

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

Committee/Subcommittee hearing bill: Civil Justice & Claims  
Subcommittee

Representative Porras offered the following:

**Amendment**

Remove lines 162-769 and insert:  
in paragraph (a). In order to amend the governing documents  
under this paragraph, the association must, at a meeting of the  
membership at which a quorum has been attained, obtain the  
affirmative approval of the owners of two-thirds of the units.

**Section 3. Subsections (6) and (7) of section 718.1255, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and paragraphs (a), (h), (k), and (m) of subsection (4) and present subsection (5) of that section are amended, to read:**

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16 718.1255 Alternative dispute resolution; mediation;  
17 nonbinding arbitration; applicability.—

18 (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The  
19 Division of Florida Condominiums, Timeshares, and Mobile Homes  
20 of the Department of Business and Professional Regulation may  
21 employ full-time attorneys to act as arbitrators to conduct the  
22 arbitration hearings provided by this chapter. The division may  
23 also certify attorneys who are not employed by the division to  
24 act as arbitrators to conduct the arbitration hearings provided  
25 by this chapter. A person may not be employed by the department  
26 as a full-time arbitrator unless he or she is a member in good  
27 standing of The Florida Bar. A person may only be certified by  
28 the division to act as an arbitrator if he or she has been a  
29 member in good standing of The Florida Bar for at least 5 years  
30 and has mediated or arbitrated at least 10 disputes involving  
31 condominiums in this state during the 3 years immediately  
32 preceding the date of application, mediated or arbitrated at  
33 least 30 disputes in any subject area in this state during the 3  
34 years immediately preceding the date of application, or attained  
35 board certification in real estate law or condominium and  
36 planned development law from The Florida Bar. Arbitrator  
37 certification is valid for 1 year. An arbitrator who does not  
38 maintain the minimum qualifications for initial certification  
39 may not have his or her certification renewed. The department  
40 may not enter into a legal services contract for an arbitration

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41 hearing under this chapter with an attorney who is not a  
42 certified arbitrator unless a certified arbitrator is not  
43 available within 50 miles of the dispute. The department shall  
44 adopt rules of procedure to govern such arbitration hearings  
45 including mediation incident thereto. The decision of an  
46 arbitrator is final; however, a decision is not deemed final  
47 agency action. Nothing in this provision shall be construed to  
48 foreclose parties from proceeding in a trial de novo unless the  
49 parties have agreed that the arbitration is binding. If judicial  
50 proceedings are initiated, the final decision of the arbitrator  
51 is admissible in evidence in the trial de novo.

52 (a) Before the institution of court litigation, a party to  
53 a dispute, other than an election or recall dispute, ~~must shall~~  
54 ~~either~~ petition the division for nonbinding arbitration or  
55 request that the case be referred to mediation ~~initiate presuit~~  
56 ~~mediation as provided in subsection (5)~~. Arbitration is binding  
57 on the parties if all parties in arbitration agree to be bound  
58 in a writing filed in arbitration. The petition must be  
59 accompanied by a filing fee in the amount of \$50. Filing fees  
60 collected under this section must be used to defray the expenses  
61 of the alternative dispute resolution program.

62 (h) Mediation proceedings must generally be conducted in  
63 accordance with the Florida Rules of Civil Procedure, and these  
64 proceedings are privileged and confidential to the same extent  
65 as court-ordered mediation. Persons who are not parties to the

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dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the mediator declares an impasse after a mediation conference has been held, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a community association court program under s. 720.32 or a court of competent jurisdiction. The parties may seek to recover any costs and attorney fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(k) The arbitration decision shall be rendered within 30 days after the hearing and presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a

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91 community association court program under s. 720.32 or a court  
92 of competent jurisdiction in which the condominium is located  
93 within 30 days. The right to file for a trial de novo entitles  
94 the parties to file a complaint in the appropriate trial court  
95 for a judicial resolution of the dispute. The prevailing party  
96 in an arbitration proceeding shall be awarded the costs of the  
97 arbitration and reasonable attorney fees in an amount determined  
98 by the arbitrator. Such an award shall include the costs and  
99 reasonable attorney fees incurred in the arbitration proceeding  
100 as well as the costs and reasonable attorney fees incurred in  
101 preparing for and attending any scheduled mediation. An  
102 arbitrator's failure to render a written decision within 30 days  
103 after the hearing may result in the cancellation of his or her  
104 arbitration certification.

