

A bill to be entitled
An act relating to community associations; creating s. 712.13, F.S.; providing legislative findings and intent; providing definitions; providing that the recorded governing documents of a dissolved homeowners' association are deemed terminated and unenforceable; requiring the clerk of the circuit court to indicate in the county records that a dissolved association's governing documents are terminated and inactive; requiring certain exclusive easements to revert to the servient estate upon dissolution of a homeowners' association under certain circumstances; providing for the extinguishment of such easement; prohibiting an easement held by a dissolved association from becoming a public right-of-way, trail, or access route unless the easement is separately recorded for public use; providing construction; providing retroactive applicability; amending s. 718.104, F.S.; requiring condominium associations to include a specified statement in the governing documents or to hold a meeting by a date certain to vote to amend the governing documents to include such statement; requiring a vote held at such meeting to be approved by a certain amount of the 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:

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

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

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

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

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

265 (m) Any party to an arbitration proceeding may enforce an
266 arbitration award by filing a petition in a community
267 association court program under s. 720.32 or a court of
268 competent jurisdiction in which the condominium is located. A
269 petition may not be granted unless the time for appeal by the
270 filing of a complaint for trial de novo has expired. If a
271 complaint for a trial de novo has been filed, a petition may not
272 be granted with respect to an arbitration award that has been
273 stayed. If the petition for enforcement is granted, the
274 petitioner shall recover reasonable attorney fees and costs
275 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**

326 **subsection (11) is added to that section, to read:**

327 720.303 Association powers and duties; meetings of board;
328 official records; budgets; financial reporting; association
329 funds; recalls.—

330 (1) POWERS AND DUTIES.—

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

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

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

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

347
348 This association and the association's governing
349 documents are governed by the Florida Homeowners'
350 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

401 occurs on the matter.

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

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

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

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

416 **Section 7. Paragraph (h) of subsection (1) of section**
417 **720.306, Florida Statutes, is amended to read:**

418 720.306 Meetings of members; voting and election
419 procedures; amendments.—

420 (1) QUORUM; AMENDMENTS.—

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

426 document or amendment, or to a parcel owner who consents,
427 individually or through a representative, to the governing
428 document or amendment.

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

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

437 4. For purposes of this paragraph, a change of ownership
438 does not occur when a parcel owner conveys the parcel to an
439 affiliated entity, when beneficial ownership of the parcel does
440 not change, or when an heir becomes the parcel owner. For
441 purposes of this subparagraph, the term "affiliated entity"
442 means an entity that controls, is controlled by, or is under
443 common control with the parcel owner or that becomes a parent or
444 successor entity by reason of transfer, merger, consolidation,
445 public offering, reorganization, dissolution or sale of stock,
446 or transfer of membership partnership interests. For a
447 conveyance to be recognized as one made to an affiliated entity,
448 the entity must furnish to the association a document certifying
449 that this subparagraph applies and provide any organizational
450 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~~

501 privileged and confidential to the same extent as court-ordered
502 mediation. Disputes subject to presuit mediation under this
503 section shall not include the collection of any assessment,
504 fine, or other financial obligation, including attorney's fees
505 and costs, claimed to be due or any action to enforce a prior
506 mediation settlement agreement between the parties. Also, in any
507 dispute subject to presuit mediation under this section where
508 emergency relief is required, a motion for temporary injunctive
509 relief may be filed with the court without first complying with
510 the presuit mediation requirements of this section. After any
511 issues regarding emergency or temporary relief are resolved, the
512 court may either refer the parties to a mediation program
513 administered by the courts or require mediation under this
514 section. An arbitrator or judge may not consider any information
515 or evidence arising from the presuit mediation proceeding except
516 in a proceeding to impose sanctions for failure to attend a
517 presuit mediation session or to enforce a mediated settlement
518 agreement. Persons who are not parties to the dispute may not
519 attend the presuit mediation conference without the consent of
520 all parties, except for counsel for the parties and a corporate
521 representative designated by the association. When mediation is
522 attended by a quorum of the board, such mediation is not a board
523 meeting for purposes of notice and participation set forth in s.
524 720.303. An aggrieved party shall serve on the responding party
525 a written demand to participate in presuit mediation in

526 substantially the following form:

527 STATUTORY OFFER TO PARTICIPATE

528 IN PRESUIT MEDIATION

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

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

538 Pursuant to section 720.311, Florida Statutes, this
539 demand to resolve the dispute through presuit
540 mediation is required before a lawsuit can be filed
541 concerning the dispute. Pursuant to the statute, the
542 parties are required to engage in presuit mediation
543 with a neutral third party mediator in order to
544 attempt to resolve this dispute without court action,
545 and the aggrieved party demands that you likewise
546 agree to this process. If you fail to participate in
547 the mediation process, suit may be brought against you
548 without further warning.

