

1                   A bill to be entitled  
2     An act relating to community associations; creating s.  
3     712.13, F.S.; providing legislative findings and  
4     intent; providing definitions; providing that the  
5     recorded governing documents of a dissolved  
6     homeowners' association are deemed terminated and  
7     unenforceable; requiring the clerk of the circuit  
8     court to indicate in the county records that a  
9     dissolved association's governing documents are  
10    terminated and inactive; requiring certain exclusive  
11    easements to revert to the servient estate upon  
12    dissolution of a homeowners' association under certain  
13    circumstances; providing for the extinguishment of  
14    such easement; prohibiting an easement held by a  
15    dissolved association from becoming a public right-of-  
16    way, trail, or access route unless the easement is  
17    separately recorded for public use; providing  
18    construction; providing retroactive applicability;  
19    amending s. 718.104, F.S.; requiring condominium  
20    associations to include a specified statement in the  
21    governing documents or to hold a meeting by a date  
22    certain to vote to amend the governing documents to  
23    include such statement; requiring a vote held at such  
24    meeting to be approved by a certain amount of the  
25    voting interests; amending s. 718.1255, F.S.; removing

26        presuit mediation requirements; amending s. 720.301,  
27        F.S.; defining the term "financial statements";  
28        amending s. 720.302, F.S.; conforming a provision to  
29        changes made by the act; amending s. 720.303, F.S.;  
30        requiring homeowners' associations to include a  
31        specified statement in the governing documents or to  
32        hold a meeting by a date certain to vote to amend the  
33        governing documents to include such statement;  
34        requiring a vote held at such meeting to be approved  
35        by a certain amount of the voting interests; providing  
36        that directors, officers, and committee members of a  
37        homeowners' association owe a duty of loyalty to such  
38        association and its members; requiring a director, an  
39        officer, or a committee member who has a conflict of  
40        interest to disclose to the board such conflict in  
41        writing; prohibiting such director, officer, or member  
42        from participating in any discussion or vote on such  
43        matter; authorizing an association to void a  
44        transaction involving a conflict of interest;  
45        providing an exception; providing a rebuttable  
46        presumption; providing construction; amending s.  
47        720.306, F.S.; conforming a cross-reference; amending  
48        s. 720.311, F.S.; removing presuit mediation  
49        requirements; requiring that specified arbitrators  
50        conduct arbitration proceedings; creating s. 720.319,

51        F.S.; providing a short title; providing legislative  
52        findings; authorizing a homeowners' association to be  
53        terminated; providing requirements for the termination  
54        of a homeowners' association; providing conditions for  
55        a plan of termination; requiring an approved plan of  
56        termination be submitted to a community association  
57        court program and recorded in the public records of  
58        each county in which the association is located;  
59        providing duties and responsibilities of a termination  
60        trustee; authorizing a member to file a petition with  
61        a community association court program under certain  
62        circumstances; authorizing a community association  
63        court program to take certain actions; providing  
64        responsibilities of the board after approval of a plan  
65        of termination; providing for the distribution of  
66        assets and paying of lawful debts after an association  
67        is terminated; specifying unlawful actions by an  
68        association or its officers or directors; providing  
69        penalties; creating s. 720.32, F.S.; providing  
70        legislative intent; authorizing circuit courts to  
71        create and administer a community association court  
72        program; providing duties of the chief judge;  
73        providing the jurisdiction of the community  
74        association court program; authorizing the community  
75        association court program to take certain actions;

76 requiring the chief judge of certain judicial circuits  
77 to submit to the Legislature a specified report  
78 annually by a specified date; providing duties of the  
79 Office of the State Courts Administrator; providing  
80 that certain costs associated with the community  
81 association court program be funded through an  
82 appropriation to the Department of Business and  
83 Professional Regulation; amending s. 34.01, F.S.;  
84 conforming a provision to changes made by the act;  
85 amending ss. 336.125, 558.002, 617.0601, 617.0701,  
86 617.0721, 617.0725, 617.0808, 617.1606, 718.116, and  
87 720.3085, F.S.; conforming cross-references; providing  
88 an effective date.