105 (m) Any party to an arbitration proceeding may enforce an  
106 arbitration award by filing a petition in a community  
107 association court program under s. 720.32 or a court of  
108 competent jurisdiction in which the condominium is located. A  
109 petition may not be granted unless the time for appeal by the  
110 filing of a complaint for trial de novo has expired. If a  
111 complaint for a trial de novo has been filed, a petition may not  
112 be granted with respect to an arbitration award that has been  
113 stayed. If the petition for enforcement is granted, the  
114 petitioner shall recover reasonable attorney fees and costs  
115 incurred in enforcing the arbitration award. A mediation

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116 settlement may also be enforced through the county or circuit  
117 court or a community association court program, as applicable,  
118 and any costs and fees incurred in the enforcement of a  
119 settlement agreement reached at mediation must be awarded to the  
120 prevailing party in any enforcement action.

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

127 **Section 4. Subsection (2) of section 720.302, Florida**  
128 **Statutes, is amended to read:**

129 720.302 Purposes, scope, and application.—

130 (2) The Legislature recognizes that it is not in the best  
131 interest of homeowners' associations or the individual  
132 association members thereof to create or impose a bureau or  
133 other agency of state government to regulate the affairs of  
134 homeowners' associations. However, in accordance with s.  
135 720.311, the Legislature finds that homeowners' associations and  
136 their individual members will benefit from an expedited  
137 alternative process for resolution of election and recall  
138 disputes ~~and presuit mediation of other disputes involving~~  
139 ~~covenant enforcement~~ and authorizes the department to hear,  
140 administer, and determine these disputes as more fully set forth

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in this chapter. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof before the effective date of this act and that ss. 720.301-720.407 are not intended to impair such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.

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

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

(1) POWERS AND DUTIES.—

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

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

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166        (c) The powers and duties of an association include those  
167 set forth in this chapter and, except as expressly limited or  
168 restricted in this chapter, those set forth in the governing  
169 documents.

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

172  
173        This association and the association's governing  
174 documents are governed by the Florida Homeowners'  
175 Association Act, as amended from time to time.  
176

177        2. By January 1, 2027, each association in existence  
178 before July 1, 2026, must hold a meeting of the members in  
179 accordance with s. 720.306 to vote whether to amend the  
180 governing documents of the association to include the statement  
181 in subparagraph 1. In order to amend the governing documents  
182 under this subparagraph, the association must, at a meeting of  
183 the membership at which a quorum has been attained, obtain the  
184 affirmative approval of two-thirds of the voting interests of  
185 the association.

186        (d) After control of the association is obtained by  
187 members other than the developer, the association may institute,  
188 maintain, settle, or appeal actions or hearings in its name on  
189 behalf of all members concerning matters of common interest to  
190 the members, including, but not limited to, the common areas;



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191 roof or structural components of a building, or other  
192 improvements for which the association is responsible;  
193 mechanical, electrical, or plumbing elements serving an  
194 improvement or building for which the association is  
195 responsible; representations of the developer pertaining to any  
196 existing or proposed commonly used facility; and protest of ad  
197 valorem taxes on commonly used facilities. The association may  
198 defend actions in eminent domain or bring inverse condemnation  
199 actions. Before commencing litigation against any party in the  
200 name of the association involving amounts in controversy in  
201 excess of \$100,000, the association must obtain the affirmative  
202 approval of a majority of the voting interests at a meeting of  
203 the membership at which a quorum has been attained. This  
204 paragraph subsection does not limit any statutory or common-law  
205 right of any individual member or class of members to bring any  
206 action without participation by the association.

207 (e) A member does not have authority to act for the  
208 association by virtue of being a member. An association may have  
209 more than one class of members and may issue membership  
210 certificates.

211 (f) An association of 15 or fewer parcel owners may  
212 enforce only the requirements of those deed restrictions  
213 established prior to the purchase of each parcel upon an  
214 affected parcel owner or owners.

215 (11) CONFLICTS OF INTEREST.—

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216       (a) A director, an officer, or a committee member of an  
217 association owes a duty of loyalty to the association and its  
218 members.

219       (b) A conflict of interest exists when a director, an  
220 officer, or a committee member has a direct or an indirect  
221 financial interest in a transaction, contract, or decision under  
222 consideration by the association.

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

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

230       (e) A transaction involving a conflict of interest is  
231 voidable by the association unless the transaction was approved  
232 by a majority of the voting interests of the association after  
233 full disclosure by the conflicted director, officer, or  
234 committee member has occurred.

235       (f) Compensating or contracting with a director, an  
236 officer, or a committee member of the association, or an  
237 immediate family member thereof, creates a rebuttable  
238 presumption that a conflict of interest exists.

