

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. 718.103, F.S.; defining the term  
20          "habitable"; revising the definition of the term  
21          "video conference"; amending s. 718.104, F.S.;  
22          requiring condominium associations to include a  
23          specified statement in the governing documents or to  
24          hold a meeting by a date certain to vote to amend the  
25          governing documents to include such statement;

26 requiring a vote held at such meeting to be approved  
27 by a certain amount of the voting interests; amending  
28 s. 718.111, F.S.; requiring a condominium association  
29 to provide copies of certain records or otherwise make  
30 them available for inspection and copying within a  
31 specified timeframe if the association receives a  
32 subpoena or written request from a law enforcement  
33 agency or prosecuting agency; providing criminal  
34 penalties; amending s. 718.112, F.S.; requiring a  
35 developer to have a turnover inspection report  
36 completed for all buildings on the condominium  
37 property before turning control over to unit owners;  
38 amending s. 718.1255, F.S.; removing presuit mediation  
39 requirements; amending s. 718.128, F.S.; revising the  
40 manner in which certain associations must receive  
41 electronically transmitted ballots; revising the  
42 methods by which unit owners may electronically  
43 transmit ballots; amending s. 719.103, F.S.; defining  
44 the term "habitable"; amending s. 719.106, F.S.;  
45 requiring a developer to have a turnover inspection  
46 report completed for all buildings on the condominium  
47 property before turning control over to unit owners;  
48 amending s. 720.301, F.S.; defining the term  
49 "financial statements"; amending s. 720.302, F.S.;  
50 conforming a provision to changes made by the act;

51 amending s. 720.303, F.S.; requiring homeowners'  
52 associations to include a specified statement in the  
53 governing documents or to hold a meeting by a date  
54 certain to vote to amend the governing documents to  
55 include such statement; requiring a vote held at such  
56 meeting to be approved by a certain amount of the  
57 voting interests; removing the authority of an  
58 association to take certain actions relating to the  
59 roof of a building; requiring an association to  
60 provide copies of or otherwise make available certain  
61 records for inspection and copying within a specified  
62 timeframe if the association receives a written  
63 request from a prosecuting agency; providing criminal  
64 penalties; providing that directors, officers, and  
65 committee members of a homeowners' association owe a  
66 duty of loyalty to such association and its members;  
67 requiring a director, an officer, or a committee  
68 member who has a conflict of interest to disclose to  
69 the board such conflict in writing; prohibiting such  
70 director, officer, or member from participating in any  
71 discussion or vote on such matter; authorizing an  
72 association to void a transaction involving a conflict  
73 of interest; providing an exception; providing a  
74 rebuttable presumption; providing construction;  
75 amending s. 720.3035, F.S.; prohibiting an association

76 | or specified committees of an association from  
77 | enforcing or adopting a covenant, rule, or guideline  
78 | that requires a specific type of material for building  
79 | or rebuilding a roof under certain circumstances;  
80 | amending s. 720.306, F.S.; conforming a cross-  
81 | reference; amending s. 720.3075, F.S.; prohibiting an  
82 | association's documents from precluding a property  
83 | owner from using any type of building material to  
84 | build or rebuild a roof under certain circumstances;  
85 | amending s. 720.311, F.S.; removing presuit mediation  
86 | requirements; requiring that specified arbitrators  
87 | conduct arbitration proceedings; creating s. 720.319,  
88 | F.S.; providing a short title; providing legislative  
89 | findings; authorizing a homeowners' association to be  
90 | terminated; providing requirements for the termination  
91 | of a homeowners' association; providing conditions for  
92 | a plan of termination; requiring an approved plan of  
93 | termination be submitted to a community association  
94 | court program and recorded in the public records of  
95 | each county in which the association is located;  
96 | providing duties and responsibilities of a termination  
97 | trustee; authorizing a member to file a petition with  
98 | a community association court program under certain  
99 | circumstances; authorizing a community association  
100 | court program to take certain actions; providing

