

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Porras offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 **Section 1. Section 712.13, Florida Statutes, is created to**
7 **read:**

8 712.13 Governing documents associated with dissolved
9 homeowners' associations.-

10 (1) The Legislature finds that when a homeowners'
11 association has been dissolved, voluntarily or involuntarily,
12 the recorded governing documents created solely for the
13 association's benefit may remain in the county records
14 indefinitely, imposing an undue burden on private property
15 owners. It is the intent of the Legislature to restore and
16 protect private property rights by ensuring that such

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17 encumbrances are properly extinguished or removed from the
18 official records of the county when the association ceases to
19 exist.

20 (2) As used in this section, the term:

21 (a) "Dissolved association" means a homeowners'
22 association that has filed articles of dissolution with the
23 Department of State under chapter 617 or has otherwise ceased
24 its legal operation and existence.

25 (b) "Exclusive easement" means an easement recorded for
26 the sole benefit or use of a homeowners' association or its
27 members.

28 (c) "Governing documents" has the same meaning as in s.
29 720.301.

30 (d) "Servient estate" means the real property burdened by
31 an easement.

32 (3) (a) Upon the dissolution of a homeowners' association,
33 the governing documents of the association, which were recorded
34 in the official records of a county and created solely for the
35 operation or benefit of the dissolved association or its
36 members, are deemed terminated and are unenforceable.

37 (b) The recorded governing documents may not be construed
38 to create any rights for the general public or for any successor
39 entity unless expressly provided by law.

40 (c) The clerk of the circuit court shall, upon receipt of
41 a certified copy of the association's articles of dissolution,

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42 mark or otherwise indicate in the county's official records that
43 the governing documents for the dissolved association are
44 terminated and inactive.

45 (4) (a) An exclusive easement created for the benefit of a
46 homeowners' association or its members must revert to the
47 servient estate upon dissolution of the association if the owner
48 of the servient estate has continuously paid his or her ad
49 valorem taxes on the land encumbered by the easement.

50 (b) Upon reversion, the exclusive easement is extinguished
51 and the owner of the servient estate regains full rights of
52 ownership, possession, and control of the land encumbered by the
53 easement.

54 (c) An easement formerly held by a homeowners' association
55 may not become a public right-of-way, trail, or access route
56 unless a separate, valid written notice in accordance with s.
57 712.06 has been recorded to preserve the easement for the
58 benefit of the public.

59 (5) This section does not impair or extinguish easements,
60 covenants, or restrictions benefiting individual property owners
61 which were separately recorded or preserved under this chapter.

62 (6) This section applies both prospectively and
63 retroactively to homeowners' associations dissolved before, on,
64 or after July 1, 2026.

65 **Section 2. Subsections (19) through (35) of section**
66 **718.103, Florida Statutes, are renumbered as subsections (20)**

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67 **through (36), respectively, and a new subsection (19) is added**
68 **to that section, and present subsection (33) of that section is**
69 **amended to read:**

70 718.103 Definitions.—As used in this chapter, the term:
71 (19) "Habitable" means a space in a building for living,
72 sleeping, eating, or cooking. Garages, carports, and storage or
73 utility spaces are not considered habitable.

74 (34)-(33) "Video conference" means a real-time audio- and
75 video-based meeting between two or more people in different
76 locations using video-enabled and audio-enabled devices. The
77 notice for any meeting that is open to the unit owners and will
78 be conducted by video conference must have a hyperlink and call-
79 in conference telephone number for unit owners to attend the
80 meeting and must have a physical location where unit owners can
81 also attend the meeting in person. All meetings conducted by
82 video conference which are open to the unit owners must be
83 recorded, and such recording must be maintained as an official
84 record of the association.

85 **Section 3. Subsection (8) is added to section 718.104,**
86 **Florida Statutes, to read:**

87 718.104 Creation of condominiums; contents of
88 declaration.—Every condominium created in this state shall be
89 created pursuant to this chapter.

90 (8) (a) Each association formed on or after July 1, 2026,
91 must include the following statement in the governing documents:

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93 This association and the association's governing
94 documents are governed by the Florida Condominium Act,
95 as amended from time to time.
96

97 (b) By January 1, 2027, each association in existence
98 before July 1, 2026, must hold a meeting of the members in
99 accordance with s. 718.112 to vote whether to amend the
100 governing documents of the association to include the statement
101 in paragraph (a). The association must obtain the affirmative
102 approval of two-thirds of the units at a meeting of the
103 membership at which a quorum has been attained in order to amend
104 the governing documents under this paragraph.

105 **Section 4. Paragraph (c) of subsection (12) of section**
106 **718.111, Florida Statutes, is amended to read:**

107 718.111 The association.—

108 (12) OFFICIAL RECORDS.—

109 (c)1.a. The official records of the association are open
110 to inspection by any association member and any person
111 authorized by an association member as a representative of such
112 member at all reasonable times. The right to inspect the records
113 includes the right to make or obtain copies, at the reasonable
114 expense, if any, of the member and of the person authorized by
115 the association member as a representative of such member. A
116 renter of a unit has a right to inspect and copy only the

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117 declaration of condominium, the association's bylaws and rules,
118 and the inspection reports described in ss. 553.899 and
119 718.301(4) (p). The association may adopt reasonable rules
120 regarding the frequency, time, location, notice, and manner of
121 record inspections and copying but may not require a member to
122 demonstrate any purpose or state any reason for the inspection.
123 The failure of an association to provide the records within 10
124 working days after receipt of a written request creates a
125 rebuttable presumption that the association willfully failed to
126 comply with this paragraph. A unit owner who is denied access to
127 official records is entitled to the actual damages or minimum
128 damages for the association's willful failure to comply. Minimum
129 damages are \$50 per calendar day for up to 10 days, beginning on
130 the 11th working day after receipt of the written request. The
131 failure to permit inspection entitles any person prevailing in
132 an enforcement action to recover reasonable attorney fees from
133 the person in control of the records who, directly or
134 indirectly, knowingly denied access to the records. If the
135 requested records are posted on an association's website, or are
136 available for download through an application on a mobile
137 device, the association may fulfill its obligations under this
138 paragraph by directing to the website or the application all
139 persons authorized to request access.

140 b. In response to a written request to inspect records,
141 the association must simultaneously provide to the requestor a

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142 checklist of all records made available for inspection and
143 copying. The checklist must also identify any of the
144 association's official records that were not made available to
145 the requestor. An association must maintain a checklist provided
146 under this sub-subparagraph for 7 years. An association
147 delivering a checklist pursuant to this sub-subparagraph creates
148 a rebuttable presumption that the association has complied with
149 this paragraph.

150 2. A director or member of the board or association or a
151 community association manager who willfully and knowingly or
152 intentionally violates subparagraph 1. commits a misdemeanor of
153 the second degree, punishable as provided in s. 775.082 or s.
154 775.083, and must be removed from office and a vacancy declared.

155 3. A person who willfully and knowingly or intentionally
156 defaces or destroys accounting records that are required by this
157 chapter to be maintained during the period for which such
158 records are required to be maintained, or who willfully and
159 knowingly or intentionally fails to create or maintain
160 accounting records that are required to be created or
161 maintained, with the intent of causing harm to the association
162 or one or more of its members, commits a misdemeanor of the
163 first degree, punishable as provided in s. 775.082 or s.
164 775.083; is personally subject to a civil penalty pursuant to s.
165 718.501(1)(e); and must be removed from office and a vacancy
166 declared.

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167 4. A person who willfully and knowingly or intentionally
168 refuses to release or otherwise produce association records with
169 the intent to avoid or escape detection, arrest, trial, or
170 punishment for the commission of a crime, or to assist another
171 person with such avoidance or escape, commits a felony of the
172 third degree, punishable as provided in s. 775.082, s. 775.083,
173 or s. 775.084, and must be removed from office and a vacancy
174 declared.

175 5. The association shall maintain an adequate number of
176 copies of the declaration, articles of incorporation, bylaws,
177 and rules, and all amendments to each of the foregoing, as well
178 as the question and answer sheet as described in s. 718.504 and
179 the most recent annual financial statement and annual budget
180 required under this section, on the condominium property to
181 ensure their availability to unit owners and prospective
182 purchasers, and may charge its actual costs for preparing and
183 furnishing these documents to those requesting the documents. An
184 association shall allow a member or his or her authorized
185 representative to use a portable device, including a smartphone,
186 tablet, portable scanner, or any other technology capable of
187 scanning or taking photographs, to make an electronic copy of
188 the official records in lieu of the association's providing the
189 member or his or her authorized representative with a copy of
190 such records. The association may not charge a member or his or
191 her authorized representative for the use of a portable device.

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192 Notwithstanding this paragraph, the following records are not
193 accessible to unit owners:

194 a. Any record protected by the lawyer-client privilege as
195 described in s. 90.502 and any record protected by the work-
196 product privilege, including a record prepared by an association
197 attorney or prepared at the attorney's express direction, which
198 reflects a mental impression, conclusion, litigation strategy,
199 or legal theory of the attorney or the association, and which
200 was prepared exclusively for civil or criminal litigation or for
201 adversarial administrative proceedings, or which was prepared in
202 anticipation of such litigation or proceedings until the
203 conclusion of the litigation or proceedings.

204 b. Information obtained by an association in connection
205 with the approval of the lease, sale, or other transfer of a
206 unit.

207 c. Personnel records of association or management company
208 employees, including, but not limited to, disciplinary, payroll,
209 health, and insurance records. For purposes of this sub-
210 subparagraph, the term "personnel records" does not include
211 written employment agreements with an association employee or
212 management company, or budgetary or financial records that
213 indicate the compensation paid to an association employee.

214 d. Medical records of unit owners.

215 e. Social security numbers, driver license numbers, credit
216 card numbers, e-mail addresses, telephone numbers, facsimile

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217 numbers, emergency contact information, addresses of a unit
218 owner other than as provided to fulfill the association's notice
219 requirements, and other personal identifying information of any
220 person, excluding the person's name, unit designation, mailing
221 address, property address, and any address, e-mail address, or
222 facsimile number provided to the association to fulfill the
223 association's notice requirements. Notwithstanding the
224 restrictions in this sub-subparagraph, an association may print
225 and distribute to unit owners a directory containing the name,
226 unit address, and all telephone numbers of each unit owner.
227 However, an owner may exclude his or her telephone numbers from
228 the directory by so requesting in writing to the association. An
229 owner may consent in writing to the disclosure of other contact
230 information described in this sub-subparagraph. The association
231 is not liable for the inadvertent disclosure of information that
232 is protected under this sub-subparagraph if the information is
233 included in an official record of the association and is
234 voluntarily provided by an owner and not requested by the
235 association.

236 f. Electronic security measures that are used by the
237 association to safeguard data, including passwords.

238 g. The software and operating system used by the
239 association which allow the manipulation of data, even if the
240 owner owns a copy of the same software used by the association.
241 The data is part of the official records of the association.

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242 h. All affirmative acknowledgments made pursuant to s.
243 718.121(4)(c).