89  
90 Be It Enacted by the Legislature of the State of Florida:

91  
92 **Section 1. Section 712.13, Florida Statutes, is created to**  
93 **read:**

94 712.13 Governing documents associated with dissolved  
95 homeowners' associations.—

96 (1) The Legislature finds that when a homeowners'  
97 association has been dissolved, voluntarily or involuntarily,  
98 the recorded governing documents created solely for the  
99 association's benefit may remain in the county records  
100 indefinitely, imposing an undue burden on private property

101 owners. It is the intent of the Legislature to restore and  
102 protect private property rights by ensuring that such  
103 encumbrances are properly extinguished or removed from the  
104 official records of the county when the association ceases to  
105 exist.

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

107 (a) "Dissolved association" means a homeowners'  
108 association that has filed articles of dissolution with the  
109 Department of State under chapter 617 or has otherwise ceased  
110 its legal operation and existence.

111 (b) "Exclusive easement" means an easement recorded for  
112 the sole benefit or use of a homeowners' association or its  
113 members.

114 (c) "Governing documents" has the same meaning as in s.  
115 720.301.

116 (d) "Servient estate" means the real property burdened by  
117 an easement.

118 (3) (a) Upon the dissolution of a homeowners' association,  
119 the governing documents of the association, which were recorded  
120 in the official records of a county and created solely for the  
121 operation or benefit of the dissolved association or its  
122 members, are deemed terminated and are unenforceable.

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

126        (c) The clerk of the circuit court shall, upon receipt of  
127        a certified copy of the association's articles of dissolution,  
128        mark or otherwise indicate in the county's official records that  
129        the governing documents for the dissolved association are  
130        terminated and inactive.

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

136        (b) Upon reversion, the exclusive easement is extinguished  
137        and the owner of the servient estate regains full rights of  
138        ownership, possession, and control of the land encumbered by the  
139        easement.

140        (c) An easement formerly held by a homeowners' association  
141        may not become a public right-of-way, trail, or access route  
142        unless a separate, valid written notice in accordance with s.  
143        712.06 has been recorded to preserve the easement for the  
144        benefit of the public.

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

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

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

153       718.104 Creation of condominiums; contents of  
154 declaration.—Every condominium created in this state shall be  
155 created pursuant to this chapter.

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

158  
159       This association and the association's governing  
160 documents are governed by the Florida Condominium Act,  
161 as amended from time to time.

162  
163       (b) By January 1, 2027, each association in existence  
164 before July 1, 2026, must hold a meeting of the members in  
165 accordance with s. 718.112 to vote whether to amend the  
166 governing documents of the association to include the statement  
167 in paragraph (a). The association must obtain the affirmative  
168 approval of two-thirds of the units at a meeting of the  
169 membership at which a quorum has been attained in order to amend  
170 the governing documents under this paragraph.

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

176           718.1255 Alternative dispute resolution; mediation;  
177 nonbinding arbitration; applicability.—

178           (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The  
179 Division of Florida Condominiums, Timeshares, and Mobile Homes  
180 of the Department of Business and Professional Regulation may  
181 employ full-time attorneys to act as arbitrators to conduct the  
182 arbitration hearings provided by this chapter. The division may  
183 also certify attorneys who are not employed by the division to  
184 act as arbitrators to conduct the arbitration hearings provided  
185 by this chapter. A person may not be employed by the department  
186 as a full-time arbitrator unless he or she is a member in good  
187 standing of The Florida Bar. A person may only be certified by  
188 the division to act as an arbitrator if he or she has been a  
189 member in good standing of The Florida Bar for at least 5 years  
190 and has mediated or arbitrated at least 10 disputes involving  
191 condominiums in this state during the 3 years immediately  
192 preceding the date of application, mediated or arbitrated at  
193 least 30 disputes in any subject area in this state during the 3  
194 years immediately preceding the date of application, or attained  
195 board certification in real estate law or condominium and  
196 planned development law from The Florida Bar. Arbitrator  
197 certification is valid for 1 year. An arbitrator who does not  
198 maintain the minimum qualifications for initial certification  
199 may not have his or her certification renewed. The department  
200 may not enter into a legal services contract for an arbitration