101 responsibilities of the board after approval of a plan  
102 of termination; providing for the distribution of  
103 assets and paying of lawful debts after an association  
104 is terminated; specifying unlawful actions by an  
105 association or its officers or directors; providing  
106 penalties; creating s. 720.32, F.S.; providing  
107 legislative intent; authorizing circuit courts to  
108 create and administer a community association court  
109 program; providing duties of the chief judge;  
110 providing the jurisdiction of the community  
111 association court program; authorizing the community  
112 association court program to take certain actions;  
113 requiring the chief judge of certain judicial circuits  
114 to submit to the Legislature a specified report  
115 annually by a specified date; providing duties of the  
116 Office of the State Courts Administrator; requiring  
117 that certain costs associated with the community  
118 association court program be funded through specific  
119 appropriations in the General Appropriations Act;  
120 requiring certain funds that remain unencumbered or  
121 undisbursed by specified dates to revert to the  
122 Division of Florida Condominiums, Timeshares, and  
123 Mobile Homes Trust Fund; providing applicability;  
124 amending s. 26.031, F.S.; increasing the number of  
125 circuit judges in certain judicial circuits;

126 specifying that the additional circuit court judges  
 127 are for the community association court program;  
 128 amending s. 34.01, F.S.; conforming a provision to  
 129 changes made by the act; amending ss. 336.125,  
 130 558.002, 617.0601, 617.0701, 617.0721, 617.0725,  
 131 617.0808, 617.1606, 718.116, 718.503, 719.503, and  
 132 720.3085, F.S.; conforming cross-references;  
 133 reenacting s. 617.0825(9), F.S., relating to board  
 134 committees and advisory committees, to incorporate the  
 135 amendment made to s. 720.3035, F.S., in a reference  
 136 thereto; providing an effective date.

137

138 Be It Enacted by the Legislature of the State of Florida:

139

140 Section 1. Section 712.13, Florida Statutes, is created to  
 141 read:

142 712.13 Governing documents associated with dissolved  
 143 homeowners' associations.-

144 (1) The Legislature finds that when a homeowners'  
 145 association has been dissolved, voluntarily or involuntarily,  
 146 the recorded governing documents created solely for the  
 147 association's benefit may remain in the county records  
 148 indefinitely, imposing an undue burden on private property  
 149 owners. It is the intent of the Legislature to restore and  
 150 protect private property rights by ensuring that such

151 encumbrances are properly extinguished or removed from the  
152 official records of the county when the association ceases to  
153 exist.

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

155 (a) "Dissolved association" means a homeowners'  
156 association that has filed articles of dissolution with the  
157 Department of State under chapter 617 or has otherwise ceased  
158 its legal operation and existence.

159 (b) "Exclusive easement" means an easement recorded for  
160 the sole benefit or use of a homeowners' association or its  
161 members.

162 (c) "Governing documents" has the same meaning as in s.  
163 720.301.

164 (d) "Servient estate" means the real property burdened by  
165 an easement.

166 (3) (a) Upon the dissolution of a homeowners' association,  
167 the governing documents of the association, which were recorded  
168 in the official records of a county and created solely for the  
169 operation or benefit of the dissolved association or its  
170 members, are deemed terminated and are unenforceable.

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

174 (c) The clerk of the circuit court shall, upon receipt of  
175 a certified copy of the association's articles of dissolution,

176 mark or otherwise indicate in the county's official records that  
177 the governing documents for the dissolved association are  
178 terminated and inactive.

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

184 (b) Upon reversion, the exclusive easement is extinguished  
185 and the owner of the servient estate regains full rights of  
186 ownership, possession, and control of the land encumbered by the  
187 easement.

188 (c) An easement formerly held by a homeowners' association  
189 may not become a public right-of-way, trail, or access route  
190 unless a separate, valid written notice in accordance with s.  
191 712.06 has been recorded to preserve the easement for the  
192 benefit of the public.

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

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

199 Section 2. Subsections (19) through (35) of section  
200 718.103, Florida Statutes, are renumbered as subsections (20)

201 through (36), respectively, present subsection (33) is amended,  
 202 and a new subsection (19) is added to that section, to read:

203 718.103 Definitions.—As used in this chapter, the term:  
 204 (19) "Habitable" means a space in a building for living,  
 205 sleeping, eating, or cooking. Garages, carports, and storage or  
 206 utility spaces are not considered habitable.