244 6.a. If an association receives a subpoena or written
245 request for records from a law enforcement agency or prosecuting
246 agency as defined in 112.531, the association must provide a
247 copy of such records or otherwise make the records available for
248 inspection and copying to the law enforcement agency or
249 prosecuting agency within 5 business days after receipt of the
250 subpoena or written request, unless otherwise specified by the
251 law enforcement agency, prosecuting agency, or subpoena or
252 written request. An association must assist a law enforcement
253 agency and a prosecuting agency in an investigation to the extent
254 permissible by law.

255 b. A director or member of the board or association or a
256 community association manager who willfully and knowingly fails
257 to provide a copy of records, or otherwise fails to make the
258 records available for inspection and copying, to a law
259 enforcement agency or prosecuting agency as required by sub-
260 paragraph a. commits a misdemeanor of the second degree,
261 punishable as provided in s. 775.082 or s. 775.083.

262 **Section 5. Paragraph (g) of subsection (2) of section**
263 **718.112, Florida Statutes, is amended to read:**

264 718.112 Bylaws.—

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265 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
266 following and, if they do not do so, shall be deemed to include
267 the following:

268 (g) Structural integrity reserve study.—

269 1. A residential condominium association must have a
270 structural integrity reserve study completed at least every 10
271 years after the condominium's creation for each building on the
272 condominium property that is three habitable stories or higher
273 in height, as determined by the Florida Building Code, which
274 includes, at a minimum, a study of the following items as
275 related to the structural integrity and safety of the building:

276 a. Roof.

277 b. Structure, including load-bearing walls and other
278 primary structural members and primary structural systems as
279 those terms are defined in s. 627.706.

280 c. Fireproofing and fire protection systems.

281 d. Plumbing.

282 e. Electrical systems.

283 f. Waterproofing and exterior painting.

284 g. Windows and exterior doors.

285 h. Any other item that has a deferred maintenance expense
286 or replacement cost that exceeds \$25,000 or the inflation-
287 adjusted amount determined by the division under subparagraph
288 (f)6., whichever is greater, and the failure to replace or
289 maintain such item negatively affects the items listed in sub-

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290 subparagraphs a.-g., as determined by the visual inspection
291 portion of the structural integrity reserve study.

292 2. A structural integrity reserve study is based on a
293 visual inspection of the condominium property.

294 3.a. A structural integrity reserve study, including the
295 visual inspection portion of the structural integrity reserve
296 study, must be performed or verified by an engineer licensed
297 under chapter 471, an architect licensed under chapter 481, or a
298 person certified as a reserve specialist or professional reserve
299 analyst by the Community Associations Institute or the
300 Association of Professional Reserve Analysts.

301 b. Any design professional as defined in s. 558.002 or any
302 contractor licensed under chapter 489 who bids to perform a
303 structural integrity reserve study must disclose in writing to
304 the association his or her intent to bid on any services related
305 to any maintenance, repair, or replacement that may be
306 recommended by the structural integrity reserve study. Any
307 design professional as defined in s. 558.002 or contractor
308 licensed under chapter 489 who submits a bid to the association
309 for performing any services recommended by the structural
310 integrity reserve study may not have an interest, directly or
311 indirectly, in the firm or entity providing the association's
312 structural integrity reserve study or be a relative of any
313 person having a direct or indirect interest in such firm, unless
314 such relationship is disclosed to the association in writing. As

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315 used in this section, the term "relative" means a relative
316 within the third degree of consanguinity by blood or marriage. A
317 contract for services is voidable and terminates upon the
318 association filing a written notice terminating the contract if
319 the design professional or licensed contractor failed to provide
320 the written disclosure of the interests or relationships
321 required under this paragraph. A design professional or licensed
322 contractor may be subject to discipline under the applicable
323 practice act for his or her profession for failure to provide
324 the written disclosure of the interests or relationships
325 required under this paragraph.

326 4.a. At a minimum, a structural integrity reserve study
327 must identify each item of the condominium property being
328 visually inspected, state the estimated remaining useful life
329 and the estimated replacement cost or deferred maintenance
330 expense of each item of the condominium property being visually
331 inspected, and provide a reserve funding plan or schedule with a
332 recommended annual reserve amount that achieves the estimated
333 replacement cost or deferred maintenance expense of each item of
334 condominium property being visually inspected by the end of the
335 estimated remaining useful life of the item. At a minimum, the
336 structural integrity reserve study must include a recommendation
337 for a reserve funding schedule based on a baseline funding plan
338 that provides a reserve funding goal in which the reserve
339 funding for each budget year is sufficient to maintain the

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340 reserve cash balance above zero. The study may recommend other
341 types of reserve funding schedules, provided that each
342 recommended schedule is sufficient to meet the association's
343 maintenance obligation.

344 b. The structural integrity reserve study may recommend
345 that reserves do not need to be maintained for any item for
346 which an estimate of useful life and an estimate of replacement
347 cost cannot be determined, or the study may recommend a deferred
348 maintenance expense amount for such item. The structural
349 integrity reserve study may recommend that reserves for
350 replacement costs do not need to be maintained for any item with
351 an estimated remaining useful life of greater than 25 years, but
352 the study may recommend a deferred maintenance expense amount
353 for such item. If the structural integrity reserve study
354 recommends reserves for any item for which reserves are not
355 required under this paragraph, the amount of the recommended
356 reserves for such item must be separately identified in the
357 structural integrity reserve study as an item for which reserves
358 are not required under this paragraph.

359 c. The structural integrity reserve study must take into
360 consideration the funding method or methods used by the
361 association to fund its maintenance and reserve funding
362 obligations through regular assessments, special assessments,
363 lines of credit, or loans. If the structural integrity reserve
364 study is performed before the association has approved a special

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365 assessment or secured a line of credit or a loan, the structural
366 integrity reserve study must be updated to reflect the funding
367 method selected by the association and its effect on the reserve
368 funding schedule, including any anticipated change in the amount
369 of regular assessments. The structural integrity reserve study
370 may be updated to reflect any changes to the useful life of the
371 reserve items after such items are repaired or replaced and the
372 effect such repair or replacement will have on the reserve
373 funding schedule. The association must obtain an updated
374 structural integrity reserve study before adopting any budget in
375 which the reserve funding from regular assessments, special
376 assessments, lines of credit, or loans does not align with the
377 funding plan from the most recent version of the structural
378 integrity reserve study.

379 5. This paragraph does not apply to buildings less than
380 three habitable stories in height; single-family, two-family,
381 three-family, or four-family dwellings with three or fewer
382 habitable stories above ground; any portion or component of a
383 building that has not been submitted to the condominium form of
384 ownership; or any portion or component of a building that is
385 maintained by a party other than the association.

386 6. Before a developer turns over control of an association
387 to unit owners other than the developer, the developer must have
388 a turnover inspection report in compliance with s. 718.301(4)(p)

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389 and (q) for each building on the condominium property ~~that is~~
390 ~~three stories or higher in height.~~

391 7. Associations existing on or before July 1, 2022, which
392 are controlled by unit owners other than the developer, must
393 have a structural integrity reserve study completed by December
394 31, 2025, for each building on the condominium property that is
395 three habitable stories or higher in height. An association that
396 is required to complete a milestone inspection in accordance
397 with s. 553.899 on or before December 31, 2026, may complete the
398 structural integrity reserve study simultaneously with the
399 milestone inspection. In no event may the structural integrity
400 reserve study be completed after December 31, 2026.

401 8. If the milestone inspection required by s. 553.899, or
402 an inspection completed for a similar local requirement, was
403 performed within the past 5 years and meets the requirements of
404 this paragraph, such inspection may be used in place of the
405 visual inspection portion of the structural integrity reserve
406 study.

407 9. If the association completes a milestone inspection
408 required by s. 553.899, or an inspection completed for a similar
409 local requirement, the association may delay performance of a
410 required structural integrity reserve study for no more than the
411 2 consecutive budget years immediately following the milestone
412 inspection in order to allow the association to focus its

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413 financial resources on completing the repair and maintenance
414 recommendations of the milestone inspection.

415 10. If the officers or directors of an association
416 willfully and knowingly fail to complete a structural integrity
417 reserve study pursuant to this paragraph, such failure is a
418 breach of an officer's or a director's fiduciary relationship to
419 the unit owners under s. 718.111(1). An officer or a director of
420 an association must sign an affidavit acknowledging receipt of
421 the completed structural integrity reserve study.

422 11. Within 45 days after receiving the structural
423 integrity reserve study, the association must distribute a copy
424 of the study to each unit owner or deliver to each unit owner a
425 notice that the completed study is available for inspection and
426 copying upon a written request. Distribution of a copy of the
427 study or notice must be made by United States mail or personal
428 delivery to the mailing address, property address, or any other
429 address of the owner provided to fulfill the association's
430 notice requirements under this chapter, or by electronic
431 transmission to the e-mail address or facsimile number provided
432 to fulfill the association's notice requirements to unit owners
433 who previously consented to receive notice by electronic
434 transmission.

435 12. Within 45 days after receiving the structural
436 integrity reserve study, the association must provide the
437 division with a statement indicating that the study was

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438 completed and that the association provided or made available
439 such study to each unit owner in accordance with this section.
440 The statement must be provided to the division in the manner
441 established by the division using a form posted on the
442 division's website.

443 13. The division shall adopt by rule the form for the
444 structural integrity reserve study in coordination with the
445 Florida Building Commission.

446 **Section 6. Subsections (6) and (7) of section 718.1255,**
447 **Florida Statutes, are renumbered as subsections (5) and (6),**
448 **respectively, and paragraphs (a), (h), (k), and (m) of**
449 **subsection (4) and present subsection (5) of that section are**
450 **amended, to read:**

451 718.1255 Alternative dispute resolution; mediation;
452 nonbinding arbitration; applicability.-

453 (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The
454 Division of Florida Condominiums, Timeshares, and Mobile Homes
455 of the Department of Business and Professional Regulation may
456 employ full-time attorneys to act as arbitrators to conduct the
457 arbitration hearings provided by this chapter. The division may
458 also certify attorneys who are not employed by the division to
459 act as arbitrators to conduct the arbitration hearings provided
460 by this chapter. A person may not be employed by the department
461 as a full-time arbitrator unless he or she is a member in good
462 standing of The Florida Bar. A person may only be certified by

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463 the division to act as an arbitrator if he or she has been a
464 member in good standing of The Florida Bar for at least 5 years
465 and has mediated or arbitrated at least 10 disputes involving
466 condominiums in this state during the 3 years immediately
467 preceding the date of application, mediated or arbitrated at
468 least 30 disputes in any subject area in this state during the 3
469 years immediately preceding the date of application, or attained
470 board certification in real estate law or condominium and
471 planned development law from The Florida Bar. Arbitrator
472 certification is valid for 1 year. An arbitrator who does not
473 maintain the minimum qualifications for initial certification
474 may not have his or her certification renewed. The department
475 may not enter into a legal services contract for an arbitration
476 hearing under this chapter with an attorney who is not a
477 certified arbitrator unless a certified arbitrator is not
478 available within 50 miles of the dispute. The department shall
479 adopt rules of procedure to govern such arbitration hearings
480 including mediation incident thereto. The decision of an
481 arbitrator is final; however, a decision is not deemed final
482 agency action. Nothing in this provision shall be construed to
483 foreclose parties from proceeding in a trial de novo unless the
484 parties have agreed that the arbitration is binding. If judicial
485 proceedings are initiated, the final decision of the arbitrator
486 is admissible in evidence in the trial de novo.

