

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 specific  
 82 appropriations in the General Appropriations Act;  
 83 requiring certain funds that remain unencumbered or  
 84 undisbursed by specified dates to revert to the  
 85 Division of Florida Condominiums, Timeshares, and  
 86 Mobile Homes Trust Fund; amending s. 26.031, F.S.;  
 87 increasing the number of circuit judges in certain  
 88 judicial circuits; specifying that the additional  
 89 circuit court judges are for the community association  
 90 court program; amending s. 34.01, F.S.; conforming a  
 91 provision to changes made by the act; amending ss.  
 92 336.125, 558.002, 617.0601, 617.0701, 617.0721,  
 93 617.0725, 617.0808, 617.1606, 718.116, and 720.3085,  
 94 F.S.; conforming cross-references; providing an  
 95 effective date.

96  
 97 Be It Enacted by the Legislature of the State of Florida:

98  
 99 **Section 1. Section 712.13, Florida Statutes, is created to**  
 100 **read:**

101 712.13 Governing documents associated with dissolved  
 102 homeowners' associations.—

103 (1) The Legislature finds that when a homeowners'  
 104 association has been dissolved, voluntarily or involuntarily,  
 105 the recorded governing documents created solely for the  
 106 association's benefit may remain in the county records  
 107 indefinitely, imposing an undue burden on private property  
 108 owners. It is the intent of the Legislature to restore and  
 109 protect private property rights by ensuring that such  
 110 encumbrances are properly extinguished or removed from the  
 111 official records of the county when the association ceases to  
 112 exist.

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

114 (a) "Dissolved association" means a homeowners'  
 115 association that has filed articles of dissolution with the  
 116 Department of State under chapter 617 or has otherwise ceased  
 117 its legal operation and existence.

118 (b) "Exclusive easement" means an easement recorded for  
 119 the sole benefit or use of a homeowners' association or its  
 120 members.

121 (c) "Governing documents" has the same meaning as in s.  
 122 720.301.

123 (d) "Servient estate" means the real property burdened by  
 124 an easement.

125 (3) (a) Upon the dissolution of a homeowners' association,

126 the governing documents of the association, which were recorded  
127 in the official records of a county and created solely for the  
128 operation or benefit of the dissolved association or its  
129 members, are deemed terminated and are unenforceable.

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

133 (c) The clerk of the circuit court shall, upon receipt of  
134 a certified copy of the association's articles of dissolution,  
135 mark or otherwise indicate in the county's official records that  
136 the governing documents for the dissolved association are  
137 terminated and inactive.

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

143 (b) Upon reversion, the exclusive easement is extinguished  
144 and the owner of the servient estate regains full rights of  
145 ownership, possession, and control of the land encumbered by the  
146 easement.

147 (c) An easement formerly held by a homeowners' association  
148 may not become a public right-of-way, trail, or access route  
149 unless a separate, valid written notice in accordance with s.  
150 712.06 has been recorded to preserve the easement for the

151 benefit of the public.

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

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

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

160 718.104 Creation of condominiums; contents of  
161 declaration.—Every condominium created in this state shall be  
162 created pursuant to this chapter.

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

165  
166 This association and the association's governing  
167 documents are governed by the Florida Condominium Act,  
168 as amended from time to time.

169  
170 (b) By January 1, 2027, each association in existence  
171 before July 1, 2026, must hold a meeting of the members in  
172 accordance with s. 718.112 to vote whether to amend the  
173 governing documents of the association to include the statement  
174 in paragraph (a). The association must obtain the affirmative  
175 approval of two-thirds of the units at a meeting of the

176 membership at which a quorum has been attained in order to amend  
177 the governing documents under this paragraph.

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

183 718.1255 Alternative dispute resolution; mediation;  
184 nonbinding arbitration; applicability.—

185 (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The  
186 Division of Florida Condominiums, Timeshares, and Mobile Homes  
187 of the Department of Business and Professional Regulation may  
188 employ full-time attorneys to act as arbitrators to conduct the  
189 arbitration hearings provided by this chapter. The division may  
190 also certify attorneys who are not employed by the division to  
191 act as arbitrators to conduct the arbitration hearings provided  
192 by this chapter. A person may not be employed by the department  
193 as a full-time arbitrator unless he or she is a member in good  
194 standing of The Florida Bar. A person may only be certified by  
195 the division to act as an arbitrator if he or she has been a  
196 member in good standing of The Florida Bar for at least 5 years  
197 and has mediated or arbitrated at least 10 disputes involving  
198 condominiums in this state during the 3 years immediately  
199 preceding the date of application, mediated or arbitrated at  
200 least 30 disputes in any subject area in this state during the 3

201 years immediately preceding the date of application, or attained  
202 board certification in real estate law or condominium and  
203 planned development law from The Florida Bar. Arbitrator  
204 certification is valid for 1 year. An arbitrator who does not  
205 maintain the minimum qualifications for initial certification  
206 may not have his or her certification renewed. The department  
207 may not enter into a legal services contract for an arbitration  
208 hearing under this chapter with an attorney who is not a  
209 certified arbitrator unless a certified arbitrator is not  
210 available within 50 miles of the dispute. The department shall  
211 adopt rules of procedure to govern such arbitration hearings  
212 including mediation incident thereto. The decision of an  
213 arbitrator is final; however, a decision is not deemed final  
214 agency action. Nothing in this provision shall be construed to  
215 foreclose parties from proceeding in a trial de novo unless the  
216 parties have agreed that the arbitration is binding. If judicial  
217 proceedings are initiated, the final decision of the arbitrator  
218 is admissible in evidence in the trial de novo.