207 ~~(34)~~~~(33)~~ "Video conference" means a real-time audio- and  
 208 video-based meeting between two or more people in different  
 209 locations using video-enabled and audio-enabled devices. The  
 210 notice for any meeting that is open to the unit owners and will  
 211 be conducted by video conference must have a hyperlink and call-  
 212 in conference telephone number for unit owners to attend the  
 213 meeting and must have a physical location where unit owners can  
 214 also attend the meeting in person. All meetings conducted by  
 215 video conference which are open to the unit owners must be  
 216 recorded, and such recording must be maintained as an official  
 217 record of the association.

218 Section 3. Subsection (8) is added to section 718.104,  
 219 Florida Statutes, to read:

220 718.104 Creation of condominiums; contents of  
 221 declaration.—Every condominium created in this state shall be  
 222 created pursuant to this chapter.

223 (8) (a) Each association formed on or after July 1, 2026,  
 224 must include the following statement in the governing documents:  
 225

226 This association and the association's governing  
227 documents are governed by the Florida Condominium Act,  
228 as amended from time to time.

229  
230 (b) By January 1, 2027, each association in existence  
231 before July 1, 2026, must hold a meeting of the members in  
232 accordance with s. 718.112 to vote whether to amend the  
233 governing documents of the association to include the statement  
234 in paragraph (a). The association must obtain the affirmative  
235 approval of two-thirds of the units at a meeting of the  
236 membership at which a quorum has been attained in order to amend  
237 the governing documents under this paragraph.

238 Section 4. Paragraph (c) of subsection (12) of section  
239 718.111, Florida Statutes, is amended to read:

240 718.111 The association.—

241 (12) OFFICIAL RECORDS.—

242 (c)1.a. The official records of the association are open  
243 to inspection by any association member and any person  
244 authorized by an association member as a representative of such  
245 member at all reasonable times. The right to inspect the records  
246 includes the right to make or obtain copies, at the reasonable  
247 expense, if any, of the member and of the person authorized by  
248 the association member as a representative of such member. A  
249 renter of a unit has a right to inspect and copy only the  
250 declaration of condominium, the association's bylaws and rules,

251 and the inspection reports described in ss. 553.899 and  
252 718.301(4)(p). The association may adopt reasonable rules  
253 regarding the frequency, time, location, notice, and manner of  
254 record inspections and copying but may not require a member to  
255 demonstrate any purpose or state any reason for the inspection.  
256 The failure of an association to provide the records within 10  
257 working days after receipt of a written request creates a  
258 rebuttable presumption that the association willfully failed to  
259 comply with this paragraph. A unit owner who is denied access to  
260 official records is entitled to the actual damages or minimum  
261 damages for the association's willful failure to comply. Minimum  
262 damages are \$50 per calendar day for up to 10 days, beginning on  
263 the 11th working day after receipt of the written request. The  
264 failure to permit inspection entitles any person prevailing in  
265 an enforcement action to recover reasonable attorney fees from  
266 the person in control of the records who, directly or  
267 indirectly, knowingly denied access to the records. If the  
268 requested records are posted on an association's website, or are  
269 available for download through an application on a mobile  
270 device, the association may fulfill its obligations under this  
271 paragraph by directing to the website or the application all  
272 persons authorized to request access.

273       b. In response to a written request to inspect records,  
274 the association must simultaneously provide to the requestor a  
275 checklist of all records made available for inspection and

276 copying. The checklist must also identify any of the  
277 association's official records that were not made available to  
278 the requestor. An association must maintain a checklist provided  
279 under this sub-subparagraph for 7 years. An association  
280 delivering a checklist pursuant to this sub-subparagraph creates  
281 a rebuttable presumption that the association has complied with  
282 this paragraph.

283 2. A director or member of the board or association or a  
284 community association manager who willfully and knowingly or  
285 intentionally violates subparagraph 1. commits a misdemeanor of  
286 the second degree, punishable as provided in s. 775.082 or s.  
287 775.083, and must be removed from office and a vacancy declared.

