need to share equally the mediator's
992 fees as well as their own attorney ~~attorney's~~ fees if
993 they choose to employ an attorney in connection with
994 the mediation. However, use of an attorney is not
995 required and is at the option of each party. The
996 mediators may require the advance payment of some or
997 all of the anticipated fees. The aggrieved party
998 hereby agrees to pay or prepay one-half of the
999 mediator's estimated fees and to forward this amount
1000 or such other reasonable advance deposits as the

mediator requires for this purpose. Any funds deposited will be returned to you if these are in excess of your share of the fees incurred.

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

Therefore, please give this matter your immediate attention. By law, your response must be mailed by certified mail, return receipt requested, and by

CS/CS/HB 983

2025

1026 first-class mail to the address shown on this demand.
 1027
 1028
 1029
 1030
 1031 RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR
 1032 AGREEMENT TO THAT CHOICE.
 1033
 1034 AGREEMENT TO MEDIATE
 1035
 1036 The undersigned hereby agrees to participate in
 1037 presuit mediation and agrees to attend a mediation
 1038 conducted by the following mediator or mediators who
 1039 are listed above as someone who would be acceptable to
 1040 mediate this dispute:
 1041
 1042 (List acceptable mediator or mediators.)
 1043
 1044 I/we further agree to pay or prepay one-half of the
 1045 mediator's fees and to forward such advance deposits
 1046 as the mediator may require for this purpose.
 1047
 1048
 1049 Signature of responding party #1
 1050

1051
 1052 Telephone contact information
 1053
 1054
 1055 Signature and telephone contact information of
 1056 responding party #2 (if applicable) (if property is
 1057 owned by more than one person, all owners must sign)
 1058
 1059 (c) If presuit mediation as described in paragraph (a) is
 1060 not successful in resolving all issues between the parties, the
 1061 parties may file the unresolved dispute in a court of competent
 1062 jurisdiction or elect to enter into binding or nonbinding
 1063 arbitration pursuant to ~~the procedures set forth in~~ s. 718.1255
 1064 and rules adopted by the division, with the arbitration
 1065 proceeding to be conducted by a department arbitrator or by a
 1066 private arbitrator certified by the department. If all parties
 1067 do not agree to arbitration proceedings following an
 1068 unsuccessful presuit mediation, any party may file the dispute
 1069 in court. A final order resulting from nonbinding arbitration is
 1070 final and enforceable in the courts if a complaint for trial de
 1071 novo is not filed in a court of competent jurisdiction within 30
 1072 days after entry of the order. As to any issue or dispute that
 1073 is not resolved at presuit mediation, and as to any issue that
 1074 is settled at presuit mediation but is thereafter subject to an
 1075 action seeking enforcement of the mediation settlement, the

1076 prevailing party in any subsequent arbitration or litigation
1077 proceeding shall be entitled to seek recovery of all costs and
1078 attorney ~~attorney's~~ fees incurred in the presuit mediation
1079 process.

1080 (3) Upon the mediator or the court rendering a judgment or
1081 decree against an association and in favor of a parcel owner,
1082 the mediator or the court shall award to the parcel owner
1083 reasonable attorney fees and costs incurred in the action.
1084 Attorney fees or costs relating to an action for the recall of a
1085 director may only be awarded as provided in this subsection or
1086 as awarded as a sanction pursuant to s. 57.105.

1087 **Section 7. Subsection (1) of section 720.401, Florida**
1088 **Statutes, is amended to read:**

1089 720.401 Prospective purchasers subject to association
1090 membership requirement; disclosure required; covenants;
1091 assessments; contract cancellation.—

1092 (1)(a) A prospective purchaser ~~parcel owner~~ in a community
1093 must be presented a disclosure summary before executing the
1094 contract for sale. The disclosure summary must be in a form
1095 substantially similar to the following form:

1096 DISCLOSURE SUMMARY

1097 FOR

1098 (NAME OF COMMUNITY)

1099 1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL
1100 BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS' ASSOCIATION.