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487 (a) Before the institution of court litigation, a party to
488 a dispute, other than an election or recall dispute, must ~~shall~~
489 ~~either~~ petition the division for nonbinding arbitration or
490 request that the case be referred to mediation ~~initiate presuit~~
491 ~~mediation as provided in subsection (5)~~. Arbitration is binding
492 on the parties if all parties in arbitration agree to be bound
493 in a writing filed in arbitration. The petition must be
494 accompanied by a filing fee in the amount of \$50. Filing fees
495 collected under this section must be used to defray the expenses
496 of the alternative dispute resolution program.

497 (h) Mediation proceedings must generally be conducted in
498 accordance with the Florida Rules of Civil Procedure, and these
499 proceedings are privileged and confidential to the same extent
500 as court-ordered mediation. Persons who are not parties to the
501 dispute are not allowed to attend the mediation conference
502 without the consent of all parties, with the exception of
503 counsel for the parties and corporate representatives designated
504 to appear for a party. If the mediator declares an impasse after
505 a mediation conference has been held, the arbitration proceeding
506 terminates, unless all parties agree in writing to continue the
507 arbitration proceeding, in which case the arbitrator's decision
508 shall be binding or nonbinding, as agreed upon by the parties;
509 in the arbitration proceeding, the arbitrator shall not consider
510 any evidence relating to the unsuccessful mediation except in a
511 proceeding to impose sanctions for failure to appear at the

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512 mediation conference. If the parties do not agree to continue
513 arbitration, the arbitrator shall enter an order of dismissal,
514 and either party may institute a suit in a community association
515 court program under s. 720.32 or a court of competent
516 jurisdiction. The parties may seek to recover any costs and
517 attorney fees incurred in connection with arbitration and
518 mediation proceedings under this section as part of the costs
519 and fees that may be recovered by the prevailing party in any
520 subsequent litigation.

521 (k) The arbitration decision shall be rendered within 30
522 days after the hearing and presented to the parties in writing.
523 An arbitration decision is final in those disputes in which the
524 parties have agreed to be bound. An arbitration decision is also
525 final if a complaint for a trial de novo is not filed in a
526 community association court program under s. 720.32 or a court
527 of competent jurisdiction in which the condominium is located
528 within 30 days. The right to file for a trial de novo entitles
529 the parties to file a complaint in the appropriate trial court
530 for a judicial resolution of the dispute. The prevailing party
531 in an arbitration proceeding shall be awarded the costs of the
532 arbitration and reasonable attorney fees in an amount determined
533 by the arbitrator. Such an award shall include the costs and
534 reasonable attorney fees incurred in the arbitration proceeding
535 as well as the costs and reasonable attorney fees incurred in
536 preparing for and attending any scheduled mediation. An

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537 arbitrator's failure to render a written decision within 30 days
538 after the hearing may result in the cancellation of his or her
539 arbitration certification.

540 (m) Any party to an arbitration proceeding may enforce an
541 arbitration award by filing a petition in a community
542 association court program under s. 720.32 or a court of
543 competent jurisdiction in which the condominium is located. A
544 petition may not be granted unless the time for appeal by the
545 filing of a complaint for trial de novo has expired. If a
546 complaint for a trial de novo has been filed, a petition may not
547 be granted with respect to an arbitration award that has been
548 stayed. If the petition for enforcement is granted, the
549 petitioner shall recover reasonable attorney fees and costs
550 incurred in enforcing the arbitration award. A mediation
551 settlement may also be enforced through the county or circuit
552 court or a community association court program, as applicable,
553 and any costs and fees incurred in the enforcement of a
554 settlement agreement reached at mediation must be awarded to the
555 prevailing party in any enforcement action.

556 ~~(5) PRESUIT MEDIATION. In lieu of the initiation of~~
557 ~~nonbinding arbitration as provided in subsections (1)-(4), a~~
558 ~~party may submit a dispute to presuit mediation in accordance~~
559 ~~with s. 720.311; however, election and recall disputes are not~~
560 ~~eligible for mediation and such disputes must be arbitrated by~~
561 ~~the division or filed in a court of competent jurisdiction.~~

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562 **Section 7. Subsection (7) of section 718.128, Florida**
563 **Statutes, is amended to read:**

564 718.128 Electronic voting.—The association may conduct
565 elections and other unit owner votes through an Internet-based
566 online voting system if a unit owner consents, electronically or
567 in writing, to online voting and if the following requirements
568 are met:

569 (7) (a) Unless the association has adopted electronic
570 voting in accordance with subsections (1)-(6), the association
571 must designate an e-mail address, independent website,
572 application, or Internet web portal for receipt of
573 electronically transmitted ballots. Electronically transmitted
574 ballots must meet all the requirements of this subsection.

575 (b) A unit owner may electronically transmit a ballot to
576 the e-mail address, independent website, application, or
577 Internet web portal designated by the association without
578 complying with s. 718.112(2)(d)3. ~~s. 718.112(2)(d)4.~~ or the
579 rules providing for the secrecy of ballots adopted by the
580 division. The association must count completed ballots that are
581 electronically transmitted to the designated e-mail address,
582 independent website, application, or Internet web portal,
583 provided the completed ballots comply with the requirements of
584 this subsection.

585 (c) A ballot that is electronically transmitted to the
586 association must include all of the following:

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587 1. A space for the unit owner to type in his or her unit
588 number.

589 2. A space for the unit owner to type in his or her first
590 and last name, which also functions as the signature of the unit
591 owner for purposes of signing the ballot.

592 3. The following statement in capitalized letters and in a
593 font size larger than any other font size used in the electronic
594 transmission ~~e-mail~~ from the association to the unit owner:

595
596 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU
597 DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN
598 ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT
599 THROUGH ELECTRONIC MEANS ~~E-MAIL~~ TO THE ASSOCIATION,
600 YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU
601 DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO
602 PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS
603 BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING
604 WHICH THE MATTER WILL BE VOTED ON.

605
606 (d) A unit owner must transmit his or her completed ballot
607 to the e-mail address, independent website, application, or
608 Internet web portal designated by the association no later than
609 the scheduled date and time of the meeting during which the
610 matter is being voted on.

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611 (e) There is a rebuttable presumption that an association
612 has reviewed all folders associated with the e-mail address,
613 independent website, application, or Internet web portal
614 designated by the association to receive ballots if a board
615 member, an officer, or an agent of the association, or a manager
616 licensed under part VIII of chapter 468, provides a sworn
617 affidavit attesting to such review.

618 **Section 8. Subsections (19) through (29) of section**
619 **719.103, Florida Statutes, are renumbered as subsections (20)**
620 **through (30), respectively, and a new subsection (19) is added**
621 **to that section, to read:**

622 719.103 Definitions.—As used in this chapter:

623 (19) "Habitable" means a space in a building for living,
624 sleeping, eating, or cooking. Garages, carports, and storage or
625 utility spaces are not considered habitable.

626 **Section 9. Paragraph (k) of subsection (1) of section**
627 **719.106, Florida Statutes, is amended to read:**

628 719.106 Bylaws; cooperative ownership.—

629 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
630 documents shall provide for the following, and if they do not,
631 they shall be deemed to include the following:

632 (k) Structural integrity reserve study.—

633 1. A residential cooperative association must have a
634 structural integrity reserve study completed at least every 10
635 years for each building on the cooperative property that is

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636 three habitable stories or higher in height, as determined by
637 the Florida Building Code, that includes, at a minimum, a study
638 of the following items as related to the structural integrity
639 and safety of the building:

640 a. Roof.

641 b. Structure, including load-bearing walls and other
642 primary structural members and primary structural systems as
643 those terms are defined in s. 627.706.

644 c. Fireproofing and fire protection systems.

645 d. Plumbing.

646 e. Electrical systems.

647 f. Waterproofing and exterior painting.

648 g. Windows and exterior doors.

649 h. Any other item that has a deferred maintenance expense
650 or replacement cost that exceeds \$25,000 or the inflation-
651 adjusted amount determined by the division under subparagraph
652 (j)6., whichever is greater, and the failure to replace or
653 maintain such item negatively affects the items listed in sub-
654 subparagraphs a.-g., as determined by the visual inspection
655 portion of the structural integrity reserve study.

656 2. A structural integrity reserve study is based on a
657 visual inspection of the cooperative property.

658 3.a. A structural integrity reserve study, including the
659 visual inspection portion of the structural integrity reserve
660 study, must be performed or verified by an engineer licensed

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661 under chapter 471, an architect licensed under chapter 481, or a
662 person certified as a reserve specialist or professional reserve
663 analyst by the Community Associations Institute or the
664 Association of Professional Reserve Analysts.

665 b. Any design professional as defined in s. 558.002(7) or
666 contractor licensed under chapter 489 who bids to perform a
667 structural integrity reserve study must disclose in writing to
668 the association his or her intent to bid on any services related
669 to any maintenance, repair, or replacement that may be
670 recommended by the structural integrity reserve study. Any
671 design professional as defined in s. 558.002 or contractor
672 licensed under chapter 489 who submits a bid to the association
673 for performing any services recommended by the structural
674 integrity reserve study may not have an interest, directly or
675 indirectly, in the firm or entity providing the association's
676 structural integrity reserve study or be a relative of any
677 person having a direct or indirect interest in such firm, unless
678 such relationship is disclosed to the association in writing. As
679 used in this section, the term "relative" means a relative
680 within the third degree of consanguinity by blood or marriage. A
681 contract for services is voidable and terminates upon the
682 association filing a written notice terminating the contract if
683 the design professional or licensed contractor failed to provide
684 the written disclosure of the relationship required under this
685 paragraph. A design professional or licensed contractor may be

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686 subject to discipline under the applicable practice act for his
687 or her profession for failure to provide the written disclosure
688 of the relationship required under this subparagraph.

689 4.a. At a minimum, a structural integrity reserve study
690 must identify each item of the cooperative property being
691 visually inspected, state the estimated remaining useful life
692 and the estimated replacement cost or deferred maintenance
693 expense of each item of the cooperative property being visually
694 inspected, and provide a reserve funding schedule with a
695 recommended annual reserve amount that achieves the estimated
696 replacement cost or deferred maintenance expense of each item of
697 cooperative property being visually inspected by the end of the
698 estimated remaining useful life of the item. The structural
699 integrity reserve study may recommend that reserves do not need
700 to be maintained for any item for which an estimate of useful
701 life and an estimate of replacement cost cannot be determined,
702 or the study may recommend a deferred maintenance expense amount
703 for such item. At a minimum, the structural integrity reserve
704 study must include a recommendation for a reserve funding
705 schedule based on a baseline funding plan that provides a
706 reserve funding goal in which the reserve funding for each
707 budget year is sufficient to maintain the reserve cash balance
708 above zero. The study may recommend other types of reserve
709 funding schedules, provided that each recommended schedule is
710 sufficient to meet the association's maintenance obligation.