288 3. A person who willfully and knowingly or intentionally  
289 defaces or destroys accounting records that are required by this  
290 chapter to be maintained during the period for which such  
291 records are required to be maintained, or who willfully and  
292 knowingly or intentionally fails to create or maintain  
293 accounting records that are required to be created or  
294 maintained, with the intent of causing harm to the association  
295 or one or more of its members, commits a misdemeanor of the  
296 first degree, punishable as provided in s. 775.082 or s.  
297 775.083; is personally subject to a civil penalty pursuant to s.  
298 718.501(1)(e); and must be removed from office and a vacancy  
299 declared.

300 4. A person who willfully and knowingly or intentionally

301 refuses to release or otherwise produce association records with  
302 the intent to avoid or escape detection, arrest, trial, or  
303 punishment for the commission of a crime, or to assist another  
304 person with such avoidance or escape, commits a felony of the  
305 third degree, punishable as provided in s. 775.082, s. 775.083,  
306 or s. 775.084, and must be removed from office and a vacancy  
307 declared.

308         5. The association shall maintain an adequate number of  
309 copies of the declaration, articles of incorporation, bylaws,  
310 and rules, and all amendments to each of the foregoing, as well  
311 as the question and answer sheet as described in s. 718.504 and  
312 the most recent annual financial statement and annual budget  
313 required under this section, on the condominium property to  
314 ensure their availability to unit owners and prospective  
315 purchasers, and may charge its actual costs for preparing and  
316 furnishing these documents to those requesting the documents. An  
317 association shall allow a member or his or her authorized  
318 representative to use a portable device, including a smartphone,  
319 tablet, portable scanner, or any other technology capable of  
320 scanning or taking photographs, to make an electronic copy of  
321 the official records in lieu of the association's providing the  
322 member or his or her authorized representative with a copy of  
323 such records. The association may not charge a member or his or  
324 her authorized representative for the use of a portable device.  
325 Notwithstanding this paragraph, the following records are not

326 accessible to unit owners:

327       a. Any record protected by the lawyer-client privilege as  
328 described in s. 90.502 and any record protected by the work-  
329 product privilege, including a record prepared by an association  
330 attorney or prepared at the attorney's express direction, which  
331 reflects a mental impression, conclusion, litigation strategy,  
332 or legal theory of the attorney or the association, and which  
333 was prepared exclusively for civil or criminal litigation or for  
334 adversarial administrative proceedings, or which was prepared in  
335 anticipation of such litigation or proceedings until the  
336 conclusion of the litigation or proceedings.

337       b. Information obtained by an association in connection  
338 with the approval of the lease, sale, or other transfer of a  
339 unit.

340       c. Personnel records of association or management company  
341 employees, including, but not limited to, disciplinary, payroll,  
342 health, and insurance records. For purposes of this sub-  
343 subparagraph, the term "personnel records" does not include  
344 written employment agreements with an association employee or  
345 management company, or budgetary or financial records that  
346 indicate the compensation paid to an association employee.

347       d. Medical records of unit owners.

348       e. Social security numbers, driver license numbers, credit  
349 card numbers, e-mail addresses, telephone numbers, facsimile  
350 numbers, emergency contact information, addresses of a unit

351 owner other than as provided to fulfill the association's notice  
352 requirements, and other personal identifying information of any  
353 person, excluding the person's name, unit designation, mailing  
354 address, property address, and any address, e-mail address, or  
355 facsimile number provided to the association to fulfill the  
356 association's notice requirements. Notwithstanding the  
357 restrictions in this sub-subparagraph, an association may print  
358 and distribute to unit owners a directory containing the name,  
359 unit address, and all telephone numbers of each unit owner.  
360 However, an owner may exclude his or her telephone numbers from  
361 the directory by so requesting in writing to the association. An  
362 owner may consent in writing to the disclosure of other contact  
363 information described in this sub-subparagraph. The association  
364 is not liable for the inadvertent disclosure of information that  
365 is protected under this sub-subparagraph if the information is  
366 included in an official record of the association and is  
367 voluntarily provided by an owner and not requested by the  
368 association.

369 f. Electronic security measures that are used by the  
370 association to safeguard data, including passwords.

371 g. The software and operating system used by the  
372 association which allow the manipulation of data, even if the  
373 owner owns a copy of the same software used by the association.  
374 The data is part of the official records of the association.

375 h. All affirmative acknowledgments made pursuant to s.

376 718.121(4)(c).