201 hearing under this chapter with an attorney who is not a  
202 certified arbitrator unless a certified arbitrator is not  
203 available within 50 miles of the dispute. The department shall  
204 adopt rules of procedure to govern such arbitration hearings  
205 including mediation incident thereto. The decision of an  
206 arbitrator is final; however, a decision is not deemed final  
207 agency action. Nothing in this provision shall be construed to  
208 foreclose parties from proceeding in a trial de novo unless the  
209 parties have agreed that the arbitration is binding. If judicial  
210 proceedings are initiated, the final decision of the arbitrator  
211 is admissible in evidence in the trial de novo.

212 (a) Before the institution of court litigation, a party to  
213 a dispute, other than an election or recall dispute, must ~~shall~~  
214 ~~either~~ petition the division for nonbinding arbitration or  
215 request that the case be referred to mediation ~~initiate presuit~~  
216 ~~mediation as provided in subsection (5)~~. Arbitration is binding  
217 on the parties if all parties in arbitration agree to be bound  
218 in a writing filed in arbitration. The petition must be  
219 accompanied by a filing fee in the amount of \$50. Filing fees  
220 collected under this section must be used to defray the expenses  
221 of the alternative dispute resolution program.

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

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

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

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

276 settlement may also be enforced through the county or circuit  
277 court or a community association court program, as applicable,  
278 and any costs and fees incurred in the enforcement of a  
279 settlement agreement reached at mediation must be awarded to the  
280 prevailing party in any enforcement action.

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

287 **Section 4. Subsections (8) through (13) of section**  
288 **720.301, Florida Statutes, are renumbered as subsections (9)**  
289 **through (14), respectively, and a new subsection (8) is added to**  
290 **that section, to read:**

291 720.301 Definitions.—As used in this chapter, the term:

292 (8) "Financial statements" means a comprehensive report  
293 prepared in accordance with generally accepted accounting  
294 principles which accurately reflects the financial condition and  
295 operation of a homeowners' association for a specified reporting  
296 period. This report must include, at a minimum, a balance sheet;  
297 an income and expense statement; a budget comparison; and a  
298 complete set of bank statements, including copies of check  
299 images for all disbursements the association made during the  
300 reporting period, for each bank account belonging to the

301 association.

302 **Section 5. Subsection (2) of section 720.302, Florida**  
303 **Statutes, is amended to read:**

304 720.302 Purposes, scope, and application.—

305 (2) The Legislature recognizes that it is not in the best  
306 interest of homeowners' associations or the individual  
307 association members thereof to create or impose a bureau or  
308 other agency of state government to regulate the affairs of  
309 homeowners' associations. However, in accordance with s.  
310 720.311, the Legislature finds that homeowners' associations and  
311 their individual members will benefit from an expedited  
312 alternative process for resolution of election and recall  
313 disputes ~~and presuit mediation of other disputes involving~~  
314 ~~covenant enforcement~~ and authorizes the department to hear,  
315 administer, and determine these disputes as more fully set forth  
316 in this chapter. Further, the Legislature recognizes that  
317 certain contract rights have been created for the benefit of  
318 homeowners' associations and members thereof before the  
319 effective date of this act and that ss. 720.301-720.407 are not  
320 intended to impair such contract rights, including, but not  
321 limited to, the rights of the developer to complete the  
322 community as initially contemplated.

323 **Section 6. Subsections (11) through (15) of section**  
324 **720.303, Florida Statutes, are renumbered as subsections (12)**  
325 **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.