219 (a) Before the institution of court litigation, a party to  
220 a dispute, other than an election or recall dispute, must ~~shall~~  
221 ~~either~~ petition the division for nonbinding arbitration or  
222 request that the case be referred to mediation ~~initiate presuit~~  
223 ~~mediation as provided in subsection (5)~~. Arbitration is binding  
224 on the parties if all parties in arbitration agree to be bound  
225 in a writing filed in arbitration. The petition must be

226 accompanied by a filing fee in the amount of \$50. Filing fees  
227 collected under this section must be used to defray the expenses  
228 of the alternative dispute resolution program.

229 (h) Mediation proceedings must generally be conducted in  
230 accordance with the Florida Rules of Civil Procedure, and these  
231 proceedings are privileged and confidential to the same extent  
232 as court-ordered mediation. Persons who are not parties to the  
233 dispute are not allowed to attend the mediation conference  
234 without the consent of all parties, with the exception of  
235 counsel for the parties and corporate representatives designated  
236 to appear for a party. If the mediator declares an impasse after  
237 a mediation conference has been held, the arbitration proceeding  
238 terminates, unless all parties agree in writing to continue the  
239 arbitration proceeding, in which case the arbitrator's decision  
240 shall be binding or nonbinding, as agreed upon by the parties;  
241 in the arbitration proceeding, the arbitrator shall not consider  
242 any evidence relating to the unsuccessful mediation except in a  
243 proceeding to impose sanctions for failure to appear at the  
244 mediation conference. If the parties do not agree to continue  
245 arbitration, the arbitrator shall enter an order of dismissal,  
246 and either party may institute a suit in a community association  
247 court program under s. 720.32 or a court of competent  
248 jurisdiction. The parties may seek to recover any costs and  
249 attorney fees incurred in connection with arbitration and  
250 mediation proceedings under this section as part of the costs

251 and fees that may be recovered by the prevailing party in any  
252 subsequent litigation.

253 (k) The arbitration decision shall be rendered within 30  
254 days after the hearing and presented to the parties in writing.  
255 An arbitration decision is final in those disputes in which the  
256 parties have agreed to be bound. An arbitration decision is also  
257 final if a complaint for a trial de novo is not filed in a  
258 community association court program under s. 720.32 or a court  
259 of competent jurisdiction in which the condominium is located  
260 within 30 days. The right to file for a trial de novo entitles  
261 the parties to file a complaint in the appropriate trial court  
262 for a judicial resolution of the dispute. The prevailing party  
263 in an arbitration proceeding shall be awarded the costs of the  
264 arbitration and reasonable attorney fees in an amount determined  
265 by the arbitrator. Such an award shall include the costs and  
266 reasonable attorney fees incurred in the arbitration proceeding  
267 as well as the costs and reasonable attorney fees incurred in  
268 preparing for and attending any scheduled mediation. An  
269 arbitrator's failure to render a written decision within 30 days  
270 after the hearing may result in the cancellation of his or her  
271 arbitration certification.

272 (m) Any party to an arbitration proceeding may enforce an  
273 arbitration award by filing a petition in a community  
274 association court program under s. 720.32 or a court of  
275 competent jurisdiction in which the condominium is located. A

276 petition may not be granted unless the time for appeal by the  
277 filing of a complaint for trial de novo has expired. If a  
278 complaint for a trial de novo has been filed, a petition may not  
279 be granted with respect to an arbitration award that has been  
280 stayed. If the petition for enforcement is granted, the  
281 petitioner shall recover reasonable attorney fees and costs  
282 incurred in enforcing the arbitration award. A mediation  
283 settlement may also be enforced through the county or circuit  
284 court or a community association court program, as applicable,  
285 and any costs and fees incurred in the enforcement of a  
286 settlement agreement reached at mediation must be awarded to the  
287 prevailing party in any enforcement action.

288 ~~(5) PRESUIT MEDIATION.—In lieu of the initiation of~~  
289 ~~nonbinding arbitration as provided in subsections (1)–(4), a~~  
290 ~~party may submit a dispute to presuit mediation in accordance~~  
291 ~~with s. 720.311; however, election and recall disputes are not~~  
292 ~~eligible for mediation and such disputes must be arbitrated by~~  
293 ~~the division or filed in a court of competent jurisdiction.~~

294 **Section 4. Subsections (8) through (13) of section**  
295 **720.301, Florida Statutes, are renumbered as subsections (9)**  
296 **through (14), respectively, and a new subsection (8) is added to**  
297 **that section, to read:**

298 720.301 Definitions.—As used in this chapter, the term:

299 (8) "Financial statements" means a comprehensive report  
300 prepared in accordance with generally accepted accounting

301 principles which accurately reflects the financial condition and  
 302 operation of a homeowners' association for a specified reporting  
 303 period. This report must include, at a minimum, a balance sheet;  
 304 an income and expense statement; a budget comparison; and a  
 305 complete set of bank statements, including copies of check  
 306 images for all disbursements the association made during the  
 307 reporting period, for each bank account belonging to the  
 308 association.

