

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 657 (2026)

Amendment No.

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WITHDRAWN	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>

1 Committee/Subcommittee hearing bill: Housing, Agriculture &
2 Tourism Subcommittee

3 Representative Porras offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 53 and 54, insert:

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

9 712.13 Governing documents associated with dissolved
10 homeowners' associations.—

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

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Published On: 1/20/2026 2:20:42 PM

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17 protect private property rights by ensuring that such
18 encumbrances are properly extinguished or removed from the
19 official records of the county when the association ceases to
20 exist.

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

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

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

29 (c) "Governing documents" has the same meaning as in s.
30 720.301.

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

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

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

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41 (c) The clerk of the circuit court shall, upon receipt of
42 a certified copy of the association's articles of dissolution,
43 mark or otherwise indicate in the county's official records that
44 the governing documents for the dissolved association are
45 terminated and inactive.

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

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

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

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

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

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66 **Section 2. Subsection (8) is added to section 718.104,**
67 **Florida Statutes, to read:**

68 718.104 Creation of condominiums; contents of
69 declaration.—Every condominium created in this state shall be
70 created pursuant to this chapter.

71 (8) (a) Beginning July 1, 2026, each association formed on
72 or after that date must include the following statement in the
73 governing documents:

74

75 This association and the association's governing
76 documents are governed by the Florida Condominium Act,
77 as amended from time to time.

78

79 (b) By January 1, 2027, each association in existence
80 before July 1, 2026, must hold a meeting of the members in
81 accordance with s. 718.112 to vote whether to amend the
82 governing documents of the association to include the statement
83 in paragraph (a). The association must obtain the affirmative
84 approval of a majority of the voting interests at a meeting of
85 the membership at which a quorum has been attained in order to
86 amend the governing documents under this paragraph.

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92 **T I T L E A M E N D M E N T**
93 Remove line 2 and insert:
94 An act relating to community associations; creating s.
95 712.13, F.S.; providing legislative findings and
96 intent; providing definitions; providing that the
97 recorded governing documents of a dissolved
98 homeowners' association are deemed terminated and
99 unenforceable; requiring the clerk of the circuit
100 court to indicate in the county records that a
101 dissolved association's governing documents are
102 terminated and inactive; requiring certain exclusive
103 easements to revert to the servient estate upon
104 dissolution of a homeowners' association under certain
105 circumstances; providing for the extinguishment of
106 such easement; prohibiting an easement held by a
107 dissolved association from becoming a public right-of-
108 way, trail, or access route unless the easement is
109 separately recorded for public use; providing
110 construction; providing retroactive applicability;
111 amending s. 718.104, F.S.; requiring condominium
112 associations to include a specified statement in the
113 governing documents or to hold a meeting by a date
114 certain to vote to amend the governing documents to
115 include such statement; requiring a vote held at such

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116 meetings to be approved by a certain amount of the
117 voting interests; amending s.