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711 b. The structural integrity reserve study may recommend
712 that reserves for replacement costs do not need to be maintained
713 for any item with an estimated remaining useful life of greater
714 than 25 years, but the study may recommend a deferred
715 maintenance expense amount for such item. If the structural
716 integrity reserve study recommends reserves for any item for
717 which reserves are not required under this paragraph, the amount
718 of the recommended reserves for such item must be separately
719 identified in the structural integrity reserve study as an item
720 for which reserves are not required under this paragraph.

721 c. The structural integrity reserve study must take into
722 consideration the funding method or methods used by the
723 association to fund its maintenance and reserve funding
724 obligations through regular assessments, special assessments,
725 lines of credit, or loans. If the structural integrity reserve
726 study is performed before the association has approved a special
727 assessment or secured a line of credit or a loan, the structural
728 integrity reserve study must be updated to reflect the funding
729 method selected by the association and its effect on the reserve
730 funding schedule, including any anticipated change in the amount
731 of regular assessments. The structural integrity reserve study
732 may be updated to reflect any changes to the useful life of the
733 reserve items after such items are repaired or replaced, and the
734 effect such repair or replacement will have on the reserve
735 funding schedule. The association must obtain an updated

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736 structural integrity reserve study before adopting any budget in
737 which the reserve funding from regular assessments, special
738 assessments, lines of credit, or loans does not align with the
739 funding plan from the most recent version of the structural
740 integrity reserve study.

741 5. This paragraph does not apply to buildings less than
742 three habitable stories in height; single-family, two-family,
743 three-family, or four-family dwellings with three or fewer
744 habitable stories above ground; any portion or component of a
745 building that has not been submitted to the cooperative form of
746 ownership; or any portion or component of a building that is
747 maintained by a party other than the association.

748 6. Before a developer turns over control of an association
749 to unit owners other than the developer, the developer must have
750 a turnover inspection report in compliance with s. 719.301(4)(p)
751 and (q) for each building on the cooperative property ~~that is~~
752 ~~three stories or higher in height.~~

753 7. Associations existing on or before July 1, 2022, which
754 are controlled by unit owners other than the developer, must
755 have a structural integrity reserve study completed by December
756 31, 2024, for each building on the cooperative property that is
757 three habitable stories or higher in height. An association that
758 is required to complete a milestone inspection on or before
759 December 31, 2026, in accordance with s. 553.899 may complete
760 the structural integrity reserve study simultaneously with the

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761 milestone inspection. In no event may the structural integrity
762 reserve study be completed after December 31, 2026.

763 8. If the milestone inspection required by s. 553.899, or
764 an inspection completed for a similar local requirement, was
765 performed within the past 5 years and meets the requirements of
766 this paragraph, such inspection may be used in place of the
767 visual inspection portion of the structural integrity reserve
768 study.

769 9. If the association completes a milestone inspection
770 required by s. 553.899, or an inspection completed for a similar
771 local requirement, the association may delay performance of a
772 required structural integrity reserve study for no more than the
773 2 consecutive budget years immediately following the milestone
774 inspection in order to allow the association to focus its
775 financial resources on completing the repair and maintenance
776 recommendations of the milestone inspection.

777 10. If the officers or directors of an association
778 willfully and knowingly fail to complete a structural integrity
779 reserve study pursuant to this paragraph, such failure is a
780 breach of an officer's and director's fiduciary relationship to
781 the unit owners under s. 719.104(9). An officer or a director of
782 the association must sign an affidavit acknowledging receipt of
783 the completed structural integrity reserve study.

784 11. Within 45 days after receiving the structural
785 integrity reserve study, the association must distribute a copy

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786 of the study to each unit owner or deliver to each unit owner a
787 notice that the completed study is available for inspection and
788 copying upon a written request. Distribution of a copy of the
789 study or notice must be made by United States mail or personal
790 delivery at the mailing address, property address, or any other
791 address of the owner provided to fulfill the association's
792 notice requirements under this chapter, or by electronic
793 transmission to the e-mail address or facsimile number provided
794 to fulfill the association's notice requirements to unit owners
795 who previously consented to receive notice by electronic
796 transmission.

797 12. Within 45 days after receiving the structural
798 integrity reserve study, the association must provide the
799 division with a statement indicating that the study was
800 completed and that the association provided or made available
801 such study to each unit owner in accordance with this section.
802 Such statement must be provided to the division in the manner
803 established by the division using a form posted on the
804 division's website.

805 13. The division shall adopt by rule the form for the
806 structural integrity reserve study in coordination with the
807 Florida Building Commission.

808 **Section 10. Subsections (8) through (13) of section**
809 **720.301, Florida Statutes, are renumbered as subsections (9)**

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810 **through (14), respectively, and a new subsection (8) is added to**
811 **that section, to read:**

812 720.301 Definitions.—As used in this chapter, the term:
813 (8) "Financial statements" means a comprehensive report
814 prepared in accordance with generally accepted accounting
815 principles which accurately reflects the financial condition and
816 operation of a homeowners' association for a specified reporting
817 period. This report must include, at a minimum, a balance sheet;
818 an income and expense statement; a budget comparison; and a
819 complete set of bank statements, including copies of check
820 images for all disbursements the association made during the
821 reporting period, for each bank account belonging to the
822 association.

823 **Section 11. Subsection (2) of section 720.302, Florida**
824 **Statutes, is amended to read:**

825 720.302 Purposes, scope, and application.—
826 (2) The Legislature recognizes that it is not in the best
827 interest of homeowners' associations or the individual
828 association members thereof to create or impose a bureau or
829 other agency of state government to regulate the affairs of
830 homeowners' associations. However, in accordance with s.
831 720.311, the Legislature finds that homeowners' associations and
832 their individual members will benefit from an expedited
833 alternative process for resolution of election and recall
834 disputes ~~and presuit mediation of other disputes involving~~

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835 ~~covenant enforcement~~ and authorizes the department to hear,
836 administer, and determine these disputes as more fully set forth
837 in this chapter. Further, the Legislature recognizes that
838 certain contract rights have been created for the benefit of
839 homeowners' associations and members thereof before the
840 effective date of this act and that ss. 720.301-720.407 are not
841 intended to impair such contract rights, including, but not
842 limited to, the rights of the developer to complete the
843 community as initially contemplated.

844 **Section 12. Subsections (11) through (15) of section**
845 **720.303, Florida Statutes, are renumbered as subsections (12)**
846 **through (16), respectively, subsection (1) is amended, paragraph**
847 **(i) of subsection (5) is amended, and a new subsection (11) is**
848 **added to that section, to read:**

849 720.303 Association powers and duties; meetings of board;
850 official records; budgets; financial reporting; association
851 funds; recalls.—

852 (1) POWERS AND DUTIES.—

853 (a) An association that operates a community as defined in
854 s. 720.301 must be operated by an association that is a Florida
855 corporation. After October 1, 1995, the association must be
856 incorporated and the initial governing documents must be
857 recorded in the official records of the county in which the
858 community is located. An association may operate more than one
859 community.

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860 **(b)** The officers and directors of an association are
861 subject to s. 617.0830 and have a fiduciary relationship to the
862 members who are served by the association.

863 **(c)** The powers and duties of an association include those
864 set forth in this chapter and, except as expressly limited or
865 restricted in this chapter, those set forth in the governing
866 documents.

867 **1.** Each association formed on or after July 1, 2026, must
868 include the following statement in the governing documents:

869
870 This association and the association's governing
871 documents are governed by the Florida Homeowners'
872 Association Act, as amended from time to time.

873
874 **2.** By January 1, 2027, each association in existence
875 before July 1, 2026, must hold a meeting of the members in
876 accordance with s. 720.306 to vote whether to amend the
877 governing documents of the association to include the statement
878 in subparagraph 1. The association must obtain the affirmative
879 approval of two-thirds of the voting interests of the
880 association at a meeting of the membership at which a quorum has
881 been attained in order to amend the governing documents under
882 this subparagraph.

883 **(d)** After control of the association is obtained by
884 members other than the developer, the association may institute,

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885 maintain, settle, or appeal actions or hearings in its name on
886 behalf of all members concerning matters of common interest to
887 the members, including, but not limited to, the common areas;
888 roof or structural components of a building, or other
889 improvements for which the association is responsible;
890 mechanical, electrical, or plumbing elements serving an
891 improvement or building for which the association is
892 responsible; representations of the developer pertaining to any
893 existing or proposed commonly used facility; and protest of ad
894 valorem taxes on commonly used facilities. The association may
895 defend actions in eminent domain or bring inverse condemnation
896 actions. Before commencing litigation against any party in the
897 name of the association involving amounts in controversy in
898 excess of \$100,000, the association must obtain the affirmative
899 approval of a majority of the voting interests at a meeting of
900 the membership at which a quorum has been attained. This
901 paragraph subsection does not limit any statutory or common-law
902 right of any individual member or class of members to bring any
903 action without participation by the association.

904 (e) A member does not have authority to act for the
905 association by virtue of being a member. An association may have
906 more than one class of members and may issue membership
907 certificates.

908 (f) An association of 15 or fewer parcel owners may
909 enforce only the requirements of those deed restrictions

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910 established prior to the purchase of each parcel upon an
911 affected parcel owner or owners.

912 (5) INSPECTION AND COPYING OF RECORDS.—

913 (i)1. If an association receives a subpoena or written
914 request for records from a law enforcement agency or prosecuting
915 agency as defined in 112.531, the association must provide a
916 copy of such records or otherwise make the records available for
917 inspection and copying to a law enforcement agency or
918 prosecuting agency within 5 business days after receipt of the
919 subpoena or written request, unless otherwise specified by the
920 law enforcement agency, prosecuting agency, or subpoena or
921 written request. An association must assist a law enforcement
922 agency in its investigation to the extent permissible by law.

923 2. A director or member of the board or association or a
924 community association manager who willfully and knowingly fails
925 to provide a copy of records to a law enforcement agency or
926 prosecuting agency, or otherwise fails to make the records
927 available for inspection and copying, as required by
928 subparagraph 1. commits a misdemeanor of the second degree,
929 punishable as provided in s. 775.082 or s. 775.083.

930 (11) CONFLICTS OF INTEREST.—

931 (a) A director, an officer, or a committee member of an
932 association owes a duty of loyalty to the association and its
933 members.

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934 (b) A conflict of interest exists when a director, an
935 officer, or a committee member has a direct or an indirect
936 financial interest in a transaction, contract, or decision under
937 consideration by the association.

938 (c) The director, officer, or committee member with a
939 conflict of interest must disclose the nature and extent of the
940 conflict in writing to the board before any discussion or vote
941 occurs on the matter.

942 (d) After disclosure of the conflict of interest, the
943 conflicted director, officer, or committee member may not
944 participate in any discussion or vote on the matter.