549 The process of mediation involves a supervised
550 negotiation process in which a trained, neutral third

551 party mediator meets with both parties and assists
552 them in exploring possible opportunities for resolving
553 part or all of the dispute. By agreeing to participate
554 in presuit mediation, you are not bound in any way to
555 change your position. Furthermore, the mediator has no
556 authority to make any decisions in this matter or to
557 determine who is right or wrong and merely acts as a
558 facilitator to ensure that each party understands the
559 position of the other party and that all options for
560 reasonable settlement are fully explored.
561 If an agreement is reached, it shall be reduced to
562 writing and becomes a binding and enforceable
563 commitment of the parties. A resolution of one or more
564 disputes in this fashion avoids the need to litigate
565 these issues in court. The failure to reach an
566 agreement, or the failure of a party to participate in
567 the process, results in the mediator declaring an
568 impasse in the mediation, after which the aggrieved
569 party may proceed to court on all outstanding,
570 unsettled disputes. If you have failed or refused to
571 participate in the entire mediation process, you will
572 not be entitled to recover attorney's fees, even if
573 you prevail.
574 The aggrieved party has selected and hereby lists five
575 certified mediators who we believe to be neutral and

576 qualified to mediate the dispute. You have the right
577 to select any one of these mediators. The fact that
578 one party may be familiar with one or more of the
579 listed mediators does not mean that the mediator
580 cannot act as a neutral and impartial facilitator. Any
581 mediator who cannot act in this capacity is required
582 ethically to decline to accept engagement. The
583 mediators that we suggest, and their current hourly
584 rates, are as follows:

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

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

594 Unless otherwise agreed by the parties, section
595 720.311(2)(b), Florida Statutes, requires that the
596 parties share the costs of presuit mediation equally,
597 including the fee charged by the mediator. An average
598 mediation may require three to four hours of the
599 mediator's time, including some preparation time, and
600 the parties would need to share equally the mediator's

601 fees as well as their own attorney's fees if they
602 choose to employ an attorney in connection with the
603 mediation. However, use of an attorney is not required
604 and is at the option of each party. The mediators may
605 require the advance payment of some or all of the
606 anticipated fees. The aggrieved party hereby agrees to
607 pay or prepay one-half of the mediator's estimated
608 fees and to forward this amount or such other
609 reasonable advance deposits as the mediator requires
610 for this purpose. Any funds deposited will be returned
611 to you if these are in excess of your share of the
612 fees incurred.

613 To begin your participation in presuit mediation to
614 try to resolve the dispute and avoid further legal
615 action, please sign below and clearly indicate which
616 mediator is acceptable to you. We will then ask the
617 mediator to schedule a mutually convenient time and
618 place for the mediation conference to be held. The
619 mediation conference must be held within ninety (90)
620 days of this date, unless extended by mutual written
621 agreement. In the event that you fail to respond
622 within 20 days from the date of this letter, or if you
623 fail to agree to at least one of the mediators that we
624 have suggested or to pay or prepay to the mediator
625 one-half of the costs involved, the aggrieved party

626 will be authorized to proceed with the filing of a
627 lawsuit against you without further notice and may
628 seek an award of attorney's fees or costs incurred in
629 attempting to obtain mediation.

630 Therefore, please give this matter your immediate
631 attention. By law, your response must be mailed by
632 certified mail, return receipt requested, and by
633 first-class mail to the address shown on this demand.

634

635

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

638 ~~AGREEMENT TO MEDIATE~~

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

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

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

648

649 ~~Signature of responding party #1~~

650

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)(e) 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 (e) ~~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~~

726 ~~the corporation is not a mandatory condition of parcel~~
727 ~~ownership, or which is not authorized to impose an assessment~~
728 ~~that may become a lien on the parcel.~~

729 **Section 9. Section 720.319, Florida Statutes, is created**
730 **to read:**

731 720.319 Dissolution of homeowners' association.—
732 (1) This section may be cited as the "Homeowners'
733 Association Dissolution and Accountability Act."