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

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

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

351  
352       2. By January 1, 2027, each association in existence  
353 before July 1, 2026, must hold a meeting of the members in  
354 accordance with s. 720.306 to vote whether to amend the  
355 governing documents of the association to include the statement  
356 in subparagraph 1. The association must obtain the affirmative  
357 approval of two-thirds of the voting interests of the  
358 association at a meeting of the membership at which a quorum has  
359 been attained in order to amend the governing documents under  
360 this subparagraph.

361       (d) After control of the association is obtained by  
362 members other than the developer, the association may institute,  
363 maintain, settle, or appeal actions or hearings in its name on  
364 behalf of all members concerning matters of common interest to  
365 the members, including, but not limited to, the common areas;  
366 roof or structural components of a building, or other  
367 improvements for which the association is responsible;  
368 mechanical, electrical, or plumbing elements serving an  
369 improvement or building for which the association is  
370 responsible; representations of the developer pertaining to any  
371 existing or proposed commonly used facility; and protest of ad  
372 valorem taxes on commonly used facilities. The association may  
373 defend actions in eminent domain or bring inverse condemnation  
374 actions. Before commencing litigation against any party in the  
375 name of the association involving amounts in controversy in

376 excess of \$100,000, the association must obtain the affirmative  
377 approval of a majority of the voting interests at a meeting of  
378 the membership at which a quorum has been attained. This  
379 paragraph ~~subsection~~ does not limit any statutory or common-law  
380 right of any individual member or class of members to bring any  
381 action without participation by the association.

382 (e) A member does not have authority to act for the  
383 association by virtue of being a member. An association may have  
384 more than one class of members and may issue membership  
385 certificates.

386 (f) An association of 15 or fewer parcel owners may  
387 enforce only the requirements of those deed restrictions  
388 established prior to the purchase of each parcel upon an  
389 affected parcel owner or owners.

390 (11) CONFLICTS OF INTEREST.—

391 (a) A director, an officer, or a committee member of an  
392 association owes a duty of loyalty to the association and its  
393 members.

394 (b) A conflict of interest exists when a director, an  
395 officer, or a committee member has a direct or an indirect  
396 financial interest in a transaction, contract, or decision under  
397 consideration by the association.

398 (c) The director, officer, or committee member with a  
399 conflict of interest must disclose the nature and extent of the  
400 conflict in writing to the board before any discussion or vote



occurs on the matter.

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

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

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

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

**Section 7. 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 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

451 support the representations in the certificate, as requested by  
452 the association.

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

459 **Section 8. Section 720.311, Florida Statutes, is amended**  
460 **to read:**

461 720.311 Dispute resolution.—

462 (1) The Legislature finds that alternative dispute  
463 resolution has made progress in reducing court dockets and  
464 trials and in offering a more efficient, cost-effective option  
465 to litigation. The filing of any petition for arbitration tolls  
466 ~~or the serving of a demand for presuit mediation as provided for~~  
467 ~~in this section shall toll~~ the applicable statute of  
468 limitations. Any recall dispute filed with the department under  
469 s. 720.303(10) must ~~shall~~ be conducted by the department in  
470 accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255  
471 and the rules adopted by the division. In addition, the  
472 department shall conduct binding arbitration of election  
473 disputes between a member and an association in accordance with  
474 s. 718.1255 and rules adopted by the division. Election disputes  
475 and recall disputes ~~are not eligible for presuit mediation,~~

476 ~~these disputes~~ must be arbitrated by the department or filed in  
477 a court of competent jurisdiction. The arbitration proceeding  
478 must be conducted by a department arbitrator or by a private  
479 arbitrator certified by the department. At the conclusion of an  
480 arbitration proceeding, the department shall charge the parties  
481 a fee in an amount adequate to cover all costs and expenses  
482 incurred by the department in conducting the proceeding.  
483 Initially, the petitioner shall remit a filing fee of at least  
484 \$200 to the department. The fees paid to the department shall  
485 become a recoverable cost in the arbitration proceeding, and the  
486 prevailing party in an arbitration proceeding shall recover its  
487 reasonable costs and attorney fees in an amount found reasonable  
488 by the arbitrator. The department shall adopt rules to  
489 effectuate the purposes of this section.