945 (e) A transaction involving a conflict of interest is
946 voidable by the association unless the transaction was approved
947 by a majority of the voting interests of the association after
948 full disclosure by the conflicted director, officer, or
949 committee member has occurred.

950 (f) Compensating or contracting with a director, an
951 officer, or a committee member of the association, or an
952 immediate family member thereof, creates a rebuttable
953 presumption that a conflict of interest exists.

954 (g) This subsection may not be waived or limited by the
955 governing documents of the association.

956 **Section 13. Paragraph (h) of subsection (1) of section**
957 **720.306, Florida Statutes, is amended to read:**

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958 720.306 Meetings of members; voting and election
959 procedures; amendments.—

960 (1) QUORUM; AMENDMENTS.—

961 (h)1. Except as otherwise provided in this paragraph, any
962 governing document, or amendment to a governing document, that
963 is enacted after July 1, 2021, and that prohibits or regulates
964 rental agreements applies only to a parcel owner who acquires
965 title to the parcel after the effective date of the governing
966 document or amendment, or to a parcel owner who consents,
967 individually or through a representative, to the governing
968 document or amendment.

969 2. Notwithstanding subparagraph 1., an association may
970 amend its governing documents to prohibit or regulate rental
971 agreements for a term of less than 6 months and may prohibit the
972 rental of a parcel for more than three times in a calendar year,
973 and such amendments shall apply to all parcel owners.

974 3. This paragraph does not affect the amendment
975 restrictions for associations of 15 or fewer parcel owners under
976 s. 720.303(1)(f) ~~s. 720.303(1)~~.

977 4. For purposes of this paragraph, a change of ownership
978 does not occur when a parcel owner conveys the parcel to an
979 affiliated entity, when beneficial ownership of the parcel does
980 not change, or when an heir becomes the parcel owner. For
981 purposes of this subparagraph, the term "affiliated entity"
982 means an entity that controls, is controlled by, or is under

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983 common control with the parcel owner or that becomes a parent or
984 successor entity by reason of transfer, merger, consolidation,
985 public offering, reorganization, dissolution or sale of stock,
986 or transfer of membership partnership interests. For a
987 conveyance to be recognized as one made to an affiliated entity,
988 the entity must furnish to the association a document certifying
989 that this subparagraph applies and provide any organizational
990 documents for the parcel owner and the affiliated entity which
991 support the representations in the certificate, as requested by
992 the association.

993 5. For purposes of this paragraph, a change of ownership
994 does occur when, with respect to a parcel owner that is a
995 business entity, every person that owned an interest in the real
996 property at the time of the enactment of the amendment or rule
997 conveys their interest in the real property to an unaffiliated
998 entity.

999 **Section 14. Section 720.311, Florida Statutes, is amended**
1000 **to read:**

1001 720.311 Dispute resolution.—

1002 (1) The Legislature finds that alternative dispute
1003 resolution has made progress in reducing court dockets and
1004 trials and in offering a more efficient, cost-effective option
1005 to litigation. The filing of any petition for arbitration tolls
1006 ~~or the serving of a demand for presuit mediation as provided for~~
1007 ~~in this section shall toll~~ the applicable statute of

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1008 limitations. Any recall dispute filed with the department under
1009 s. 720.303(10) must ~~shall~~ be conducted by the department in
1010 accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255
1011 and the rules adopted by the division. In addition, the
1012 department shall conduct binding arbitration of election
1013 disputes between a member and an association in accordance with
1014 s. 718.1255 and rules adopted by the division. Election disputes
1015 and recall disputes are not eligible ~~for presuit mediation;~~
1016 ~~these disputes~~ must be arbitrated by the department or filed in
1017 a court of competent jurisdiction. The arbitration proceeding
1018 must be conducted by a department arbitrator or by a private
1019 arbitrator certified by the department. At the conclusion of an
1020 arbitration proceeding, the department shall charge the parties
1021 a fee in an amount adequate to cover all costs and expenses
1022 incurred by the department in conducting the proceeding.
1023 Initially, the petitioner shall remit a filing fee of at least
1024 \$200 to the department. The fees paid to the department shall
1025 become a recoverable cost in the arbitration proceeding, and the
1026 prevailing party in an arbitration proceeding shall recover its
1027 reasonable costs and attorney fees in an amount found reasonable
1028 by the arbitrator. The department shall adopt rules to
1029 effectuate the purposes of this section.

1030 ~~(2)(a) Disputes between an association and a parcel owner~~
1031 ~~regarding use of or changes to the parcel or the common areas~~
1032 ~~and other covenant enforcement disputes, disputes regarding~~

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1033 ~~amendments to the association documents, disputes regarding~~
1034 ~~meetings of the board and committees appointed by the board,~~
1035 ~~membership meetings not including election meetings, and access~~
1036 ~~to the official records of the association shall be the subject~~
1037 ~~of a demand for presuit mediation served by an aggrieved party~~
1038 ~~before the dispute is filed in court. Presuit mediation~~
1039 ~~proceedings must be conducted in accordance with the applicable~~
1040 ~~Florida Rules of Civil Procedure, and these proceedings are~~
1041 ~~privileged and confidential to the same extent as court-ordered~~
1042 ~~mediation. Disputes subject to presuit mediation under this~~
1043 ~~section shall not include the collection of any assessment,~~
1044 ~~fine, or other financial obligation, including attorney's fees~~
1045 ~~and costs, claimed to be due or any action to enforce a prior~~
1046 ~~mediation settlement agreement between the parties. Also, in any~~
1047 ~~dispute subject to presuit mediation under this section where~~
1048 ~~emergency relief is required, a motion for temporary injunctive~~
1049 ~~relief may be filed with the court without first complying with~~
1050 ~~the presuit mediation requirements of this section. After any~~
1051 ~~issues regarding emergency or temporary relief are resolved, the~~
1052 ~~court may either refer the parties to a mediation program~~
1053 ~~administered by the courts or require mediation under this~~
1054 ~~section. An arbitrator or judge may not consider any information~~
1055 ~~or evidence arising from the presuit mediation proceeding except~~
1056 ~~in a proceeding to impose sanctions for failure to attend a~~
1057 ~~presuit mediation session or to enforce a mediated settlement~~

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1058 ~~agreement. Persons who are not parties to the dispute may not~~
1059 ~~attend the presuit mediation conference without the consent of~~
1060 ~~all parties, except for counsel for the parties and a corporate~~
1061 ~~representative designated by the association. When mediation is~~
1062 ~~attended by a quorum of the board, such mediation is not a board~~
1063 ~~meeting for purposes of notice and participation set forth in s.~~
1064 ~~720.303. An aggrieved party shall serve on the responding party~~
1065 ~~a written demand to participate in presuit mediation in~~
1066 ~~substantially the following form:~~

1067 ~~STATUTORY OFFER TO PARTICIPATE~~

1068 ~~IN PRESUIT MEDIATION~~

1069 ~~The alleged aggrieved party,, hereby~~
1070 ~~demands that, as the responding~~
1071 ~~party, engage in mandatory presuit mediation in~~
1072 ~~connection with the following disputes, which by~~
1073 ~~statute are of a type that are subject to presuit~~
1074 ~~mediation:~~

1075 ~~(List specific nature of the dispute or disputes to be~~
1076 ~~mediated and the authority supporting a finding of a~~
1077 ~~violation as to each dispute.)~~

1078 ~~Pursuant to section 720.311, Florida Statutes, this~~
1079 ~~demand to resolve the dispute through presuit~~
1080 ~~mediation is required before a lawsuit can be filed~~

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1081 ~~concerning the dispute. Pursuant to the statute, the~~
1082 ~~parties are required to engage in presuit mediation~~
1083 ~~with a neutral third-party mediator in order to~~
1084 ~~attempt to resolve this dispute without court action,~~
1085 ~~and the aggrieved party demands that you likewise~~
1086 ~~agree to this process. If you fail to participate in~~
1087 ~~the mediation process, suit may be brought against you~~
1088 ~~without further warning.~~

1089 ~~The process of mediation involves a supervised~~
1090 ~~negotiation process in which a trained, neutral third-~~
1091 ~~party mediator meets with both parties and assists~~
1092 ~~them in exploring possible opportunities for resolving~~
1093 ~~part or all of the dispute. By agreeing to participate~~
1094 ~~in presuit mediation, you are not bound in any way to~~
1095 ~~change your position. Furthermore, the mediator has no~~
1096 ~~authority to make any decisions in this matter or to~~
1097 ~~determine who is right or wrong and merely acts as a~~
1098 ~~facilitator to ensure that each party understands the~~
1099 ~~position of the other party and that all options for~~
1100 ~~reasonable settlement are fully explored.~~

1101 ~~If an agreement is reached, it shall be reduced to~~
1102 ~~writing and becomes a binding and enforceable~~
1103 ~~commitment of the parties. A resolution of one or more~~
1104 ~~disputes in this fashion avoids the need to litigate~~

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1105 ~~these issues in court. The failure to reach an~~
1106 ~~agreement, or the failure of a party to participate in~~
1107 ~~the process, results in the mediator declaring an~~
1108 ~~impasse in the mediation, after which the aggrieved~~
1109 ~~party may proceed to court on all outstanding,~~
1110 ~~unsettled disputes. If you have failed or refused to~~
1111 ~~participate in the entire mediation process, you will~~
1112 ~~not be entitled to recover attorney's fees, even if~~
1113 ~~you prevail.~~

1114 ~~The aggrieved party has selected and hereby lists five~~
1115 ~~certified mediators who we believe to be neutral and~~
1116 ~~qualified to mediate the dispute. You have the right~~
1117 ~~to select any one of these mediators. The fact that~~
1118 ~~one party may be familiar with one or more of the~~
1119 ~~listed mediators does not mean that the mediator~~
1120 ~~cannot act as a neutral and impartial facilitator. Any~~
1121 ~~mediator who cannot act in this capacity is required~~
1122 ~~ethically to decline to accept engagement. The~~
1123 ~~mediators that we suggest, and their current hourly~~
1124 ~~rates, are as follows:~~

1125 ~~(List the names, addresses, telephone numbers, and~~
1126 ~~hourly rates of the mediators. Other pertinent~~
1127 ~~information about the background of the mediators may~~
1128 ~~be included as an attachment.)~~

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1129 ~~You may contact the offices of these mediators to~~
1130 ~~confirm that the listed mediators will be neutral and~~
1131 ~~will not show any favoritism toward either party. The~~
1132 ~~Florida Supreme Court can provide you a list of~~
1133 ~~certified mediators.~~