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

311 720.302 Purposes, scope, and application.—

312 (2) The Legislature recognizes that it is not in the best  
 313 interest of homeowners' associations or the individual  
 314 association members thereof to create or impose a bureau or  
 315 other agency of state government to regulate the affairs of  
 316 homeowners' associations. However, in accordance with s.  
 317 720.311, the Legislature finds that homeowners' associations and  
 318 their individual members will benefit from an expedited  
 319 alternative process for resolution of election and recall  
 320 disputes ~~and presuit mediation of other disputes involving~~  
 321 ~~covenant enforcement~~ and authorizes the department to hear,  
 322 administer, and determine these disputes as more fully set forth  
 323 in this chapter. Further, the Legislature recognizes that  
 324 certain contract rights have been created for the benefit of  
 325 homeowners' associations and members thereof before the

326 effective date of this act and that ss. 720.301-720.407 are not  
327 intended to impair such contract rights, including, but not  
328 limited to, the rights of the developer to complete the  
329 community as initially contemplated.

330 **Section 6. Subsections (11) through (15) of section**  
331 **720.303, Florida Statutes, are renumbered as subsections (12)**  
332 **through (16), respectively, subsection (1) is amended, and a new**  
333 **subsection (11) is added to that section, to read:**

334 720.303 Association powers and duties; meetings of board;  
335 official records; budgets; financial reporting; association  
336 funds; recalls.—

337 (1) POWERS AND DUTIES.—

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

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

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

351 documents.

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

354  
355 This association and the association's governing  
356 documents are governed by the Florida Homeowners'  
357 Association Act, as amended from time to time.

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

368 (d) After control of the association is obtained by  
369 members other than the developer, the association may institute,  
370 maintain, settle, or appeal actions or hearings in its name on  
371 behalf of all members concerning matters of common interest to  
372 the members, including, but not limited to, the common areas;  
373 roof or structural components of a building, or other  
374 improvements for which the association is responsible;  
375 mechanical, electrical, or plumbing elements serving an

376 improvement or building for which the association is  
377 responsible; representations of the developer pertaining to any  
378 existing or proposed commonly used facility; and protest of ad  
379 valorem taxes on commonly used facilities. The association may  
380 defend actions in eminent domain or bring inverse condemnation  
381 actions. Before commencing litigation against any party in the  
382 name of the association involving amounts in controversy in  
383 excess of \$100,000, the association must obtain the affirmative  
384 approval of a majority of the voting interests at a meeting of  
385 the membership at which a quorum has been attained. This  
386 paragraph subsection does not limit any statutory or common-law  
387 right of any individual member or class of members to bring any  
388 action without participation by the association.

389 (e) A member does not have authority to act for the  
390 association by virtue of being a member. An association may have  
391 more than one class of members and may issue membership  
392 certificates.

393 (f) An association of 15 or fewer parcel owners may  
394 enforce only the requirements of those deed restrictions  
395 established prior to the purchase of each parcel upon an  
396 affected parcel owner or owners.

397 (11) CONFLICTS OF INTEREST.—

398 (a) A director, an officer, or a committee member of an  
399 association owes a duty of loyalty to the association and its  
400 members.

401 (b) A conflict of interest exists when a director, an  
402 officer, or a committee member has a direct or an indirect  
403 financial interest in a transaction, contract, or decision under  
404 consideration by the association.

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

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

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

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

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

423 **Section 7. Paragraph (h) of subsection (1) of section**  
424 **720.306, Florida Statutes, is amended to read:**

425 720.306 Meetings of members; voting and election

426 | procedures; amendments.—

427 |       (1) QUORUM; AMENDMENTS.—

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

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

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

444 |       4. For purposes of this paragraph, a change of ownership  
445 | does not occur when a parcel owner conveys the parcel to an  
446 | affiliated entity, when beneficial ownership of the parcel does  
447 | not change, or when an heir becomes the parcel owner. For  
448 | purposes of this subparagraph, the term "affiliated entity"  
449 | means an entity that controls, is controlled by, or is under  
450 | common control with the parcel owner or that becomes a parent or

451 successor entity by reason of transfer, merger, consolidation,  
452 public offering, reorganization, dissolution or sale of stock,  
453 or transfer of membership partnership interests. For a  
454 conveyance to be recognized as one made to an affiliated entity,  
455 the entity must furnish to the association a document certifying  
456 that this subparagraph applies and provide any organizational  
457 documents for the parcel owner and the affiliated entity which  
458 support the representations in the certificate, as requested by  
459 the association.

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

466 **Section 8. Section 720.311, Florida Statutes, is amended**  
467 **to read:**

468 720.311 Dispute resolution.—

469 (1) The Legislature finds that alternative dispute  
470 resolution has made progress in reducing court dockets and  
471 trials and in offering a more efficient, cost-effective option  
472 to litigation. The filing of any petition for arbitration tolls  
473 ~~or the serving of a demand for presuit mediation as provided for~~  
474 ~~in this section shall toll~~ the applicable statute of  
475 limitations. Any recall dispute filed with the department under

476 s. 720.303(10) must ~~shall~~ be conducted by the department in  
477 accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255  
478 and the rules adopted by the division. In addition, the  
479 department shall conduct binding arbitration of election  
480 disputes between a member and an association in accordance with  
481 s. 718.1255 and rules adopted by the division. Election disputes  
482 and recall disputes ~~are not eligible for presuit mediation;~~  
483 ~~these disputes~~ must be arbitrated by the department or filed in  
484 a court of competent jurisdiction. The arbitration proceeding  
485 must be conducted by a department arbitrator or by a private  
486 arbitrator certified by the department. At the conclusion of an  
487 arbitration proceeding, the department shall charge the parties  
488 a fee in an amount adequate to cover all costs and expenses  
489 incurred by the department in conducting the proceeding.  
490 Initially, the petitioner shall remit a filing fee of at least  
491 \$200 to the department. The fees paid to the department shall  
492 become a recoverable cost in the arbitration proceeding, and the  
493 prevailing party in an arbitration proceeding shall recover its  
494 reasonable costs and attorney fees in an amount found reasonable  
495 by the arbitrator. The department shall adopt rules to  
496 effectuate the purposes of this section.