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

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

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

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

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

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

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

8. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING

CS/CS/HB 983

2025

DOCUMENTS BEFORE PURCHASING PROPERTY.

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

DATE:

PURCHASER:

PURCHASER:

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

(b) Each contract entered into for the sale of property governed by covenants subject to disclosure required by this section must contain in conspicuous type a clause that states:

1151 IF THE DISCLOSURE SUMMARY; A CURRENT COPY OF THE ASSOCIATION'S
1152 BYLAWS, ARTICLES OF INCORPORATION, DECLARATION OF RESTRICTIONS,
1153 RULES AND REGULATIONS, NOTICES PERTAINING TO SPECIAL
1154 ASSESSMENTS, AND MOST RECENT FINANCIAL STATEMENTS; AND THE
1155 AGENDAS AND MINUTES FROM ALL ASSOCIATION BOARD MEETINGS THAT
1156 TOOK PLACE IN THE 12 MONTHS IMMEDIATELY PRECEDING THE EXECUTION
1157 OF THIS CONTRACT, AS REQUIRED BY SECTION 720.401, FLORIDA
1158 STATUTES, HAVE ~~HAS~~ NOT BEEN PROVIDED TO THE PROSPECTIVE
1159 PURCHASER BEFORE EXECUTING THIS CONTRACT FOR SALE, THIS CONTRACT
1160 IS VOIDABLE BY THE PROSPECTIVE PURCHASER ~~BUYER~~ BY DELIVERING TO
1161 THE SELLER OR THE SELLER'S AGENT OR REPRESENTATIVE WRITTEN
1162 NOTICE OF THE PROSPECTIVE PURCHASER'S ~~BUYER'S~~ INTENTION TO
1163 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
1164 HOLIDAYS, AFTER RECEIPT OF SUCH DOCUMENTS OR BEFORE ~~THE~~
1165 ~~DISCLOSURE SUMMARY OR PRIOR TO CLOSING, WHICHEVER OCCURS FIRST.~~
1166 ANY PURPORTED WAIVER OF THIS VOIDABILITY RIGHT HAS NO EFFECT.
1167 THE PROSPECTIVE PURCHASER'S ~~BUYER'S~~ RIGHT TO VOID THIS CONTRACT
1168 TERMINATES ~~SHALL TERMINATE~~ AT CLOSING.

1169 (c) If the disclosure summary; a current copy of the
1170 association's bylaws, articles of incorporation, declaration of
1171 restrictions, rules and regulations, notices pertaining to
1172 special assessments, and most recent financial statements; and
1173 the agendas and minutes from all association board meetings that
1174 took place in the 12 months immediately preceding the execution
1175 of a contract are ~~is~~ not provided to a prospective purchaser

1176 before such ~~the~~ purchaser executes a contract for the sale of
1177 property governed by covenants that are subject to disclosure
1178 pursuant to this section, the prospective purchaser may void the
1179 contract by delivering to the seller or the seller's agent or
1180 representative written notice canceling the contract within 3
1181 days, excluding Saturdays, Sundays, and legal holidays, after
1182 receipt of such documents or before ~~the disclosure summary or~~
1183 ~~prior to~~ closing, whichever occurs first. This right may not be
1184 waived by the prospective purchaser but terminates at closing.

1185 **Section 8. For the purpose of incorporating the amendments**
1186 **made by this act to section 720.306, Florida Statutes, in a**
1187 **reference thereto, paragraph (b) of subsection (4) of section**
1188 **720.3033, Florida Statutes, is reenacted to read:**

1189 720.3033 Officers and directors.—

1190 (4)

1191 (b) The board shall fill the vacancy as provided in s.
1192 720.306(9) until the end of the period of the suspension or the
1193 end of the director's term of office, whichever occurs first. If
1194 such criminal charge is pending against the officer or director,
1195 he or she may not be appointed or elected to a position as an
1196 officer or a director of any association and may not have access
1197 to the official records of any association, except pursuant to a
1198 court order. However, if the charges are resolved without a
1199 finding of guilt or without acceptance of a plea of guilty or
1200 nolo contendere, the director or officer shall be reinstated for

any remainder of his or her term of office.