1134 ~~Unless otherwise agreed by the parties, section~~
1135 ~~720.311(2) (b), Florida Statutes, requires that the~~
1136 ~~parties share the costs of presuit mediation equally,~~
1137 ~~including the fee charged by the mediator. An average~~
1138 ~~mediation may require three to four hours of the~~
1139 ~~mediator's time, including some preparation time, and~~
1140 ~~the parties would need to share equally the mediator's~~
1141 ~~fees as well as their own attorney's fees if they~~
1142 ~~choose to employ an attorney in connection with the~~
1143 ~~mediation. However, use of an attorney is not required~~
1144 ~~and is at the option of each party. The mediators may~~
1145 ~~require the advance payment of some or all of the~~
1146 ~~anticipated fees. The aggrieved party hereby agrees to~~
1147 ~~pay or prepay one-half of the mediator's estimated~~
1148 ~~fees and to forward this amount or such other~~
1149 ~~reasonable advance deposits as the mediator requires~~
1150 ~~for this purpose. Any funds deposited will be returned~~
1151 ~~to you if these are in excess of your share of the~~
1152 ~~fees incurred.~~

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1153 ~~To begin your participation in presuit mediation to~~
1154 ~~try to resolve the dispute and avoid further legal~~
1155 ~~action, please sign below and clearly indicate which~~
1156 ~~mediator is acceptable to you. We will then ask the~~
1157 ~~mediator to schedule a mutually convenient time and~~
1158 ~~place for the mediation conference to be held. The~~
1159 ~~mediation conference must be held within ninety (90)~~
1160 ~~days of this date, unless extended by mutual written~~
1161 ~~agreement. In the event that you fail to respond~~
1162 ~~within 20 days from the date of this letter, or if you~~
1163 ~~fail to agree to at least one of the mediators that we~~
1164 ~~have suggested or to pay or prepay to the mediator~~
1165 ~~one-half of the costs involved, the aggrieved party~~
1166 ~~will be authorized to proceed with the filing of a~~
1167 ~~lawsuit against you without further notice and may~~
1168 ~~seek an award of attorney's fees or costs incurred in~~
1169 ~~attempting to obtain mediation.~~

1170 ~~Therefore, please give this matter your immediate~~
1171 ~~attention. By law, your response must be mailed by~~
1172 ~~certified mail, return receipt requested, and by~~
1173 ~~first-class mail to the address shown on this demand.~~

1174 ~~.....~~
1175 ~~.....~~

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1176 ~~RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR~~
1177 ~~AGREEMENT TO THAT CHOICE.~~

1178 ~~AGREEMENT TO MEDIATE~~

1179 ~~The undersigned hereby agrees to participate in~~
1180 ~~presuit mediation and agrees to attend a mediation~~
1181 ~~conducted by the following mediator or mediators who~~
1182 ~~are listed above as someone who would be acceptable to~~
1183 ~~mediate this dispute:~~

1184 ~~(List acceptable mediator or mediators.)~~

1185 ~~I/we further agree to pay or prepay one half of the~~
1186 ~~mediator's fees and to forward such advance deposits~~
1187 ~~as the mediator may require for this purpose.~~

1188 ~~.....~~

1189 ~~Signature of responding party #1~~

1190 ~~.....~~

1191 ~~Telephone contact information~~

1192 ~~.....~~

1193 ~~Signature and telephone contact information of~~
1194 ~~responding party #2 (if applicable) (if property is~~
1195 ~~owned by more than one person, all owners must sign)~~

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1196 ~~(b) Service of the statutory demand to participate in~~
1197 ~~presuit mediation shall be effected by sending a letter in~~
1198 ~~substantial conformity with the above form by certified mail,~~
1199 ~~return receipt requested, with an additional copy being sent by~~
1200 ~~regular first-class mail, to the address of the responding party~~
1201 ~~as it last appears on the books and records of the association.~~
1202 ~~The responding party has 20 days from the date of the mailing of~~
1203 ~~the statutory demand to serve a response to the aggrieved party~~
1204 ~~in writing. The response shall be served by certified mail,~~
1205 ~~return receipt requested, with an additional copy being sent by~~
1206 ~~regular first-class mail, to the address shown on the statutory~~
1207 ~~demand. Notwithstanding the foregoing, once the parties have~~
1208 ~~agreed on a mediator, the mediator may reschedule the mediation~~
1209 ~~for a date and time mutually convenient to the parties. The~~
1210 ~~parties shall share the costs of presuit mediation equally,~~
1211 ~~including the fee charged by the mediator, if any, unless the~~
1212 ~~parties agree otherwise, and the mediator may require advance~~
1213 ~~payment of its reasonable fees and costs. The failure of any~~
1214 ~~party to respond to a demand or response, to agree upon a~~
1215 ~~mediator, to make payment of fees and costs within the time~~
1216 ~~established by the mediator, or to appear for a scheduled~~
1217 ~~mediation session without the approval of the mediator, shall~~
1218 ~~constitute the failure or refusal to participate in the~~
1219 ~~mediation process and shall operate as an impasse in the presuit~~
1220 ~~mediation by such party, entitling the other party to proceed in~~

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1221 ~~court and to seek an award of the costs and fees associated with~~
1222 ~~the mediation. Additionally, notwithstanding the provisions of~~
1223 ~~any other law or document, persons who fail or refuse to~~
1224 ~~participate in the entire mediation process may not recover~~
1225 ~~attorney's fees and costs in subsequent litigation relating to~~
1226 ~~the dispute. If any presuit mediation session cannot be~~
1227 ~~scheduled and conducted within 90 days after the offer to~~
1228 ~~participate in mediation was filed, an impasse shall be deemed~~
1229 ~~to have occurred unless both parties agree to extend this~~
1230 ~~deadline.~~

1231 (2)(c) ~~In If presuit mediation as described in paragraph~~
1232 ~~(a) is not successful in resolving all issues between the~~
1233 ~~parties, the parties may file the unresolved dispute in a court~~
1234 ~~of competent jurisdiction or elect to enter into binding or~~
1235 ~~nonbinding arbitration pursuant to the procedures set forth in~~
1236 ~~s. 718.1255 and rules adopted by the division, with the~~
1237 ~~arbitration proceeding to be conducted by a department~~
1238 ~~arbitrator or by a private arbitrator certified by the~~
1239 ~~department. If all parties do not agree to arbitration~~
1240 ~~proceedings following an unsuccessful presuit mediation, any~~
1241 ~~party may file the dispute in court. A final order resulting~~
1242 ~~from nonbinding arbitration is final and enforceable in the~~
1243 ~~courts if a complaint for trial de novo is not filed in a court~~
1244 ~~of competent jurisdiction within 30 days after entry of the~~
1245 ~~order. As to any issue or dispute that is not resolved at~~

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1246 ~~arbitration presuit mediation~~, and as to any issue that is
1247 settled at ~~arbitration presuit mediation~~ but is thereafter
1248 subject to an action seeking enforcement of the ~~mediation~~
1249 settlement, the prevailing party in any subsequent arbitration
1250 or litigation proceeding ~~may~~ shall be entitled to seek recovery
1251 of all costs and ~~attorney attorney's~~ fees incurred in the
1252 ~~arbitration presuit mediation~~ process.

1253 ~~(3)(d)~~ An A mediator or arbitrator is ~~is~~ shall be authorized
1254 to conduct ~~mediation or~~ arbitration under this section only if
1255 he or she has been certified as a circuit court civil ~~mediator~~
1256 ~~or arbitrator, respectively,~~ pursuant to the requirements
1257 established by the Florida Supreme Court. ~~Settlement agreements~~
1258 ~~resulting from mediation shall not have precedential value in~~
1259 ~~proceedings involving parties other than those participating in~~
1260 ~~the mediation to support either a claim or defense in other~~
1261 ~~disputes.~~

1262 ~~(c)~~ ~~The presuit mediation procedures provided by this~~
1263 ~~subsection may be used by a Florida corporation responsible for~~
1264 ~~the operation of a community in which the voting members are~~
1265 ~~parcel owners or their representatives, in which membership in~~
1266 ~~the corporation is not a mandatory condition of parcel~~
1267 ~~ownership, or which is not authorized to impose an assessment~~
1268 ~~that may become a lien on the parcel.~~

1269 **Section 15. Section 720.319, Florida Statutes, is created**
1270 **to read:**

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1271 720.319 Dissolution of homeowners' association.-

1272 (1) This section may be cited as the "Homeowners'
1273 Association Dissolution and Accountability Act."

1274 (2) The Legislature finds that:

1275 (a) Homeowners' associations are created as authorized by
1276 general law and are subject to covenants that encumber the land
1277 and restrict the use of real property.

1278 (b) In some circumstances, the continued enforcement of
1279 those covenants may no longer serve the homeowners' or
1280 community's interest and it is the public policy of this state
1281 to provide by general law a method to preserve the value of the
1282 property interests and the rights of alienation thereof that
1283 homeowners have in their parcels before and after termination.

1284 (c) It is contrary to the public policy of this state to
1285 require the continued operation of a homeowners' association
1286 when such continuation is made impossible by law or regulation.

1287 (d) It is in the best interest of this state to provide
1288 for termination of the declaration of covenants in certain
1289 circumstances in order to:

1290 1. Prevent covenants from impairing the continued
1291 productive use of the property.

1292 2. Provide fair treatment and just compensation for parcel
1293 owners and preserve property values and the local property tax
1294 base.

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1295 3. Preserve the state's long history of protecting
1296 homestead property rights by ensuring that such protection is
1297 extended to parcel owners whose parcel is their homestead in the
1298 context of a termination of a declaration of covenants for an
1299 association.

1300 (3) A homeowners' association may be terminated by a plan
1301 of termination that meets the requirements of this section and
1302 is approved by a community association court program under s.
1303 720.32.

1304 (4) A plan of termination is subject to the following
1305 conditions:

1306 (a) The total voting interests of the association must
1307 include all voting interests for the purpose of considering a
1308 plan of termination. A voting interest of the association may
1309 not be suspended for any reason when voting on termination under
1310 this section.

1311 (b) If the members reject a plan of termination, a
1312 subsequent plan of termination under this section may not be
1313 considered for at least 18 months after the date of the
1314 rejection.

1315 (c) A plan of termination must be approved by at least
1316 two-thirds of the total voting interests of the association.

1317 (d) A parcel owner desiring to reject a plan of
1318 termination must do so by either voting in person or by proxy to
1319 reject the plan or by delivering a written objection to the

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1320 association before or at the meeting called under subsection
1321 (5).

1322 (5) (a) A parcel owner who wishes to terminate a
1323 homeowners' association in which he or she is a member must
1324 provide to the board of administration a petition for a plan of
1325 termination that is signed by at least 50 percent of the voting
1326 members of the association. The board must hold a meeting of the
1327 members within 60 days after receipt of the signed petition. A
1328 voting interest of the association may not be suspended for any
1329 reason for purposes of signing the petition or determining
1330 whether the 50 percent threshold for such petition has been met
1331 under this paragraph.

1332 (b) Notice of such meeting must be made in accordance with
1333 s. 720.303(2) and include the following information:

- 1334 1. A copy of the proposed plan of dissolution.
- 1335 2. An explanation of how the common areas and the assets
1336 of the association will be managed or transferred.
- 1337 3. The manner in which voting will take place.

1338 (c) If the board fails to call a meeting within the 60-day
1339 time period, any member may petition a community association
1340 court program under s. 720.32 or, if a community association
1341 court program does not exist in the judicial circuit in which
1342 the association is located, another court of competent
1343 jurisdiction for an order compelling compliance with this
1344 section.