497 ~~(2)(a) Disputes between an association and a parcel owner~~  
498 ~~regarding use of or changes to the parcel or the common areas~~  
499 ~~and other covenant enforcement disputes, disputes regarding~~  
500 ~~amendments to the association documents, disputes regarding~~

501 ~~meetings of the board and committees appointed by the board,~~  
502 ~~membership meetings not including election meetings, and access~~  
503 ~~to the official records of the association shall be the subject~~  
504 ~~of a demand for presuit mediation served by an aggrieved party~~  
505 ~~before the dispute is filed in court. Presuit mediation~~  
506 ~~proceedings must be conducted in accordance with the applicable~~  
507 ~~Florida Rules of Civil Procedure, and these proceedings are~~  
508 ~~privileged and confidential to the same extent as court-ordered~~  
509 ~~mediation. Disputes subject to presuit mediation under this~~  
510 ~~section shall not include the collection of any assessment,~~  
511 ~~fine, or other financial obligation, including attorney's fees~~  
512 ~~and costs, claimed to be due or any action to enforce a prior~~  
513 ~~mediation settlement agreement between the parties. Also, in any~~  
514 ~~dispute subject to presuit mediation under this section where~~  
515 ~~emergency relief is required, a motion for temporary injunctive~~  
516 ~~relief may be filed with the court without first complying with~~  
517 ~~the presuit mediation requirements of this section. After any~~  
518 ~~issues regarding emergency or temporary relief are resolved, the~~  
519 ~~court may either refer the parties to a mediation program~~  
520 ~~administered by the courts or require mediation under this~~  
521 ~~section. An arbitrator or judge may not consider any information~~  
522 ~~or evidence arising from the presuit mediation proceeding except~~  
523 ~~in a proceeding to impose sanctions for failure to attend a~~  
524 ~~presuit mediation session or to enforce a mediated settlement~~  
525 ~~agreement. Persons who are not parties to the dispute may not~~

526 ~~attend the presuit mediation conference without the consent of~~  
 527 ~~all parties, except for counsel for the parties and a corporate~~  
 528 ~~representative designated by the association. When mediation is~~  
 529 ~~attended by a quorum of the board, such mediation is not a board~~  
 530 ~~meeting for purposes of notice and participation set forth in s.~~  
 531 ~~720.303. An aggrieved party shall serve on the responding party~~  
 532 ~~a written demand to participate in presuit mediation in~~  
 533 ~~substantially the following form:~~

534 ~~STATUTORY OFFER TO PARTICIPATE~~

535 ~~IN PRESUIT MEDIATION~~

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

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

545 ~~Pursuant to section 720.311, Florida Statutes, this~~  
 546 ~~demand to resolve the dispute through presuit~~  
 547 ~~mediation is required before a lawsuit can be filed~~  
 548 ~~concerning the dispute. Pursuant to the statute, the~~  
 549 ~~parties are required to engage in presuit mediation~~  
 550 ~~with a neutral third-party mediator in order to~~

551 ~~attempt to resolve this dispute without court action,~~  
552 ~~and the aggrieved party demands that you likewise~~  
553 ~~agree to this process. If you fail to participate in~~  
554 ~~the mediation process, suit may be brought against you~~  
555 ~~without further warning.~~

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

568 ~~If an agreement is reached, it shall be reduced to~~  
569 ~~writing and becomes a binding and enforceable~~  
570 ~~commitment of the parties. A resolution of one or more~~  
571 ~~disputes in this fashion avoids the need to litigate~~  
572 ~~these issues in court. The failure to reach an~~  
573 ~~agreement, or the failure of a party to participate in~~  
574 ~~the process, results in the mediator declaring an~~  
575 ~~impasse in the mediation, after which the aggrieved~~

576 ~~party may proceed to court on all outstanding,~~  
577 ~~unsettled disputes. If you have failed or refused to~~  
578 ~~participate in the entire mediation process, you will~~  
579 ~~not be entitled to recover attorney's fees, even if~~  
580 ~~you prevail.~~