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

720.405 Organizing committee; parcel owner approval.—

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

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

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

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

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

1226 (2) "Amenity expenses" means all costs, whether direct or
1227 indirect, of owning, operating, managing, maintaining, and
1228 insuring privately-owned recreational amenities that are made
1229 available to parcel owners pursuant to a recreational covenant.
1230 The term includes maintenance expenses; cleaning fees; trash
1231 collection expenses; utility charges; cable service charges;
1232 legal fees; management fees; reserve funding expenses; the cost
1233 of repairs, replacement, and refurbishments; payroll and payroll
1234 costs; insurance; working capital; ad valorem or other taxes,
1235 excluding income taxes; and costs, expenses, levies, and charges
1236 of any nature that may be levied or imposed against, or in
1237 connection with, the privately-owned recreational amenities made
1238 available to parcel owners pursuant to a recreational covenant.
1239 Amenity expenses are not homeowners' association assessments as
1240 defined in s. 720.301.

1241 (3) "Amenity fees" means any amounts, other than amenity
1242 expenses, that are levied against a parcel owner for membership
1243 to or use of privately-owned recreational amenities in
1244 accordance with a recreational covenant. Amenity fees may be
1245 comprised, in part, of profit or other components to be paid to
1246 a private amenities owner as set forth in a recreational
1247 covenant, which are not otherwise categorized as amenity
1248 expenses in this part. Amenity fees are not homeowners'
1249 association assessments as defined in s. 720.301.

1250 (4) "Private amenities owner" means the record title owner

1251 of privately-owned recreational amenities who is responsible for
1252 the operation and maintenance of the privately-owned
1253 recreational amenities and who may levy amenity dues pursuant to
1254 a recreational covenant. For purposes of this part, the term
1255 does not include corporations not for profit pursuant to chapter
1256 617 or local governmental entities, including special districts.

1257 (5) "Privately-owned recreational amenities" means
1258 recreational facilities or amenities owned by a private
1259 amenities owner which are intended for recreational use or
1260 leisure activities by a parcel owner through mandatory
1261 membership or use rights established pursuant to a recreational
1262 covenant. The term does not include common areas as defined in
1263 s. 720.301, any property or facilities owned by a corporation
1264 not for profit pursuant to chapter 617, or a local governmental
1265 entity, including a special district.

1266 (6) "Recreational covenant" means a recorded covenant,
1267 separate and distinct from a declaration of covenants for a
1268 homeowners' association, that sets forth the nature and
1269 requirements for membership, use, or purchase of privately-owned
1270 recreational amenities by parcel owners in one or more
1271 community. A recreational covenant must:

1272 (a) Be recorded in the public records of the county in
1273 which the property encumbered thereby is located.

1274 (b) Contain information regarding the amenity dues that
1275 may be levied against a parcel owner or other persons to be

members or permitted to use privately-owned recreational amenities. The recreational covenant must also contain the remedies that the private amenities owner or other third party may have in connection with nonpayment of amenity dues.

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

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

720.409 Legislative findings; purpose; applicability.—

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

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

(3) Parcels within a community may be subject to a

1301 recreational covenant. Recreational covenants and any privately-
1302 owned recreational amenities governed by such covenants may only
1303 be governed by this part and s. 720.3086(2).

1304 (4) This part does not apply to recorded covenants,
1305 agreements, or other documents that are not recreational
1306 covenants.

1307 (5) This part applies to recreational covenants existing
1308 on or after July 1, 2025.

1309 **Section 13. Section 720.412, Florida Statutes, is created**
1310 **to read:**

1311 720.412 Requirements for recreational covenants.—

1312 (1) A recreational covenant recorded on or after July 1,
1313 2025, that requires mandatory membership in a club or imposes
1314 mandatory amenity dues on a parcel owner in a community governed
1315 by this chapter must specify all of the following:

1316 (a) The property or parcels within the community subject
1317 to mandatory membership in a club or subject to mandatory
1318 amenity dues.