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

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**Section 6. Paragraph (h) of subsection (1) of section 720.306, Florida Statutes, is amended to read:**

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

(1) QUORUM; AMENDMENTS.—

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

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

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

4. For purposes of this paragraph, a change of ownership does not occur when a parcel owner conveys the parcel to an affiliated entity, when beneficial ownership of the parcel does not change, or when an heir becomes the parcel owner. For

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purposes of this subparagraph, the term "affiliated entity" means an entity that controls, is controlled by, or is under common control with the parcel owner or that becomes a parent or successor entity by reason of transfer, merger, consolidation, public offering, reorganization, dissolution or sale of stock, or transfer of membership partnership interests. For a conveyance to be recognized as one made to an affiliated entity, the entity must furnish to the association a document certifying that this subparagraph applies and provide any organizational documents for the parcel owner and the affiliated entity which support the representations in the certificate, as requested by the association.

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

**Section 7. Section 720.311, Florida Statutes, is amended to read:**

720.311 Dispute resolution.—

(1) The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for arbitration tolls

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291 ~~or the serving of a demand for presuit mediation as provided for~~  
292 ~~in this section shall toll~~ the applicable statute of  
293 limitations. Any recall dispute filed with the department under  
294 s. 720.303(10) must ~~shall~~ be conducted by the department in  
295 accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255  
296 and the rules adopted by the division. In addition, the  
297 department shall conduct binding arbitration of election  
298 disputes between a member and an association in accordance with  
299 s. 718.1255 and rules adopted by the division. Election disputes  
300 and recall disputes ~~are not eligible for presuit mediation;~~  
301 ~~these disputes~~ must be arbitrated by the department or filed in  
302 a court of competent jurisdiction. The arbitration proceeding  
303 must be conducted by a department arbitrator or by a private  
304 arbitrator certified by the department. At the conclusion of an  
305 arbitration proceeding, the department shall charge the parties  
306 a fee in an amount adequate to cover all costs and expenses  
307 incurred by the department in conducting the proceeding.  
308 Initially, the petitioner shall remit a filing fee of at least  
309 \$200 to the department. The fees paid to the department shall  
310 become a recoverable cost in the arbitration proceeding, and the  
311 prevailing party in an arbitration proceeding shall recover its  
312 reasonable costs and attorney fees in an amount found reasonable  
313 by the arbitrator. The department shall adopt rules to  
314 effectuate the purposes of this section.

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~~(2)(a) Disputes between an association and a parcel owner regarding use of or changes to the parcel or the common areas and other covenant enforcement disputes, disputes regarding amendments to the association documents, disputes regarding meetings of the board and committees appointed by the board, membership meetings not including election meetings, and access to the official records of the association shall be the subject of a demand for presuit mediation served by an aggrieved party before the dispute is filed in court. Presuit mediation proceedings must be conducted in accordance with the applicable Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Disputes subject to presuit mediation under this section shall not include the collection of any assessment, fine, or other financial obligation, including attorney's fees and costs, claimed to be due or any action to enforce a prior mediation settlement agreement between the parties. Also, in any dispute subject to presuit mediation under this section where emergency relief is required, a motion for temporary injunctive relief may be filed with the court without first complying with the presuit mediation requirements of this section. After any issues regarding emergency or temporary relief are resolved, the court may either refer the parties to a mediation program administered by the courts or require mediation under this section. An arbitrator or judge may not consider any information~~

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~~or evidence arising from the presuit mediation proceeding except in a proceeding to impose sanctions for failure to attend a presuit mediation session or to enforce a mediated settlement agreement. Persons who are not parties to the dispute may not attend the presuit mediation conference without the consent of all parties, except for counsel for the parties and a corporate representative designated by the association. When mediation is attended by a quorum of the board, such mediation is not a board meeting for purposes of notice and participation set forth in s. 720.303. An aggrieved party shall serve on the responding party a written demand to participate in presuit mediation in substantially the following form:~~

~~STATUTORY OFFER TO PARTICIPATE~~

~~IN PRESUIT MEDIATION~~

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

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

~~Pursuant to section 720.311, Florida Statutes, this demand to resolve the dispute through presuit~~