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

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

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

601 ~~Unless otherwise agreed by the parties, section~~  
602 ~~720.311(2) (b), Florida Statutes, requires that the~~  
603 ~~parties share the costs of presuit mediation equally,~~  
604 ~~including the fee charged by the mediator. An average~~  
605 ~~mediation may require three to four hours of the~~  
606 ~~mediator's time, including some preparation time, and~~  
607 ~~the parties would need to share equally the mediator's~~  
608 ~~fees as well as their own attorney's fees if they~~  
609 ~~choose to employ an attorney in connection with the~~  
610 ~~mediation. However, use of an attorney is not required~~  
611 ~~and is at the option of each party. The mediators may~~  
612 ~~require the advance payment of some or all of the~~  
613 ~~anticipated fees. The aggrieved party hereby agrees to~~  
614 ~~pay or prepay one half of the mediator's estimated~~  
615 ~~fees and to forward this amount or such other~~  
616 ~~reasonable advance deposits as the mediator requires~~  
617 ~~for this purpose. Any funds deposited will be returned~~  
618 ~~to you if these are in excess of your share of the~~  
619 ~~fees incurred.~~  
620 ~~To begin your participation in presuit mediation to~~  
621 ~~try to resolve the dispute and avoid further legal~~  
622 ~~action, please sign below and clearly indicate which~~  
623 ~~mediator is acceptable to you. We will then ask the~~  
624 ~~mediator to schedule a mutually convenient time and~~  
625 ~~place for the mediation conference to be held. The~~

626 ~~mediation conference must be held within ninety (90)~~  
627 ~~days of this date, unless extended by mutual written~~  
628 ~~agreement. In the event that you fail to respond~~  
629 ~~within 20 days from the date of this letter, or if you~~  
630 ~~fail to agree to at least one of the mediators that we~~  
631 ~~have suggested or to pay or prepay to the mediator~~  
632 ~~one-half of the costs involved, the aggrieved party~~  
633 ~~will be authorized to proceed with the filing of a~~  
634 ~~lawsuit against you without further notice and may~~  
635 ~~seek an award of attorney's fees or costs incurred in~~  
636 ~~attempting to obtain mediation.~~

637 ~~Therefore, please give this matter your immediate~~  
638 ~~attention. By law, your response must be mailed by~~  
639 ~~certified mail, return receipt requested, and by~~  
640 ~~first class mail to the address shown on this demand.~~

641 ~~.....~~

642 ~~.....~~

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

645 ~~AGREEMENT TO MEDIATE~~

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

651 ~~(List acceptable mediator or mediators.)~~  
 652 ~~I/we further agree to pay or prepay one half of the~~  
 653 ~~mediator's fees and to forward such advance deposits~~  
 654 ~~as the mediator may require for this purpose.~~  
 655 ~~.....~~  
 656 ~~Signature of responding party #1~~  
 657 ~~.....~~  
 658 ~~Telephone contact information~~  
 659 ~~.....~~  
 660 ~~Signature and telephone contact information of~~  
 661 ~~responding party #2 (if applicable) (if property is~~  
 662 ~~owned by more than one person, all owners must sign)~~  
 663 ~~(b) Service of the statutory demand to participate in~~  
 664 ~~presuit mediation shall be effected by sending a letter in~~  
 665 ~~substantial conformity with the above form by certified mail,~~  
 666 ~~return receipt requested, with an additional copy being sent by~~  
 667 ~~regular first-class mail, to the address of the responding party~~  
 668 ~~as it last appears on the books and records of the association.~~  
 669 ~~The responding party has 20 days from the date of the mailing of~~  
 670 ~~the statutory demand to serve a response to the aggrieved party~~  
 671 ~~in writing. The response shall be served by certified mail,~~  
 672 ~~return receipt requested, with an additional copy being sent by~~  
 673 ~~regular first-class mail, to the address shown on the statutory~~  
 674 ~~demand. Notwithstanding the foregoing, once the parties have~~  
 675 ~~agreed on a mediator, the mediator may reschedule the mediation~~

676 ~~for a date and time mutually convenient to the parties. The~~  
677 ~~parties shall share the costs of presuit mediation equally,~~  
678 ~~including the fee charged by the mediator, if any, unless the~~  
679 ~~parties agree otherwise, and the mediator may require advance~~  
680 ~~payment of its reasonable fees and costs. The failure of any~~  
681 ~~party to respond to a demand or response, to agree upon a~~  
682 ~~mediator, to make payment of fees and costs within the time~~  
683 ~~established by the mediator, or to appear for a scheduled~~  
684 ~~mediation session without the approval of the mediator, shall~~  
685 ~~constitute the failure or refusal to participate in the~~  
686 ~~mediation process and shall operate as an impasse in the presuit~~  
687 ~~mediation by such party, entitling the other party to proceed in~~  
688 ~~court and to seek an award of the costs and fees associated with~~  
689 ~~the mediation. Additionally, notwithstanding the provisions of~~  
690 ~~any other law or document, persons who fail or refuse to~~  
691 ~~participate in the entire mediation process may not recover~~  
692 ~~attorney's fees and costs in subsequent litigation relating to~~  
693 ~~the dispute. If any presuit mediation session cannot be~~  
694 ~~scheduled and conducted within 90 days after the offer to~~  
695 ~~participate in mediation was filed, an impasse shall be deemed~~  
696 ~~to have occurred unless both parties agree to extend this~~  
697 ~~deadline.~~

698 (2)(c) In ~~If presuit mediation as described in paragraph~~  
699 ~~(a) is not successful in resolving all issues between the~~  
700 ~~parties, the parties may file the unresolved dispute in a court~~

701 of competent jurisdiction or elect to enter into binding or  
702 nonbinding arbitration pursuant to the procedures set forth in  
703 s. 718.1255 and rules adopted by the division, with the  
704 arbitration proceeding to be conducted by a department  
705 arbitrator or by a private arbitrator certified by the  
706 department. If all parties do not agree to arbitration  
707 ~~proceedings following an unsuccessful presuit mediation~~, any  
708 party may file the dispute in court. A final order resulting  
709 from nonbinding arbitration is final and enforceable in the  
710 courts if a complaint for trial de novo is not filed in a court  
711 of competent jurisdiction within 30 days after entry of the  
712 order. As to any issue or dispute that is not resolved at  
713 arbitration ~~presuit mediation~~, and as to any issue that is  
714 settled at arbitration ~~presuit mediation~~ but is thereafter  
715 subject to an action seeking enforcement of the ~~mediation~~  
716 settlement, the prevailing party in any subsequent arbitration  
717 or litigation proceeding ~~may shall be entitled to~~ seek recovery  
718 of all costs and attorney ~~attorney's~~ fees incurred in the  
719 arbitration ~~presuit mediation~~ process.