1319 (b) The party responsible for owning, maintaining, and
1320 operating the privately-owned recreational amenities governed by
1321 the recreational covenant.

1322 (c)1. The manner or process by which amenity dues are
1323 apportioned and collected from the encumbered parcels or parcel
1324 owners and the party responsible for collecting the amenity
1325 dues.

1326 2. Except as provided in subsection (5), this section does
1327 not preclude additional components to be included in the amenity
1328 dues as long as such components and the description of such
1329 components are stated in the recreational covenant.

1330 (d) The amount of the amenity fees or, alternatively, if
1331 no specific dollar amount is set forth in the recreational
1332 covenant, the manner in which such amenity fees are calculated
1333 and increased.

1334 (e) The amount by which amenity fees may be increased,
1335 which may be calculated as a percentage, a fixed dollar amount,
1336 or the consumer price index.

1337 (f) The rights and remedies that are available to enforce
1338 the payment of amenity dues.

1339 (g) Whether the collection rights to enforce the payment
1340 of amenity dues are subordinate to an association's right to
1341 collect assessments.

1342 (h) Whether the privately-owned recreational amenities are
1343 open to the public or may be used by other persons who are not
1344 members or parcel owners within a community.

1345 (i) The remedies available to a private amenities owner
1346 for the nonpayment of amenity dues.

1347 (2) A recreational covenant recorded before July 1, 2025:

1348 (a) That requires mandatory membership in a club or
1349 imposes mandatory amenity dues on a parcel owner in a community
1350 governed by this chapter remains valid and effective as to its

1351 terms as long as such covenant includes the information required
1352 in paragraphs (1)(a)-(d).

1353 (b) That does not include the information required in
1354 paragraphs (1)(a)-(d) must be amended to include such
1355 information before July 1, 2026, to remain valid and effective.

1356 (c) That does not specify the amount by which the amenity
1357 fees may be increased as required in paragraph (e) is considered
1358 to include a maximum annual increase of no more than the annual
1359 increase for the current year in the Consumer Price Index for
1360 All Urban Consumers, U.S. City Average, All Items.

1361 (3) With respect to a recreational covenant recorded on or
1362 after July 1, 2025, and notwithstanding any provision to the
1363 contrary in the recreational covenant, a recreational covenant
1364 that does not specify the amount by which amenity expenses may
1365 be increased is considered to include a maximum annual increase
1366 of no more than 25 percent of the amenity expenses from the
1367 preceding fiscal year. However, a private amenities owner may
1368 increase amenity expenses in excess of such amount if necessary
1369 due to a natural disaster; act of God; increases in insurance
1370 costs, utility rates, supply costs, or labor rates; or any other
1371 circumstances outside of the reasonable control of the private
1372 amenities owner.

1373 (4) Notwithstanding any provision to the contrary in the
1374 recreational covenant, a homeowners' association does not have
1375 any obligation, duty, or responsibility to collect amenity dues

1376 or to remit amenity dues to the private amenities owner. A
1377 private amenities owner, or his or her management company or
1378 agent, other than the association, is solely responsible for the
1379 collection of amenity dues.

1380 (5) Amenity expenses may not include any of the following:

1381 (a) The initial cost of construction of the privately-
1382 owned recreational amenities.

1383 (b) Any costs or fees associated with a loan acquired for
1384 the construction or purchase of the privately-owned recreational
1385 amenities.

1386 (c) The cost of a debt service of the private amenities
1387 owner.