490 ~~(2)(a) Disputes between an association and a parcel owner~~  
491 ~~regarding use of or changes to the parcel or the common areas~~  
492 ~~and other covenant enforcement disputes, disputes regarding~~  
493 ~~amendments to the association documents, disputes regarding~~  
494 ~~meetings of the board and committees appointed by the board,~~  
495 ~~membership meetings not including election meetings, and access~~  
496 ~~to the official records of the association shall be the subject~~  
497 ~~of a demand for presuit mediation served by an aggrieved party~~  
498 ~~before the dispute is filed in court. Presuit mediation~~  
499 ~~proceedings must be conducted in accordance with the applicable~~  
500 ~~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 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  
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 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.)~~

~~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.~~

~~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.~~

~~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~~

~~.....~~

651       ~~Telephone contact information~~

652       ~~.....~~

653       ~~Signature and telephone contact information of~~

654       ~~responding party #2 (if applicable) (if property is~~

655       ~~owned by more than one person, all owners must sign)~~

656       ~~(b) Service of the statutory demand to participate in~~

657       ~~presuit mediation shall be effected by sending a letter in~~

658       ~~substantial conformity with the above form by certified mail,~~

659       ~~return receipt requested, with an additional copy being sent by~~

660       ~~regular first-class mail, to the address of the responding party~~

661       ~~as it last appears on the books and records of the association.~~

662       ~~The responding party has 20 days from the date of the mailing of~~

663       ~~the statutory demand to serve a response to the aggrieved party~~

664       ~~in writing. The response shall be served by certified mail,~~

665       ~~return receipt requested, with an additional copy being sent by~~

666       ~~regular first-class mail, to the address shown on the statutory~~

667       ~~demand. Notwithstanding the foregoing, once the parties have~~

668       ~~agreed on a mediator, the mediator may reschedule the mediation~~

669       ~~for a date and time mutually convenient to the parties. The~~

670       ~~parties shall share the costs of presuit mediation equally,~~

671       ~~including the fee charged by the mediator, if any, unless the~~

672       ~~parties agree otherwise, and the mediator may require advance~~

673       ~~payment of its reasonable fees and costs. The failure of any~~

674       ~~party to respond to a demand or response, to agree upon a~~

675       ~~mediator, to make payment of fees and costs within the time~~

676 ~~established by the mediator, or to appear for a scheduled~~  
677 ~~mediation session without the approval of the mediator, shall~~  
678 ~~constitute the failure or refusal to participate in the~~  
679 ~~mediation process and shall operate as an impasse in the presuit~~  
680 ~~mediation by such party, entitling the other party to proceed in~~  
681 ~~court and to seek an award of the costs and fees associated with~~  
682 ~~the mediation. Additionally, notwithstanding the provisions of~~  
683 ~~any other law or document, persons who fail or refuse to~~  
684 ~~participate in the entire mediation process may not recover~~  
685 ~~attorney's fees and costs in subsequent litigation relating to~~  
686 ~~the dispute. If any presuit mediation session cannot be~~  
687 ~~scheduled and conducted within 90 days after the offer to~~  
688 ~~participate in mediation was filed, an impasse shall be deemed~~  
689 ~~to have occurred unless both parties agree to extend this~~  
690 ~~deadline.~~

691 (2)(c) ~~In If presuit mediation as described in paragraph~~  
692 ~~(a) is not successful in resolving~~ all issues between the  
693 parties, the parties may file the ~~unresolved~~ dispute in a court  
694 of competent jurisdiction or elect to enter into binding or  
695 nonbinding arbitration pursuant to the procedures set forth in  
696 s. 718.1255 and rules adopted by the division, with the  
697 arbitration proceeding to be conducted by a department  
698 arbitrator or by a private arbitrator certified by the  
699 department. If all parties do not agree to arbitration  
700 ~~proceedings following an unsuccessful presuit mediation, any~~