377 6.a. If an association receives a subpoena or written  
378 request for records from a prosecuting agency as defined in s.  
379 112.531 or a law enforcement agency, the association must  
380 provide a copy of such records or otherwise make the records  
381 available for inspection and copying to the prosecuting agency  
382 or law enforcement agency within 5 business days after receipt  
383 of the subpoena or written request, unless otherwise specified  
384 by the law enforcement agency, prosecuting agency, subpoena, or  
385 written request. An association must assist a law enforcement  
386 agency and a prosecuting agency in an investigation to the extent  
387 permissible by law.

388 b. A director or member of the board or association or a  
389 community association manager who willfully and knowingly fails  
390 to provide a copy of records, or otherwise fails to make the  
391 records available for inspection and copying, to a prosecuting  
392 agency or a law enforcement agency as required under sub-  
393 paragraph a. commits a misdemeanor of the second degree,  
394 punishable as provided in s. 775.082 or s. 775.083.

395 Section 5. Paragraph (g) of subsection (2) of section  
396 718.112, Florida Statutes, is amended to read:

397 718.112 Bylaws.—

398 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
399 following and, if they do not do so, shall be deemed to include  
400 the following:

401 (g) Structural integrity reserve study.—

402 1. A residential condominium association must have a  
403 structural integrity reserve study completed at least every 10  
404 years after the condominium's creation for each building on the  
405 condominium property that is three habitable stories or higher  
406 in height, as determined by the Florida Building Code, which  
407 includes, at a minimum, a study of the following items as  
408 related to the structural integrity and safety of the building:

409 a. Roof.

410 b. Structure, including load-bearing walls and other  
411 primary structural members and primary structural systems as  
412 those terms are defined in s. 627.706.

413 c. Fireproofing and fire protection systems.

414 d. Plumbing.

415 e. Electrical systems.

416 f. Waterproofing and exterior painting.

417 g. Windows and exterior doors.

418 h. Any other item that has a deferred maintenance expense  
419 or replacement cost that exceeds \$25,000 or the inflation-  
420 adjusted amount determined by the division under subparagraph  
421 (f)6., whichever is greater, and the failure to replace or  
422 maintain such item negatively affects the items listed in sub-  
423 subparagraphs a.-g., as determined by the visual inspection  
424 portion of the structural integrity reserve study.

425 2. A structural integrity reserve study is based on a

426 visual inspection of the condominium property.

427 3.a. A structural integrity reserve study, including the  
428 visual inspection portion of the structural integrity reserve  
429 study, must be performed or verified by an engineer licensed  
430 under chapter 471, an architect licensed under chapter 481, or a  
431 person certified as a reserve specialist or professional reserve  
432 analyst by the Community Associations Institute or the  
433 Association of Professional Reserve Analysts.

434 b. Any design professional as defined in s. 558.002 or any  
435 contractor licensed under chapter 489 who bids to perform a  
436 structural integrity reserve study must disclose in writing to  
437 the association his or her intent to bid on any services related  
438 to any maintenance, repair, or replacement that may be  
439 recommended by the structural integrity reserve study. Any  
440 design professional as defined in s. 558.002 or contractor  
441 licensed under chapter 489 who submits a bid to the association  
442 for performing any services recommended by the structural  
443 integrity reserve study may not have an interest, directly or  
444 indirectly, in the firm or entity providing the association's  
445 structural integrity reserve study or be a relative of any  
446 person having a direct or indirect interest in such firm, unless  
447 such relationship is disclosed to the association in writing. As  
448 used in this section, the term "relative" means a relative  
449 within the third degree of consanguinity by blood or marriage. A  
450 contract for services is voidable and terminates upon the

451 association filing a written notice terminating the contract if  
452 the design professional or licensed contractor failed to provide  
453 the written disclosure of the interests or relationships  
454 required under this paragraph. A design professional or licensed  
455 contractor may be subject to discipline under the applicable  
456 practice act for his or her profession for failure to provide  
457 the written disclosure of the interests or relationships  
458 required under this paragraph.