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

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

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



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

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

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

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

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

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

~~.....~~

~~.....~~

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

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~~AGREEMENT TO MEDIATE~~

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

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

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

~~.....~~

~~Signature of responding party #1~~

~~.....~~

~~Telephone contact information~~

~~.....~~

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

~~(b) Service of the statutory demand to participate in  
presuit mediation shall be effected by sending a letter in  
substantial conformity with the above form by certified mail,  
return receipt requested, with an additional copy being sent by  
regular first-class mail, to the address of the responding party  
as it last appears on the books and records of the association.  
The responding party has 20 days from the date of the mailing of~~

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~~the statutory demand to serve a response to the aggrieved party in writing. The response shall be served by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address shown on the statutory demand. Notwithstanding the foregoing, once the parties have agreed on a mediator, the mediator may reschedule the mediation for a date and time mutually convenient to the parties. The parties shall share the costs of presuit mediation equally, including the fee charged by the mediator, if any, unless the parties agree otherwise, and the mediator may require advance payment of its reasonable fees and costs. The failure of any party to respond to a demand or response, to agree upon a mediator, to make payment of fees and costs within the time established by the mediator, or to appear for a scheduled mediation session without the approval of the mediator, shall constitute the failure or refusal to participate in the mediation process and shall operate as an impasse in the presuit mediation by such party, entitling the other party to proceed in court and to seek an award of the costs and fees associated with the mediation. Additionally, notwithstanding the provisions of any other law or document, persons who fail or refuse to participate in the entire mediation process may not recover attorney's fees and costs in subsequent litigation relating to the dispute. If any presuit mediation session cannot be scheduled and conducted within 90 days after the offer to~~

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513 ~~participate in mediation was filed, an impasse shall be deemed~~  
514 ~~to have occurred unless both parties agree to extend this~~  
515 ~~deadline.~~

516 ~~(2)(c) In If presuit mediation as described in paragraph~~  
517 ~~(a) is not successful in resolving all issues between the~~  
518 parties, the parties may file the ~~unresolved~~ dispute in a court  
519 of competent jurisdiction or elect to enter into binding or  
520 nonbinding arbitration pursuant to the procedures set forth in  
521 s. 718.1255 and rules adopted by the division, with the  
522 arbitration proceeding to be conducted by a department  
523 arbitrator or by a private arbitrator certified by the  
524 department. If all parties do not agree to arbitration  
525 ~~proceedings following an unsuccessful presuit mediation~~, any  
526 party may file the dispute in court. A final order resulting  
527 from nonbinding arbitration is final and enforceable in the  
528 courts if a complaint for trial de novo is not filed in a court  
529 of competent jurisdiction within 30 days after entry of the  
530 order. As to any issue or dispute that is not resolved at  
531 arbitration ~~presuit mediation~~, and as to any issue that is  
532 settled at arbitration ~~presuit mediation~~ but is thereafter  
533 subject to an action seeking enforcement of the ~~mediation~~  
534 settlement, the prevailing party in any subsequent arbitration  
535 or litigation proceeding ~~may~~ shall be entitled to seek recovery  
536 of all costs and attorney ~~attorney's~~ fees incurred in the  
537 arbitration ~~presuit mediation~~ process.

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

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

**Section 8. Section 720.319, Florida Statutes, is created to read:**

720.319 Dissolution of homeowners' association.—

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

(2) The Legislature finds that:

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

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

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

572       (d) It is in the best interest of this state to provide  
573 for termination of the declaration of covenants in certain  
574 circumstances in order to:

575       1. Prevent covenants from impairing the continued  
576 productive use of the property.

577       2. Provide fair treatment and just compensation for parcel  
578 owners and preserve property values and the local property tax  
579 base.

580       3. Preserve the state's long history of protecting  
581 homestead property rights by ensuring that such protection is  
582 extended to parcel owners whose parcel is their homestead in the  
583 context of a termination of a declaration of covenants for an  
584 association.

585       (3) A homeowners' association may be terminated by a plan  
586 of termination that meets the requirements of this section and



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is approved by a community association court program under s.  
720.32.

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

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

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

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

(d) A parcel owner desiring to reject a plan of  
termination must do so by either voting in person or by proxy to  
reject the plan or by delivering a written objection to the  
association before or at the meeting called under subsection  
(5).

(5) (a) A parcel owner who wishes to terminate a  
homeowners' association in which he or she is a member must  
provide to the board of administration a petition for a plan of  
termination that is signed by at least 50 percent of the voting  
members of the association. The board must hold a meeting of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 657 (2026)

Amendment No.1

612 members within 60 days after receipt of the signed petition. A  
613 voting interest of the association may not be suspended for any  
614 reason for purposes of signing the petition or determining  
615 whether the 50 percent threshold for such petition has been met