701 party may file the dispute in court. A final order resulting  
702 from nonbinding arbitration is final and enforceable in the  
703 courts if a complaint for trial de novo is not filed in a court  
704 of competent jurisdiction within 30 days after entry of the  
705 order. As to any issue or dispute that is not resolved at  
706 arbitration ~~presuit mediation~~, and as to any issue that is  
707 settled at arbitration ~~presuit mediation~~ but is thereafter  
708 subject to an action seeking enforcement of the ~~mediation~~  
709 settlement, the prevailing party in any subsequent arbitration  
710 or litigation proceeding may ~~shall be entitled to~~ seek recovery  
711 of all costs and attorney ~~attorney's~~ fees incurred in the  
712 arbitration ~~presuit mediation~~ process.

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

722 ~~(c) The presuit mediation procedures provided by this~~  
723 ~~subsection may be used by a Florida corporation responsible for~~  
724 ~~the operation of a community in which the voting members are~~  
725 ~~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 9. 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.

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

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

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

1. Prevent covenants from impairing the continued

751 productive use of the property.

752 2. Provide fair treatment and just compensation for parcel  
753 owners and preserve property values and the local property tax  
754 base.

755 3. Preserve the state's long history of protecting  
756 homestead property rights by ensuring that such protection is  
757 extended to parcel owners whose parcel is their homestead in the  
758 context of a termination of a declaration of covenants for an  
759 association.

760 (3) A homeowners' association may be terminated by a plan  
761 of termination that meets the requirements of this section and  
762 is approved by a community association court program under s.  
763 720.32.

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

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

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

775 (c) A plan of termination must be approved by at least

776 two-thirds of the total voting interests of the association.

777 (d) A parcel owner desiring to reject a plan of  
778 termination must do so by either voting in person or by proxy to  
779 reject the plan or by delivering a written objection to the  
780 association before or at the meeting called under subsection  
781 (5).

782 (5) (a) A parcel owner who wishes to terminate a  
783 homeowners' association in which he or she is a member must  
784 provide to the board of administration a petition for a plan of  
785 termination that is signed by at least 50 percent of the voting  
786 members of the association. The board must hold a meeting of the  
787 members within 60 days after receipt of the signed petition. A  
788 voting interest of the association may not be suspended for any  
789 reason for purposes of signing the petition or determining  
790 whether the 50 percent threshold for such petition has been met  
791 under this paragraph.

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

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

798 (c) If the board fails to call a meeting within the 60-day  
799 time period, any member may petition a community association  
800 court program under s. 720.32 or, if a community association



801 court program does not exist in the judicial circuit in which  
802 the association is located, another court of competent  
803 jurisdiction for an order compelling compliance with this  
804 section.

805 (6) If a plan of termination is approved, the board must  
806 submit such plan to the community association court program in  
807 the judicial circuit in which the association is located or, if  
808 a community association court program does not exist, another  
809 court of competent jurisdiction. The court shall examine the  
810 plan of termination and determine its procedural sufficiency  
811 and, within 45 days after receipt of the plan, notify the  
812 association by mail of any procedural deficiencies or that the  
813 plan is accepted. If notice is not provided within the 45-day  
814 time period, the plan of termination is deemed accepted. If the  
815 court determines that the conditions required by this section  
816 have been met and that the plan of termination complies with the  
817 procedural requirements of this section, the court must  
818 authorize the termination and the termination may proceed as  
819 authorized in this section.

820 (7) (a) A plan of termination and the consents or joinders  
821 of parcel owners must be recorded in the public records of each  
822 county in which any portion of the association is located. The  
823 plan is effective only upon recordation or at a later date  
824 specified in the plan.