1388 (6) The termination of a recreational covenant or the
1389 right of a private amenities owner to suspend the use of the
1390 privately-owned recreational amenities may not:

1391 (a) Prohibit a parcel owner or tenant of a parcel owner
1392 from having vehicular and pedestrian ingress to and egress from
1393 the property or parcels subject to the recreational covenant;

1394 (b) Prohibit a parcel owner or tenant of a parcel owner
1395 from receiving utilities provided to the property or parcels
1396 subject to the recreational covenant by virtue of utility
1397 facilities or utility easements located within the privately-
1398 owned recreational amenities; or

1399 (c) Prohibit a parcel owner or tenant of a parcel owner
1400 from having access to any mail delivery facilities serving the

1401 property or parcels subject to the recreational covenant which
1402 may be located within the privately-owned recreational
1403 amenities.

1404 (7) A recreational covenant is not a governing document of
1405 a homeowners' association, even if such recreational covenant is
1406 attached as an exhibit to a declaration of covenants for a
1407 homeowners' association. This subsection is remedial in nature
1408 and intended to clarify existing law.

1409 (8) It is the intent of the Legislature to respect the
1410 intent of the parties to a real property transaction that
1411 occurred before July 1, 2025, and the parties' reliance on the
1412 covenants, conditions, restrictions, or other interests created
1413 by those transactions. However, this section does not revive or
1414 reinstate any right or interest that has been fully and finally
1415 adjudicated as invalid before July 1, 2025.

1416 **Section 14. Section 720.413, Florida Statutes, is created**
1417 **to read:**

1418 720.413 Disclosure of recreational covenants before the
1419 sale of residential parcels.—

1420 (1) Beginning July 1, 2025, each contract or agreement for
1421 the sale of a residential parcel that is governed by a
1422 homeowners' association and subject to a recreational covenant
1423 must contain the following disclosure summary in conspicuous
1424 type and in substantially the following form:
1425

DISCLOSURE SUMMARY

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

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

1. THE PROPERTY ON WHICH THE PRIVATELY-OWNED RECREATIONAL
AMENITIES ARE LOCATED, WHICH ARE GOVERNED BY THE RECREATIONAL
COVENANT, IS NOT A COMMON AREA OF THE HOMEOWNERS' ASSOCIATION
AND IS NOT OWNED OR CONTROLLED BY THE HOMEOWNERS' ASSOCIATION.
THE RECREATIONAL COVENANT IS NOT A GOVERNING DOCUMENT OF THE
ASSOCIATION.

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

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

1451
1452 4. AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE. AMENITY DUES
1453 ARE IN ADDITION TO, AND SEPARATE AND DISTINCT FROM, THE
1454 ASSESSMENTS LEVIED BY THE ASSOCIATION.
1455

1456 5. THE FAILURE TO PAY AMENITY DUES OR OTHER CHARGES LEVIED BY A
1457 PRIVATE AMENITIES OWNER COULD RESULT IN A LIEN ON YOUR PARCEL.
1458

1459 6. THIRD PARTIES WHO ARE NOT MEMBERS OF THE ASSOCIATION MAY
1460 HAVE THE RIGHT TO ACCESS AND USE THE PRIVATELY-OWNED
1461 RECREATIONAL AMENITIES AS DETERMINED BY THE PRIVATE AMENITIES
1462 OWNER.
1463

1464 7. THE REQUIREMENT FOR MANDATORY MEMBERSHIP AND THE OBLIGATION
1465 TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT OR
1466 OTHER RECORDED INSTRUMENT.
1467

1468 8. THE PRIVATE AMENITIES OWNER MAY AMEND THE RECREATIONAL
1469 COVENANT WITHOUT THE APPROVAL OF THE ASSOCIATION OR PARCEL
1470 OWNERS, SUBJECT TO THE TERMS OF THE RECREATIONAL COVENANT AND
1471 SECTION 720.412, FLORIDA STATUTES.
1472

1473 9. THE STATEMENTS CONTAINED IN THIS DISCLOSURE ARE ONLY SUMMARY
1474 IN NATURE AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO
1475 THE RECREATIONAL COVENANT BEFORE PURCHASING A PARCEL. THE

1476 RECREATIONAL COVENANT IS A MATTER OF PUBLIC RECORD AND MAY BE
1477 OBTAINED FROM THE RECORD OFFICE IN THE COUNTY IN WHICH THE
1478 PARCEL YOU ARE PURCHASING IS LOCATED OR, IF NOT RECORDED, MAY BE
1479 OBTAINED FROM THE DEVELOPER UPON REQUEST.