459 4.a. At a minimum, a structural integrity reserve study  
460 must identify each item of the condominium property being  
461 visually inspected, state the estimated remaining useful life  
462 and the estimated replacement cost or deferred maintenance  
463 expense of each item of the condominium property being visually  
464 inspected, and provide a reserve funding plan or schedule with a  
465 recommended annual reserve amount that achieves the estimated  
466 replacement cost or deferred maintenance expense of each item of  
467 condominium property being visually inspected by the end of the  
468 estimated remaining useful life of the item. At a minimum, the  
469 structural integrity reserve study must include a recommendation  
470 for a reserve funding schedule based on a baseline funding plan  
471 that provides a reserve funding goal in which the reserve  
472 funding for each budget year is sufficient to maintain the  
473 reserve cash balance above zero. The study may recommend other  
474 types of reserve funding schedules, provided that each  
475 recommended schedule is sufficient to meet the association's

476 maintenance obligation.

477       b. The structural integrity reserve study may recommend  
478 that reserves do not need to be maintained for any item for  
479 which an estimate of useful life and an estimate of replacement  
480 cost cannot be determined, or the study may recommend a deferred  
481 maintenance expense amount for such item. The structural  
482 integrity reserve study may recommend that reserves for  
483 replacement costs do not need to be maintained for any item with  
484 an estimated remaining useful life of greater than 25 years, but  
485 the study may recommend a deferred maintenance expense amount  
486 for such item. If the structural integrity reserve study  
487 recommends reserves for any item for which reserves are not  
488 required under this paragraph, the amount of the recommended  
489 reserves for such item must be separately identified in the  
490 structural integrity reserve study as an item for which reserves  
491 are not required under this paragraph.

492       c. The structural integrity reserve study must take into  
493 consideration the funding method or methods used by the  
494 association to fund its maintenance and reserve funding  
495 obligations through regular assessments, special assessments,  
496 lines of credit, or loans. If the structural integrity reserve  
497 study is performed before the association has approved a special  
498 assessment or secured a line of credit or a loan, the structural  
499 integrity reserve study must be updated to reflect the funding  
500 method selected by the association and its effect on the reserve

501 funding schedule, including any anticipated change in the amount  
502 of regular assessments. The structural integrity reserve study  
503 may be updated to reflect any changes to the useful life of the  
504 reserve items after such items are repaired or replaced and the  
505 effect such repair or replacement will have on the reserve  
506 funding schedule. The association must obtain an updated  
507 structural integrity reserve study before adopting any budget in  
508 which the reserve funding from regular assessments, special  
509 assessments, lines of credit, or loans does not align with the  
510 funding plan from the most recent version of the structural  
511 integrity reserve study.

512 5. This paragraph does not apply to buildings less than  
513 three habitable stories in height; single-family, two-family,  
514 three-family, or four-family dwellings with three or fewer  
515 habitable stories above ground; any portion or component of a  
516 building that has not been submitted to the condominium form of  
517 ownership; or any portion or component of a building that is  
518 maintained by a party other than the association.

519 6. Before a developer turns over control of an association  
520 to unit owners other than the developer, the developer must have  
521 a turnover inspection report in compliance with s. 718.301(4)(p)  
522 and (q) for each building on the condominium property ~~that is~~  
523 ~~three stories or higher in height.~~

524 7. Associations existing on or before July 1, 2022, which  
525 are controlled by unit owners other than the developer, must

526 have a structural integrity reserve study completed by December  
527 31, 2025, for each building on the condominium property that is  
528 three habitable stories or higher in height. An association that  
529 is required to complete a milestone inspection in accordance  
530 with s. 553.899 on or before December 31, 2026, may complete the  
531 structural integrity reserve study simultaneously with the  
532 milestone inspection. In no event may the structural integrity  
533 reserve study be completed after December 31, 2026.

534 8. If the milestone inspection required by s. 553.899, or  
535 an inspection completed for a similar local requirement, was  
536 performed within the past 5 years and meets the requirements of  
537 this paragraph, such inspection may be used in place of the  
538 visual inspection portion of the structural integrity reserve  
539 study.

540 9. If the association completes a milestone inspection  
541 required by s. 553.899, or an inspection completed for a similar  
542 local requirement, the association may delay performance of a  
543 required structural integrity reserve study for no more than the  
544 2 consecutive budget years immediately following the milestone  
545 inspection in order to allow the association to focus its  
546 financial resources on completing the repair and maintenance  
547 recommendations of the milestone inspection.