825 (b) Upon recordation or at a later date specified in the

826 plan of termination, title to the association property vests in  
827 a termination trustee. The board serves as such trustee unless  
828 another person is appointed in the plan of termination. If the  
829 board is not the termination trustee, the board must transfer  
830 any association property to such trustee. The termination  
831 trustee is vested with the powers given by the declaration and  
832 bylaws of the association and subsection (9). If the board is  
833 unable, unwilling, or fails to act as termination trustee, a  
834 parcel owner may petition the community association court  
835 program to appoint a termination trustee.

836 (8) If the board fails to hold the meeting under  
837 subsection (5), obstructs the termination process, or refuses to  
838 record the decision of the members to terminate, a member may  
839 file a petition with the community association court program in  
840 the judicial circuit in which the association is located or, if  
841 a community association court program does not exist, another  
842 court of competent jurisdiction. A community association court  
843 program may do all of the following:

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

846 (b) Order the Department of State to dissolve the  
847 homeowners' association.

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

850 (9) The approval of the plan of termination does not

851 terminate the board of administration, which shall continue in  
852 existence following approval of the plan of termination with all  
853 powers and duties such board had before approval of the plan.

854 Notwithstanding any provision to the contrary in the declaration  
855 or bylaws, after approval of the plan of termination the board  
856 must:

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

859 (b) Conduct the affairs of the association as necessary  
860 for the liquidation or termination.

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

863 (d) Defend suits brought against the association.

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

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

869 (g) Sell at public or private sale or exchange, convey, or  
870 otherwise dispose of assets of the association for an amount  
871 deemed to be in the best interests of the association, and  
872 execute bills of sale and deeds of conveyance in the name of the  
873 association.

874 (h) Collect and receive rents, profits, accounts  
875 receivable, income, maintenance fees, special assessments, or

876 insurance proceeds for the association.

877 (i) Contract and do anything in the name of the  
878 association which is proper or convenient to terminate the  
879 affairs of the association.

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

883 (b) A member may not be subject to personal liability for  
884 unpaid obligations beyond the member's regular assessments or  
885 special assessments that existed before the vote for  
886 termination.

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

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

891 2. Spending association funds to campaign for or against  
892 the plan of termination.

893 3. Concealing any financial or property records relevant  
894 to the plan of termination.

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

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

898 2. Removal from office by court order.

899 3. Personal liability for legal fees incurred by the  
900 petitioners.

901       **Section 10. Section 720.32, Florida Statutes, is created**  
902 **to read:**

903       720.32 Community association court program.—

904       (1) It is the intent of the Legislature to encourage and  
905 support the judicial circuits of the state to create and  
906 maintain a community association court program in each judicial  
907 circuit. The purpose of a community association court program is  
908 to address disputes that arise between community associations  
909 and the members thereof or between members within a community  
910 association. It is the intent of the Legislature that this  
911 section provides a detailed statewide standard for the creation,  
912 operation, and procedures for community association court  
913 programs.

914       (2) A circuit court may create and administer a community  
915 association court program. The chief judge shall designate at  
916 least one judge to preside over the community association court  
917 program. The chief judge may issue administrative orders  
918 concerning the community association court program.

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

922       (a) Chapter 718, the Condominium Act.

923       (b) Chapter 719, the Cooperative Act.

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

925       (4) The community association court program may do all of

the following:

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

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

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

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

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

(f) Issue injunctive relief as appropriate.

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

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

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

951        (7) The costs associated with the creation, operation, and  
952        compliance and enforcement duties of the community association  
953        court program shall be funded through a general revenue  
954        appropriation to the department.

955        **Section 11. Paragraph (d) of subsection (1) of section**  
956        **34.01, Florida Statutes, is amended to read:**

957        34.01 Jurisdiction of county court.—

958        (1) County courts shall have original jurisdiction:

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

962        **Section 12. Paragraph (a) of subsection (1) of section**  
963        **336.125, Florida Statutes, is amended to read:**

964        336.125 Closing and abandonment of roads; optional  
965        conveyance to homeowners' association; traffic control  
966        jurisdiction.—

967        (1)(a) In addition to the authority provided in s. 336.12,  
968        the governing body of the county may abandon the roads and  
969        rights-of-way dedicated in a recorded residential subdivision  
970        plat and simultaneously convey the county's interest in such  
971        roads, rights-of-way, and appurtenant drainage facilities to a  
972        homeowners' association for the subdivision, if the following  
973        conditions have been met:

974        1. The homeowners' association has requested the  
975        abandonment and conveyance in writing for the purpose of

976 converting the subdivision to a gated neighborhood with  
977 restricted public access.