720 ~~(3)(d)~~ An ~~A~~ mediator or arbitrator is ~~shall be~~ authorized  
721 to conduct ~~mediation or~~ arbitration under this section only if  
722 he or she has been certified as a circuit court civil ~~mediator~~  
723 ~~or~~ arbitrator, ~~respectively~~, pursuant to the requirements  
724 established by the Florida Supreme Court. ~~Settlement agreements~~  
725 ~~resulting from mediation shall not have precedential value in~~

726 ~~proceedings involving parties other than those participating in~~  
727 ~~the mediation to support either a claim or defense in other~~  
728 ~~disputes.~~

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

736 **Section 9. Section 720.319, Florida Statutes, is created**  
737 **to read:**

738 720.319 Dissolution of homeowners' association.-

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

741 (2) The Legislature finds that:

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

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

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

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

757 1. Prevent covenants from impairing the continued  
758 productive use of the property.

759 2. Provide fair treatment and just compensation for parcel  
760 owners and preserve property values and the local property tax  
761 base.

762 3. Preserve the state's long history of protecting  
763 homestead property rights by ensuring that such protection is  
764 extended to parcel owners whose parcel is their homestead in the  
765 context of a termination of a declaration of covenants for an  
766 association.

767 (3) A homeowners' association may be terminated by a plan  
768 of termination that meets the requirements of this section and  
769 is approved by a community association court program under s.  
770 720.32.

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

773 (a) The total voting interests of the association must  
774 include all voting interests for the purpose of considering a  
775 plan of termination. A voting interest of the association may

776 not be suspended for any reason when voting on termination under  
777 this section.

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

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

784 (d) A parcel owner desiring to reject a plan of  
785 termination must do so by either voting in person or by proxy to  
786 reject the plan or by delivering a written objection to the  
787 association before or at the meeting called under subsection  
788 (5).

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

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

801 1. A copy of the proposed plan of dissolution.

802 2. An explanation of how the common areas and the assets  
803 of the association will be managed or transferred.

804 3. The manner in which voting will take place.

805 (c) If the board fails to call a meeting within the 60-day  
806 time period, any member may petition a community association  
807 court program under s. 720.32 or, if a community association  
808 court program does not exist in the judicial circuit in which  
809 the association is located, another court of competent  
810 jurisdiction for an order compelling compliance with this  
811 section.

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

826 authorized in this section.

827 (7) (a) A plan of termination and the consents or joinders  
828 of parcel owners must be recorded in the public records of each  
829 county in which any portion of the association is located. The  
830 plan is effective only upon recordation or at a later date  
831 specified in the plan.

832 (b) Upon recordation or at a later date specified in the  
833 plan of termination, title to the association property vests in  
834 a termination trustee. The board serves as such trustee unless  
835 another person is appointed in the plan of termination. If the  
836 board is not the termination trustee, the board must transfer  
837 any association property to such trustee. The termination  
838 trustee is vested with the powers given by the declaration and  
839 bylaws of the association and subsection (9). If the board is  
840 unable, unwilling, or fails to act as termination trustee, a  
841 parcel owner may petition the community association court  
842 program to appoint a termination trustee.

843 (8) If the board fails to hold the meeting under  
844 subsection (5), obstructs the termination process, or refuses to  
845 record the decision of the members to terminate, a member may  
846 file a petition with the community association court program in  
847 the judicial circuit in which the association is located or, if  
848 a community association court program does not exist, another  
849 court of competent jurisdiction. A community association court  
850 program may do all of the following:

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

853 (b) Order the Department of State to dissolve the  
854 homeowners' association.

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

857 (9) The approval of the plan of termination does not  
858 terminate the board of administration, which shall continue in  
859 existence following approval of the plan of termination with all  
860 powers and duties such board had before approval of the plan.  
861 Notwithstanding any provision to the contrary in the declaration  
862 or bylaws, after approval of the plan of termination the board  
863 must:

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

866 (b) Conduct the affairs of the association as necessary  
867 for the liquidation or termination.

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

870 (d) Defend suits brought against the association.

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

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

876 (g) Sell at public or private sale or exchange, convey, or  
877 otherwise dispose of assets of the association for an amount  
878 deemed to be in the best interests of the association, and  
879 execute bills of sale and deeds of conveyance in the name of the  
880 association.

881 (h) Collect and receive rents, profits, accounts  
882 receivable, income, maintenance fees, special assessments, or  
883 insurance proceeds for the association.

884 (i) Contract and do anything in the name of the  
885 association which is proper or convenient to terminate the  
886 affairs of the association.

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

890 (b) A member may not be subject to personal liability for  
891 unpaid obligations beyond the member's regular assessments or  
892 special assessments that existed before the vote for  
893 termination.