1480
1481 (2) The disclosure summary required by this section must
1482 be provided to a prospective purchaser by the developer or the
1483 parcel owner selling the parcel. Any contract or agreement for
1484 sale must refer to and incorporate the disclosure summary and
1485 must include, in prominent language, a statement that the
1486 prospective purchaser should not execute the contract or
1487 agreement for sale until he or she has received and read the
1488 disclosure summary required by this section.

1489 (3) A contract or agreement for sale is voidable by a
1490 purchaser if the disclosure summary required by this section is
1491 not provided to the purchaser before the execution of the
1492 contract or agreement. In order to void the contract or
1493 agreement, the purchaser must deliver written notice cancelling
1494 the contract or agreement to the seller or the seller's agent or
1495 representative within 3 days after receipt of the disclosure
1496 summary or before closing, whichever occurs first. The
1497 purchaser's right to void a contract or an agreement terminates
1498 at closing. This right may not be waived by the purchaser.

1499 **Section 15. Paragraph (a) of subsection (1) of section**
1500 **336.125, Florida Statutes, is amended to read:**

1501 336.125 Closing and abandonment of roads; optional
1502 conveyance to homeowners' association; traffic control
1503 jurisdiction.—

1504 (1)(a) In addition to the authority provided in s. 336.12,
1505 the governing body of the county may abandon the roads and
1506 rights-of-way dedicated in a recorded residential subdivision
1507 plat and simultaneously convey the county's interest in such
1508 roads, rights-of-way, and appurtenant drainage facilities to a
1509 homeowners' association for the subdivision, if the following
1510 conditions have been met:

1511 1. The homeowners' association has requested the
1512 abandonment and conveyance in writing for the purpose of
1513 converting the subdivision to a gated neighborhood with
1514 restricted public access.

1515 2. No fewer than four-fifths of the owners of record of
1516 property located in the subdivision have consented in writing to
1517 the abandonment and simultaneous conveyance to the homeowners'
1518 association.

1519 3. The homeowners' association is both a corporation not
1520 for profit organized and in good standing under chapter 617, and
1521 a "homeowners' association" as defined in s. 720.301 ~~s.~~
1522 ~~720.301(9)~~ with the power to levy and collect assessments for
1523 routine and periodic major maintenance and operation of street
1524 lighting, drainage, sidewalks, and pavement in the subdivision.

1525 4. The homeowners' association has entered into and

executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation, maintenance, and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.

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

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

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

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

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

chapter 719.

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

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

(1)

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

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

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

2. An association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments is not liable for any unpaid assessments, late fees,

1576 interest, or reasonable attorney's fees and costs that came due
1577 before the association's acquisition of title in favor of any
1578 other association, as defined in s. 718.103 or s. 720.301 ~~s.~~
1579 ~~720.301(9)~~, which holds a superior lien interest on the unit.
1580 This subparagraph is intended to clarify existing law.

1581 **Section 19. Paragraph (d) of subsection (2) of section**
1582 **720.3085, Florida Statutes, is amended to read:**

1583 720.3085 Payment for assessments; lien claims.—

1584 (2)

1585 (d) An association, or its successor or assignee, that
1586 acquires title to a parcel through the foreclosure of its lien
1587 for assessments is not liable for any unpaid assessments, late
1588 fees, interest, or reasonable attorney's fees and costs that
1589 came due before the association's acquisition of title in favor
1590 of any other association, as defined in s. 718.103 or s. 720.301
1591 ~~s. 720.301(9)~~, which holds a superior lien interest on the
1592 parcel. This paragraph is intended to clarify existing law.

1593 **Section 20.** This act shall take effect July 1, 2025.