978 2. No fewer than four-fifths of the owners of record of  
979 property located in the subdivision have consented in writing to  
980 the abandonment and simultaneous conveyance to the homeowners'  
981 association.

982 3. The homeowners' association is both a corporation not  
983 for profit organized and in good standing under chapter 617, and  
984 a "homeowners' association" as defined in s. 720.301 ~~s.~~  
985 ~~720.301(9)~~ with the power to levy and collect assessments for  
986 routine and periodic major maintenance and operation of street  
987 lighting, drainage, sidewalks, and pavement in the subdivision.

988 4. The homeowners' association has entered into and  
989 executed such agreements, covenants, warranties, and other  
990 instruments; has provided, or has provided assurance of, such  
991 funds, reserve funds, and funding sources; and has satisfied  
992 such other requirements and conditions as may be established or  
993 imposed by the county with respect to the ongoing operation,  
994 maintenance, and repair and the periodic reconstruction or  
995 replacement of the roads, drainage, street lighting, and  
996 sidewalks in the subdivision after the abandonment by the  
997 county.

998 **Section 13. Subsection (2) of section 558.002, Florida**  
999 **Statutes, is amended to read:**

1000 558.002 Definitions.—As used in this chapter, the term:



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

**Section 14. Subsection (6) of section 617.0601, Florida Statutes, is amended to read:**

617.0601 Members, generally.—

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

**Section 15. Subsection (6) of section 617.0701, Florida Statutes, is amended to read:**

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

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

**Section 16. Subsection (7) of section 617.0721, Florida Statutes, is amended to read:**

617.0721 Voting by members.—

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

719.

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

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

**Section 18. Subsection (3) of section 617.0808, Florida Statutes, is amended to read:**

617.0808 Removal of directors.—

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

**Section 19. Section 617.1606, Florida Statutes, is amended to read:**

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

1051        **Section 20. Paragraph (b) of subsection (1) of section**  
1052 **718.116, Florida Statutes, is amended to read:**

1053        718.116 Assessments; liability; lien and priority;  
1054 interest; collection.—

1055        (1)

1056        (b)1. The liability of a first mortgagee or its successor  
1057 or assignees who acquire title to a unit by foreclosure or by  
1058 deed in lieu of foreclosure for the unpaid assessments that  
1059 became due before the mortgagee's acquisition of title is  
1060 limited to the lesser of:

1061        a. The unit's unpaid common expenses and regular periodic  
1062 assessments which accrued or came due during the 12 months  
1063 immediately preceding the acquisition of title and for which  
1064 payment in full has not been received by the association; or

1065        b. One percent of the original mortgage debt. The  
1066 provisions of this paragraph apply only if the first mortgagee  
1067 joined the association as a defendant in the foreclosure action.  
1068 Joinder of the association is not required if, on the date the  
1069 complaint is filed, the association was dissolved or did not  
1070 maintain an office or agent for service of process at a location  
1071 which was known to or reasonably discoverable by the mortgagee.

1072        2. An association, or its successor or assignee, that  
1073 acquires title to a unit through the foreclosure of its lien for  
1074 assessments is not liable for any unpaid assessments, late fees,  
1075 interest, or reasonable attorney's fees and costs that came due

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

**Section 21. Paragraph (d) of subsection (2) of section 720.3085, Florida Statutes, is amended to read:**

720.3085 Payment for assessments; lien claims.—

(2)

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

**Section 22.** This act shall take effect July 1, 2026.