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

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

898 2. Spending association funds to campaign for or against  
899 the plan of termination.

900 3. Concealing any financial or property records relevant

901 to the plan of termination.

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

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

905 2. Removal from office by court order.

906 3. Personal liability for legal fees incurred by the  
907 petitioners.

908 **Section 10. Section 720.32, Florida Statutes, is created**  
909 **to read:**

910 720.32 Community association court program.—

911 (1) It is the intent of the Legislature to encourage and  
912 support the judicial circuits of the state to create and  
913 maintain a community association court program in each judicial  
914 circuit. The purpose of a community association court program is  
915 to address disputes that arise between community associations  
916 and the members thereof or between members within a community  
917 association. It is the intent of the Legislature that this  
918 section provides a detailed statewide standard for the creation,  
919 operation, and procedures for community association court  
920 programs.

921 (2) A circuit court may create and administer a community  
922 association court program. The chief judge shall designate at  
923 least one judge to preside over the community association court  
924 program. The chief judge may issue administrative orders  
925 concerning the community association court program.

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

929       (a) Chapter 718, the Condominium Act.

930       (b) Chapter 719, the Cooperative Act.

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

932       (4) The community association court program may do all of  
933 the following:

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

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

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

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

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

946       (f) Issue injunctive relief as appropriate.

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

949       (5) By January 1 of each year, the chief judge in each  
950 judicial circuit in which a community association court program

951 is created shall submit to the President of the Senate and the  
952 Speaker of the House of Representatives a report that summarizes  
953 the caseload of each community association court program and the  
954 outcomes of such caseload.

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

958 (7) The costs associated with the creation, operation, and  
959 compliance and enforcement duties of the community association  
960 court program shall be funded as authorized by and consistent  
961 with funding appropriated in the General Appropriations Act.

962 (8) Funds specifically appropriated by an operating  
963 appropriation or a nonoperating transfer from the Division of  
964 Florida Condominiums, Timeshares, and Mobile Homes Trust Fund to  
965 the state court system to support judicial functions relating to  
966 community associations which remain unencumbered as of June 30  
967 or undisbursed as of September 30 each year shall revert to the  
968 Division of Florida Condominiums, Timeshares, and Mobile Homes  
969 Trust Fund.

970 **Section 11. Subsections (11), (13), and (17) of section**  
971 **26.031, Florida Statutes, are amended to read:**

972 26.031 Judicial circuits; number of judges.—The number of  
973 circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(11) Eleventh.....	<u>85</u> <del>83</del>

- 976 (13) Thirteenth.....4645
- 977 (17) Seventeenth.....5958

978 **Section 12.** The amendments made by this act to s. 26.031,  
 979 Florida Statutes, are for the purpose of authorizing additional  
 980 judgeships specifically for the community association court  
 981 program created in s. 720.32, Florida Statutes, by this act.

982 **Section 13. Paragraph (d) of subsection (1) of section**  
 983 **34.01, Florida Statutes, is amended to read:**

984 34.01 Jurisdiction of county court.—

985 (1) County courts shall have original jurisdiction:

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

989 **Section 14. Paragraph (a) of subsection (1) of section**  
 990 **336.125, Florida Statutes, is amended to read:**

991 336.125 Closing and abandonment of roads; optional  
 992 conveyance to homeowners' association; traffic control  
 993 jurisdiction.—

994 (1)(a) In addition to the authority provided in s. 336.12,  
 995 the governing body of the county may abandon the roads and  
 996 rights-of-way dedicated in a recorded residential subdivision  
 997 plat and simultaneously convey the county's interest in such  
 998 roads, rights-of-way, and appurtenant drainage facilities to a  
 999 homeowners' association for the subdivision, if the following  
 1000 conditions have been met:

1001           1. The homeowners' association has requested the  
 1002 abandonment and conveyance in writing for the purpose of  
 1003 converting the subdivision to a gated neighborhood with  
 1004 restricted public access.

1005           2. No fewer than four-fifths of the owners of record of  
 1006 property located in the subdivision have consented in writing to  
 1007 the abandonment and simultaneous conveyance to the homeowners'  
 1008 association.

1009           3. The homeowners' association is both a corporation not  
 1010 for profit organized and in good standing under chapter 617, and  
 1011 a "homeowners' association" as defined in s. 720.301 ~~s.~~  
 1012 ~~720.301(9)~~ with the power to levy and collect assessments for  
 1013 routine and periodic major maintenance and operation of street  
 1014 lighting, drainage, sidewalks, and pavement in the subdivision.

1015           4. The homeowners' association has entered into and  
 1016 executed such agreements, covenants, warranties, and other  
 1017 instruments; has provided, or has provided assurance of, such  
 1018 funds, reserve funds, and funding sources; and has satisfied  
 1019 such other requirements and conditions as may be established or  
 1020 imposed by the county with respect to the ongoing operation,  
 1021 maintenance, and repair and the periodic reconstruction or  
 1022 replacement of the roads, drainage, street lighting, and  
 1023 sidewalks in the subdivision after the abandonment by the  
 1024 county.

1025           **Section 15. Subsection (2) of section 558.002, Florida**

1026 **Statutes, is amended to read:**

1027 558.002 Definitions.—As used in this chapter, the term:

1028 (2) "Association" has the same meaning as in s. 718.103,  
 1029 s. 719.103(2), s. 720.301(10) ~~s. 720.301(9)~~, or s. 723.075.