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1345 (6) If a plan of termination is approved, the board must
1346 submit such plan to the community association court program in
1347 the judicial circuit in which the association is located or, if
1348 a community association court program does not exist, another
1349 court of competent jurisdiction. The court shall examine the
1350 plan of termination and determine its procedural sufficiency
1351 and, within 45 days after receipt of the plan, notify the
1352 association by mail of any procedural deficiencies or that the
1353 plan is accepted. If notice is not provided within the 45-day
1354 time period, the plan of termination is deemed accepted. If the
1355 court determines that the conditions required by this section
1356 have been met and that the plan of termination complies with the
1357 procedural requirements of this section, the court must
1358 authorize the termination and the termination may proceed as
1359 authorized in this section.

1360 (7) (a) A plan of termination and the consents or joinders
1361 of parcel owners must be recorded in the public records of each
1362 county in which any portion of the association is located. The
1363 plan is effective only upon recordation or at a later date
1364 specified in the plan.

1365 (b) Upon recordation or at a later date specified in the
1366 plan of termination, title to the association property vests in
1367 a termination trustee. The board serves as such trustee unless
1368 another person is appointed in the plan of termination. If the
1369 board is not the termination trustee, the board must transfer

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1370 any association property to such trustee. The termination
1371 trustee is vested with the powers given by the declaration and
1372 bylaws of the association and subsection (9). If the board is
1373 unable, unwilling, or fails to act as termination trustee, a
1374 parcel owner may petition the community association court
1375 program to appoint a termination trustee.

1376 (8) If the board fails to hold the meeting under
1377 subsection (5), obstructs the termination process, or refuses to
1378 record the decision of the members to terminate, a member may
1379 file a petition with the community association court program in
1380 the judicial circuit in which the association is located or, if
1381 a community association court program does not exist, another
1382 court of competent jurisdiction. A community association court
1383 program may do all of the following:

1384 (a) Verify compliance with the procedural requirements of
1385 this section and all statutory voting requirements.

1386 (b) Order the Department of State to dissolve the
1387 homeowners' association.

1388 (c) Appoint a termination trustee to manage the
1389 distribution of assets and resolution of liabilities.

1390 (9) The approval of the plan of termination does not
1391 terminate the board of administration, which shall continue in
1392 existence following approval of the plan of termination with all
1393 powers and duties such board had before approval of the plan.
1394 Notwithstanding any provision to the contrary in the declaration

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1395 or bylaws, after approval of the plan of termination the board
1396 must:

1397 (a) Employ directors, agents, attorneys, and other
1398 professionals to liquidate or conclude the board's affairs.

1399 (b) Conduct the affairs of the association as necessary
1400 for the liquidation or termination.

1401 (c) Carry out contracts and collect, pay, and settle debts
1402 and claims for and against the association.

1403 (d) Defend suits brought against the association.

1404 (e) Sue in the name of the association for all sums due or
1405 owed to the association or to recover any association property.

1406 (f) Perform any act necessary to maintain, repair, or
1407 demolish unsafe or uninhabitable improvements or other
1408 association property in compliance with applicable codes.

1409 (g) Sell at public or private sale or exchange, convey, or
1410 otherwise dispose of assets of the association for an amount
1411 deemed to be in the best interests of the association, and
1412 execute bills of sale and deeds of conveyance in the name of the
1413 association.

1414 (h) Collect and receive rents, profits, accounts
1415 receivable, income, maintenance fees, special assessments, or
1416 insurance proceeds for the association.

1417 (i) Contract and do anything in the name of the
1418 association which is proper or convenient to terminate the
1419 affairs of the association.

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1420 (10) (a) All remaining association assets after the payment
1421 of any lawful debts must be distributed equally among members or
1422 as otherwise provided in the plan of termination.

1423 (b) A member may not be subject to personal liability for
1424 unpaid obligations beyond the member's regular assessments or
1425 special assessments that existed before the vote for
1426 termination.

1427 (11) (a) The following actions by an association or the
1428 officers or directors thereof are unlawful:

1429 1. Failing to call or notice a meeting after receipt of a
1430 valid petition for a plan of termination.

1431 2. Spending association funds to campaign for or against
1432 the plan of termination.

1433 3. Concealing any financial or property records relevant
1434 to the plan of termination.

1435 (b) An officer or a director who violates paragraph (a) is
1436 subject to any of the following:

1437 1. A civil penalty of up to \$5,000 per violation.

1438 2. Removal from office by court order.

1439 3. Personal liability for legal fees incurred by the
1440 petitioners.

1441 **Section 16. Section 720.32, Florida Statutes, is created**
1442 **to read:**

1443 720.32 Community association court program.—

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1444 (1) It is the intent of the Legislature to encourage and
1445 support the judicial circuits of the state to create and
1446 maintain a community association court program in each judicial
1447 circuit. The purpose of a community association court program is
1448 to provide an optional, voluntary process for community
1449 associations and the members thereof to address disputes, as an
1450 alternative to entering into mediation or arbitration. It is the
1451 intent of the Legislature that this section provides a detailed
1452 statewide standard for the creation, operation, and procedures
1453 for community association court programs.

1454 (2) A circuit court may create and administer a community
1455 association court program. The chief judge shall designate at
1456 least one judge to preside over the community association court
1457 program. The chief judge may issue administrative orders
1458 concerning the community association court program.

1459 (3) The community association court program has
1460 jurisdiction over disputes, including any related termination or
1461 enforcement proceedings, arising under any of the following:

1462 (a) Chapter 718, the Condominium Act.

1463 (b) Chapter 719, the Cooperative Act.

1464 (c) Chapter 720, the Homeowners' Association Act.

1465 (4) The community association court program may do all of
1466 the following:

1467 (a) Enforce all statutory rights of unit owners and parcel
1468 owners.

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1469 (b) Verify and compel compliance with all statutory
1470 requirements by community associations, boards of
1471 administration, and officers or directors of such boards.

1472 (c) Order the Department of State to dissolve a community
1473 association.

1474 (d) Appoint a termination trustee to manage the
1475 distribution of association assets and resolution of
1476 liabilities.

1477 (e) Impose civil penalties for violations of statutory
1478 rights.

1479 (f) Issue injunctive relief as appropriate.

1480 (g) Award reasonable attorney fees and costs as
1481 appropriate.

1482 (5) By January 1 of each year, the chief judge in each
1483 judicial circuit in which a community association court program
1484 is created shall submit to the President of the Senate and the
1485 Speaker of the House of Representatives a report that summarizes
1486 the caseload of each community association court program and the
1487 outcomes of such caseload.

1488 (6) The Office of the State Courts Administrator shall
1489 establish procedure, staffing, and reporting requirements for
1490 the operation of the community association court program.

1491 (7) This section does not apply to timeshare condominium
1492 associations or timeshare cooperative associations unless the

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1493 facilities of such associations include homestead condominium
1494 units or homestead cooperative units.

1495 (8) The costs associated with the creation, operation, and
1496 compliance and enforcement duties of the community association
1497 court program shall be funded as authorized by and consistent
1498 with funding appropriated in the General Appropriations Act.

1499 (9) Funds specifically appropriated by an operating
1500 appropriation or a nonoperating transfer from the Division of
1501 Florida Condominiums, Timeshares, and Mobile Homes Trust Fund to
1502 the state court system to support judicial functions relating to
1503 community associations which remain unencumbered as of June 30
1504 or undisbursed as of September 30 each year shall revert to the
1505 Division of Florida Condominiums, Timeshares, and Mobile Homes
1506 Trust Fund.

1507 **Section 17. Subsections (11), (13), and (17) of section**
1508 **26.031, Florida Statutes, are amended to read:**

1509 26.031 Judicial circuits; number of judges.—The number of
1510 circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(11) Eleventh.....	<u>8583</u>
(13) Thirteenth.....	<u>4645</u>
(17) Seventeenth.....	<u>5958</u>

1515 **Section 18.** The amendments made by this act to s. 26.031,
1516 Florida Statutes, are for the purpose of authorizing additional

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1517 judgeships specifically for the community association court
1518 program created in s. 720.32, Florida Statutes, by this act.

1519 **Section 19. Paragraph (d) of subsection (1) of section**
1520 **34.01, Florida Statutes, is amended to read:**

1521 34.01 Jurisdiction of county court.—

1522 (1) County courts shall have original jurisdiction:

1523 (d) Of disputes occurring in ~~the~~ homeowners' associations
1524 ~~as described in s. 720.311(2)(a)~~, which shall be concurrent with
1525 jurisdiction of the circuit courts.

1526 **Section 20. Paragraph (a) of subsection (1) of section**
1527 **336.125, Florida Statutes, is amended to read:**

1528 336.125 Closing and abandonment of roads; optional
1529 conveyance to homeowners' association; traffic control
1530 jurisdiction.—

1531 (1)(a) In addition to the authority provided in s. 336.12,
1532 the governing body of the county may abandon the roads and
1533 rights-of-way dedicated in a recorded residential subdivision
1534 plat and simultaneously convey the county's interest in such
1535 roads, rights-of-way, and appurtenant drainage facilities to a
1536 homeowners' association for the subdivision, if the following
1537 conditions have been met:

1538 1. The homeowners' association has requested the
1539 abandonment and conveyance in writing for the purpose of
1540 converting the subdivision to a gated neighborhood with
1541 restricted public access.

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1542 2. No fewer than four-fifths of the owners of record of
1543 property located in the subdivision have consented in writing to
1544 the abandonment and simultaneous conveyance to the homeowners'
1545 association.

1546 3. The homeowners' association is both a corporation not
1547 for profit organized and in good standing under chapter 617, and
1548 a "homeowners' association" as defined in s. 720.301 ~~s.~~
1549 ~~720.301(9)~~ with the power to levy and collect assessments for
1550 routine and periodic major maintenance and operation of street
1551 lighting, drainage, sidewalks, and pavement in the subdivision.

1552 4. The homeowners' association has entered into and
1553 executed such agreements, covenants, warranties, and other
1554 instruments; has provided, or has provided assurance of, such
1555 funds, reserve funds, and funding sources; and has satisfied
1556 such other requirements and conditions as may be established or
1557 imposed by the county with respect to the ongoing operation,
1558 maintenance, and repair and the periodic reconstruction or
1559 replacement of the roads, drainage, street lighting, and
1560 sidewalks in the subdivision after the abandonment by the
1561 county.

1562 **Section 21. Subsection (2) of section 558.002, Florida**
1563 **Statutes, is amended to read:**

1564 558.002 Definitions.—As used in this chapter, the term:

1565 (2) "Association" has the same meaning as in s. 718.103,
1566 s. 719.103(2), s. 720.301(10) ~~s. 720.301(9)~~, or s. 723.075.

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1567 **Section 22. Subsection (6) of section 617.0601, Florida**
1568 **Statutes, is amended to read:**

1569 617.0601 Members, generally.—

1570 (6) Subsections (1), (2), (3), and (4) do not apply to a
1571 corporation that is an association as defined in s. 720.301(10)
1572 ~~s. 720.301~~.