734 (2) The Legislature finds that:
735 (a) Homeowners' associations are created as authorized by
736 general law and are subject to covenants that encumber the land
737 and restrict the use of real property.

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

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

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

750 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

926 the following:

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

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

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

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

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

939 (f) Issue injunctive relief as appropriate.

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

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

948 (6) The Office of the State Courts Administrator shall
949 establish procedure, staffing, and reporting requirements for
950 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:

1001 (2) "Association" has the same meaning as in s. 718.103,
1002 s. 719.103(2), s. 720.301(10) ~~s. 720.301(9)~~, or s. 723.075.

1003 **Section 14. Subsection (6) of section 617.0601, Florida
1004 Statutes, is amended to read:**

1005 617.0601 Members, generally.—

1006 (6) Subsections (1), (2), (3), and (4) do not apply to a
1007 corporation that is an association as defined in s. 720.301(10)
1008 ~~s. 720.301~~.

1009 **Section 15. Subsection (6) of section 617.0701, Florida
1010 Statutes, is amended to read:**

1011 617.0701 Meetings of members, generally; failure to hold
1012 annual meeting; special meeting; consent to corporate actions
1013 without meetings; waiver of notice of meetings.—

1014 (6) Subsections (1) and (3) do not apply to any
1015 corporation that is an association as defined in s. 720.301(10)
1016 ~~s. 720.301~~; a corporation regulated by chapter 718, chapter 719,
1017 chapter 720, chapter 721, or chapter 723; or a corporation where
1018 membership in such corporation is required pursuant to a
1019 document recorded in the county property records.

1020 **Section 16. Subsection (7) of section 617.0721, Florida
1021 Statutes, is amended to read:**

1022 617.0721 Voting by members.—

1023 (7) Subsections (1), (5), and (6) do not apply to a
1024 corporation that is an association, as defined in s. 720.301(10)
1025 ~~s. 720.301~~, or a corporation regulated by chapter 718 or chapter

1026 719.

1027 **Section 17. Section 617.0725, Florida Statutes, is amended**
1028 **to read:**

1029 617.0725 Quorum.—An amendment to the articles of
1030 incorporation or the bylaws which adds, changes, or deletes a
1031 greater or lesser quorum or voting requirement must meet the
1032 same quorum or voting requirement and be adopted by the same
1033 vote and voting groups required to take action under the quorum
1034 and voting requirements then in effect or proposed to be
1035 adopted, whichever is greater. This section does not apply to
1036 any corporation that is an association, as defined in s.
1037 720.301(10) ~~s. 720.301(9)~~, or any corporation regulated under
1038 chapter 718 or chapter 719.

1039 **Section 18. Subsection (3) of section 617.0808, Florida**
1040 **Statutes, is amended to read:**

1041 617.0808 Removal of directors.—

1042 (3) This section does not apply to any corporation that is
1043 an association, as defined in s. 720.301(10) ~~s. 720.301~~, or a
1044 corporation regulated under chapter 718 or chapter 719.

1045 **Section 19. Section 617.1606, Florida Statutes, is amended**
1046 **to read:**

1047 617.1606 Access to records.—Sections 617.1601-617.1605 do
1048 not apply to a corporation that is an association, as defined in
1049 s. 720.301(10) ~~s. 720.301~~, or a corporation regulated under
1050 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

1076 before the association's acquisition of title in favor of any
1077 other association, as defined in s. 718.103 or s. 720.301(10) s.
1078 ~~720.301(9)~~, which holds a superior lien interest on the unit.
1079 This subparagraph is intended to clarify existing law.

1080 **Section 21. Paragraph (d) of subsection (2) of section**
1081 **720.3085, Florida Statutes, is amended to read:**

1082 720.3085 Payment for assessments; lien claims.—

1083 (2)

1084 (d) An association, or its successor or assignee, that
1085 acquires title to a parcel through the foreclosure of its lien
1086 for assessments is not liable for any unpaid assessments, late
1087 fees, interest, or reasonable attorney's fees and costs that
1088 came due before the association's acquisition of title in favor
1089 of any other association, as defined in s. 718.103 or s.
1090 ~~720.301(10) s. 720.301(9)~~, which holds a superior lien interest
1091 on the parcel. This paragraph is intended to clarify existing
1092 law.

1093 **Section 22.** This act shall take effect July 1, 2026.