1030 **Section 16. Subsection (6) of section 617.0601, Florida**  
 1031 **Statutes, is amended to read:**

1032 617.0601 Members, generally.—

1033 (6) Subsections (1), (2), (3), and (4) do not apply to a  
 1034 corporation that is an association as defined in s. 720.301(10)  
 1035 ~~s. 720.301~~.

1036 **Section 17. Subsection (6) of section 617.0701, Florida**  
 1037 **Statutes, is amended to read:**

1038 617.0701 Meetings of members, generally; failure to hold  
 1039 annual meeting; special meeting; consent to corporate actions  
 1040 without meetings; waiver of notice of meetings.—

1041 (6) Subsections (1) and (3) do not apply to any  
 1042 corporation that is an association as defined in s. 720.301(10)  
 1043 ~~s. 720.301~~; a corporation regulated by chapter 718, chapter 719,  
 1044 chapter 720, chapter 721, or chapter 723; or a corporation where  
 1045 membership in such corporation is required pursuant to a  
 1046 document recorded in the county property records.

1047 **Section 18. Subsection (7) of section 617.0721, Florida**  
 1048 **Statutes, is amended to read:**

1049 617.0721 Voting by members.—

1050 (7) Subsections (1), (5), and (6) do not apply to a

1051 corporation that is an association, as defined in s. 720.301(10)  
 1052 ~~s. 720.301~~, or a corporation regulated by chapter 718 or chapter  
 1053 719.

1054 **Section 19.7. Section 617.0725, Florida Statutes, is**  
 1055 **amended to read:**

1056 617.0725 Quorum.—An amendment to the articles of  
 1057 incorporation or the bylaws which adds, changes, or deletes a  
 1058 greater or lesser quorum or voting requirement must meet the  
 1059 same quorum or voting requirement and be adopted by the same  
 1060 vote and voting groups required to take action under the quorum  
 1061 and voting requirements then in effect or proposed to be  
 1062 adopted, whichever is greater. This section does not apply to  
 1063 any corporation that is an association, as defined in s.  
 1064 720.301(10) ~~s. 720.301(9)~~, or any corporation regulated under  
 1065 chapter 718 or chapter 719.

1066 **Section 20. Subsection (3) of section 617.0808, Florida**  
 1067 **Statutes, is amended to read:**

1068 617.0808 Removal of directors.—

1069 (3) This section does not apply to any corporation that is  
 1070 an association, as defined in s. 720.301(10) ~~s. 720.301~~, or a  
 1071 corporation regulated under chapter 718 or chapter 719.

1072 **Section 21. Section 617.1606, Florida Statutes, is amended**  
 1073 **to read:**

1074 617.1606 Access to records.—Sections 617.1601-617.1605 do  
 1075 not apply to a corporation that is an association, as defined in

1076 s. 720.301(10) ~~s. 720.301~~, or a corporation regulated under  
 1077 chapter 718 or chapter 719.

1078 **Section 22. Paragraph (b) of subsection (1) of section**  
 1079 **718.116, Florida Statutes, is amended to read:**

1080 718.116 Assessments; liability; lien and priority;  
 1081 interest; collection.—

1082 (1)

1083 (b)1. The liability of a first mortgagee or its successor  
 1084 or assignees who acquire title to a unit by foreclosure or by  
 1085 deed in lieu of foreclosure for the unpaid assessments that  
 1086 became due before the mortgagee's acquisition of title is  
 1087 limited to the lesser of:

1088 a. The unit's unpaid common expenses and regular periodic  
 1089 assessments which accrued or came due during the 12 months  
 1090 immediately preceding the acquisition of title and for which  
 1091 payment in full has not been received by the association; or

1092 b. One percent of the original mortgage debt. The  
 1093 provisions of this paragraph apply only if the first mortgagee  
 1094 joined the association as a defendant in the foreclosure action.  
 1095 Joinder of the association is not required if, on the date the  
 1096 complaint is filed, the association was dissolved or did not  
 1097 maintain an office or agent for service of process at a location  
 1098 which was known to or reasonably discoverable by the mortgagee.

1099 2. An association, or its successor or assignee, that  
 1100 acquires title to a unit through the foreclosure of its lien for

1101 assessments is not liable for any unpaid assessments, late fees,  
 1102 interest, or reasonable attorney's fees and costs that came due  
 1103 before the association's acquisition of title in favor of any  
 1104 other association, as defined in s. 718.103 or s. 720.301(10) ~~s.~~  
 1105 ~~720.301(9)~~, which holds a superior lien interest on the unit.  
 1106 This subparagraph is intended to clarify existing law.

1107 **Section 23. Paragraph (d) of subsection (2) of section**  
 1108 **720.3085, Florida Statutes, is amended to read:**

1109 720.3085 Payment for assessments; lien claims.—

1110 (2)

1111 (d) An association, or its successor or assignee, that  
 1112 acquires title to a parcel through the foreclosure of its lien  
 1113 for assessments is not liable for any unpaid assessments, late  
 1114 fees, interest, or reasonable attorney's fees and costs that  
 1115 came due before the association's acquisition of title in favor  
 1116 of any other association, as defined in s. 718.103 or s.  
 1117 720.301(10) ~~s. 720.301(9)~~, which holds a superior lien interest  
 1118 on the parcel. This paragraph is intended to clarify existing  
 1119 law.

1120 **Section 24.** This act shall take effect July 1, 2026.