1573 **Section 23. Subsection (6) of section 617.0701, Florida**
1574 **Statutes, is amended to read:**

1575 617.0701 Meetings of members, generally; failure to hold
1576 annual meeting; special meeting; consent to corporate actions
1577 without meetings; waiver of notice of meetings.—

1578 (6) Subsections (1) and (3) do not apply to any
1579 corporation that is an association as defined in s. 720.301(10)
1580 ~~s. 720.301~~; a corporation regulated by chapter 718, chapter 719,
1581 chapter 720, chapter 721, or chapter 723; or a corporation where
1582 membership in such corporation is required pursuant to a
1583 document recorded in the county property records.

1584 **Section 24. Subsection (7) of section 617.0721, Florida**
1585 **Statutes, is amended to read:**

1586 617.0721 Voting by members.—

1587 (7) Subsections (1), (5), and (6) do not apply to a
1588 corporation that is an association, as defined in s. 720.301(10)
1589 ~~s. 720.301~~, or a corporation regulated by chapter 718 or chapter
1590 719.

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1591 **Section 25. Section 617.0725, Florida Statutes, is amended**
1592 **to read:**

1593 617.0725 Quorum.—An amendment to the articles of
1594 incorporation or the bylaws which adds, changes, or deletes a
1595 greater or lesser quorum or voting requirement must meet the
1596 same quorum or voting requirement and be adopted by the same
1597 vote and voting groups required to take action under the quorum
1598 and voting requirements then in effect or proposed to be
1599 adopted, whichever is greater. This section does not apply to
1600 any corporation that is an association, as defined in s.
1601 720.301(10) ~~s. 720.301(9)~~, or any corporation regulated under
1602 chapter 718 or chapter 719.

1603 **Section 26. Subsection (3) of section 617.0808, Florida**
1604 **Statutes, is amended to read:**

1605 617.0808 Removal of directors.—

1606 (3) This section does not apply to any corporation that is
1607 an association, as defined in s. 720.301(10) ~~s. 720.301~~, or a
1608 corporation regulated under chapter 718 or chapter 719.

1609 **Section 27. Section 617.1606, Florida Statutes, is amended**
1610 **to read:**

1611 617.1606 Access to records.—Sections 617.1601-617.1605 do
1612 not apply to a corporation that is an association, as defined in
1613 s. 720.301(10) ~~s. 720.301~~, or a corporation regulated under
1614 chapter 718 or chapter 719.

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1615 **Section 28. Paragraph (b) of subsection (1) of section**
1616 **718.116, Florida Statutes, is amended to read:**

1617 718.116 Assessments; liability; lien and priority;
1618 interest; collection.—

1619 (1)

1620 (b)1. The liability of a first mortgagee or its successor
1621 or assignees who acquire title to a unit by foreclosure or by
1622 deed in lieu of foreclosure for the unpaid assessments that
1623 became due before the mortgagee's acquisition of title is
1624 limited to the lesser of:

1625 a. The unit's unpaid common expenses and regular periodic
1626 assessments which accrued or came due during the 12 months
1627 immediately preceding the acquisition of title and for which
1628 payment in full has not been received by the association; or

1629 b. One percent of the original mortgage debt. The
1630 provisions of this paragraph apply only if the first mortgagee
1631 joined the association as a defendant in the foreclosure action.
1632 Joinder of the association is not required if, on the date the
1633 complaint is filed, the association was dissolved or did not
1634 maintain an office or agent for service of process at a location
1635 which was known to or reasonably discoverable by the mortgagee.

1636 2. An association, or its successor or assignee, that
1637 acquires title to a unit through the foreclosure of its lien for
1638 assessments is not liable for any unpaid assessments, late fees,
1639 interest, or reasonable attorney's fees and costs that came due

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1640 before the association's acquisition of title in favor of any
1641 other association, as defined in s. 718.103 or s. 720.301(10) ~~s.~~
1642 ~~720.301(9)~~, which holds a superior lien interest on the unit.
1643 This subparagraph is intended to clarify existing law.

1644 **Section 29. Paragraph (d) of subsection (2) of section**
1645 **720.3085, Florida Statutes, is amended to read:**

1646 720.3085 Payment for assessments; lien claims.—

1647 (2)

1648 (d) An association, or its successor or assignee, that
1649 acquires title to a parcel through the foreclosure of its lien
1650 for assessments is not liable for any unpaid assessments, late
1651 fees, interest, or reasonable attorney's fees and costs that
1652 came due before the association's acquisition of title in favor
1653 of any other association, as defined in s. 718.103 or s.
1654 720.301(10) ~~s. 720.301(9)~~, which holds a superior lien interest
1655 on the parcel. This paragraph is intended to clarify existing
1656 law.

1657 **Section 30.** This act shall take effect July 1, 2026.

1658

1659 -----

1660 **T I T L E A M E N D M E N T**

1661 Remove everything before the enacting clause and insert:

1662 An act relating to community associations; creating s.

1663 712.13, F.S.; providing legislative findings and

1664 intent; providing definitions; providing that the

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1665 recorded governing documents of a dissolved
1666 homeowners' association are deemed terminated and
1667 unenforceable; requiring the clerk of the circuit
1668 court to indicate in the county records that a
1669 dissolved association's governing documents are
1670 terminated and inactive; requiring certain exclusive
1671 easements to revert to the servient estate upon
1672 dissolution of a homeowners' association under certain
1673 circumstances; providing for the extinguishment of
1674 such easement; prohibiting an easement held by a
1675 dissolved association from becoming a public right-of-
1676 way, trail, or access route unless the easement is
1677 separately recorded for public use; providing
1678 construction; providing retroactive applicability;
1679 amending s. 718.103, F.S.; defining the term
1680 "habitable"; revising the definition of the term
1681 "video conference"; amending s. 718.104, F.S.;
1682 requiring condominium associations to include a
1683 specified statement in the governing documents or to
1684 hold a meeting by a date certain to vote to amend the
1685 governing documents to include such statement;
1686 requiring a vote held at such meeting to be approved
1687 by a certain amount of the voting interests; amending
1688 s. 718.111, F.S.; requiring a condominium association
1689 to provide copies of certain records or otherwise make

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1690 | them available for inspection and copying within a
1691 | specified timeframe if the association receives a
1692 | subpoena or written request from a law enforcement
1693 | agency or prosecuting agency; requiring the
1694 | association to assist law enforcement or prosecuting
1695 | agencies in their investigations; providing criminal
1696 | penalties; amending s. 718.112, F.S.; revising a
1697 | requirement that a developer, before turning over
1698 | control of a condominium association to unit owners,
1699 | have a turnover inspection report for all buildings on
1700 | the condominium property, rather than only for
1701 | buildings that are three stories or higher; revising
1702 | the criteria for certain associations requiring a
1703 | structural integrity reserve study; correcting a
1704 | cross-reference; amending s. 718.1255, F.S.; removing
1705 | presuit mediation requirements; amending s. 718.128,
1706 | F.S.; revising how associations that have not adopted
1707 | electronic voting are required to receive
1708 | electronically transmitted ballots; revising the
1709 | methods a unit owner may use to transmit his or her
1710 | ballot; conforming provisions to changes made by the
1711 | act; amending s. 719.103, F.S.; defining the term
1712 | "habitable"; amending s. 719.106, F..S; revising a
1713 | requirement that a developer, before turning over
1714 | control of a cooperative association to unit owners,

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1715 have a turnover inspection report for all buildings on
1716 the cooperative property, rather than only for
1717 buildings that are three stories or higher; revising
1718 the criteria for certain associations requiring a
1719 structural integrity reserve study; correcting a
1720 cross-reference; amending s. 720.301, F.S.; defining
1721 the term "financial statements"; amending s. 720.302,
1722 F.S.; conforming a provision to changes made by the
1723 act; amending s. 720.303, F.S.; requiring homeowners'
1724 associations to include a specified statement in the
1725 governing documents or to hold a meeting by a date
1726 certain to vote to amend the governing documents to
1727 include such statement; requiring a vote held at such
1728 meeting to be approved by a certain amount of the
1729 voting interests; revising a requirement for a
1730 homeowners' association to provide copies of certain
1731 records within specified timeframe if it receives a
1732 subpoena or written request for such records from a
1733 law enforcement agency or prosecuting agency;
1734 providing criminal penalties; providing that
1735 directors, officers, and committee members of a
1736 homeowners' association owe a duty of loyalty to such
1737 association and its members; requiring a director, an
1738 officer, or a committee member who has a conflict of
1739 interest to disclose to the board such conflict in

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1740 writing; prohibiting such director, officer, or member
1741 from participating in any discussion or vote on such
1742 matter; authorizing an association to void a
1743 transaction involving a conflict of interest;
1744 providing an exception; providing a rebuttable
1745 presumption; providing construction; amending s.
1746 720.306, F.S.; conforming a cross-reference; amending
1747 s. 720.311, F.S.; removing presuit mediation
1748 requirements; requiring that specified arbitrators
1749 conduct arbitration proceedings; creating s. 720.319,
1750 F.S.; providing a short title; providing legislative
1751 findings; authorizing a homeowners' association to be
1752 terminated; providing requirements for the termination
1753 of a homeowners' association; providing conditions for
1754 a plan of termination; requiring an approved plan of
1755 termination be submitted to a community association
1756 court program and recorded in the public records of
1757 each county in which the association is located;
1758 providing duties and responsibilities of a termination
1759 trustee; authorizing a member to file a petition with
1760 a community association court program under certain
1761 circumstances; authorizing a community association
1762 court program to take certain actions; providing
1763 responsibilities of the board after approval of a plan
1764 of termination; providing for the distribution of

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1765 assets and paying of lawful debts after an association
1766 is terminated; specifying unlawful actions by an
1767 association or its officers or directors; providing
1768 penalties; creating s. 720.32, F.S.; providing
1769 legislative intent; authorizing circuit courts to
1770 create and administer a community association court
1771 program; providing duties of the chief judge;
1772 providing the jurisdiction of the community
1773 association court program; authorizing the community
1774 association court program to take certain actions;
1775 requiring the chief judge of certain judicial circuits
1776 to submit to the Legislature a specified report
1777 annually by a specified date; providing duties of the
1778 Office of the State Courts Administrator; providing
1779 exceptions; providing that certain costs associated
1780 with the community association court program be funded
1781 through specific appropriations in the General
1782 Appropriations Act; requiring certain funds that
1783 remain unencumbered or undisbursed by specified dates
1784 to revert to the Division of Florida Condominiums,
1785 Timeshares, and Mobile Homes Trust Fund; amending s.
1786 26.031, F.S.; increasing the number of circuit judges
1787 in certain judicial circuits; specifying that the
1788 additional circuit court judges are for the community
1789 association court program; amending s. 34.01, F.S.;

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1790 | conforming a provision to changes made by the act;
1791 | amending ss. 336.125, 558.002, 617.0601, 617.0701,
1792 | 617.0721, 617.0725, 617.0808, 617.1606, 718.116, and
1793 | 720.3085, F.S.; conforming cross-references; providing
1794 | an effective date.