548 10. If the officers or directors of an association  
549 willfully and knowingly fail to complete a structural integrity  
550 reserve study pursuant to this paragraph, such failure is a

551 breach of an officer's or a director's fiduciary relationship to  
552 the unit owners under s. 718.111(1). An officer or a director of  
553 an association must sign an affidavit acknowledging receipt of  
554 the completed structural integrity reserve study.

555       11. Within 45 days after receiving the structural  
556 integrity reserve study, the association must distribute a copy  
557 of the study to each unit owner or deliver to each unit owner a  
558 notice that the completed study is available for inspection and  
559 copying upon a written request. Distribution of a copy of the  
560 study or notice must be made by United States mail or personal  
561 delivery to the mailing address, property address, or any other  
562 address of the owner provided to fulfill the association's  
563 notice requirements under this chapter, or by electronic  
564 transmission to the e-mail address or facsimile number provided  
565 to fulfill the association's notice requirements to unit owners  
566 who previously consented to receive notice by electronic  
567 transmission.

568       12. Within 45 days after receiving the structural  
569 integrity reserve study, the association must provide the  
570 division with a statement indicating that the study was  
571 completed and that the association provided or made available  
572 such study to each unit owner in accordance with this section.  
573 The statement must be provided to the division in the manner  
574 established by the division using a form posted on the  
575 division's website.

576           13. The division shall adopt by rule the form for the  
577 structural integrity reserve study in coordination with the  
578 Florida Building Commission.

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

584           718.1255 Alternative dispute resolution; mediation;  
585 nonbinding arbitration; applicability.—

586           (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The  
587 Division of Florida Condominiums, Timeshares, and Mobile Homes  
588 of the Department of Business and Professional Regulation may  
589 employ full-time attorneys to act as arbitrators to conduct the  
590 arbitration hearings provided by this chapter. The division may  
591 also certify attorneys who are not employed by the division to  
592 act as arbitrators to conduct the arbitration hearings provided  
593 by this chapter. A person may not be employed by the department  
594 as a full-time arbitrator unless he or she is a member in good  
595 standing of The Florida Bar. A person may only be certified by  
596 the division to act as an arbitrator if he or she has been a  
597 member in good standing of The Florida Bar for at least 5 years  
598 and has mediated or arbitrated at least 10 disputes involving  
599 condominiums in this state during the 3 years immediately  
600 preceding the date of application, mediated or arbitrated at

601 | least 30 disputes in any subject area in this state during the 3  
602 | years immediately preceding the date of application, or attained  
603 | board certification in real estate law or condominium and  
604 | planned development law from The Florida Bar. Arbitrator  
605 | certification is valid for 1 year. An arbitrator who does not  
606 | maintain the minimum qualifications for initial certification  
607 | may not have his or her certification renewed. The department  
608 | may not enter into a legal services contract for an arbitration  
609 | hearing under this chapter with an attorney who is not a  
610 | certified arbitrator unless a certified arbitrator is not  
611 | available within 50 miles of the dispute. The department shall  
612 | adopt rules of procedure to govern such arbitration hearings  
613 | including mediation incident thereto. The decision of an  
614 | arbitrator is final; however, a decision is not deemed final  
615 | agency action. Nothing in this provision shall be construed to  
616 | foreclose parties from proceeding in a trial de novo unless the  
617 | parties have agreed that the arbitration is binding. If judicial  
618 | proceedings are initiated, the final decision of the arbitrator  
619 | is admissible in evidence in the trial de novo.

620 | (a) Before the institution of court litigation, a party to  
621 | a dispute, other than an election or recall dispute, must ~~shall~~  
622 | ~~either~~ petition the division for nonbinding arbitration or  
623 | request that the case be referred to mediation ~~initiate presuit~~  
624 | ~~mediation as provided in subsection (5)~~. Arbitration is binding  
625 | on the parties if all parties in arbitration agree to be bound

626 in a writing filed in arbitration. The petition must be  
627 accompanied by a filing fee in the amount of \$50. Filing fees  
628 collected under this section must be used to defray the expenses  
629 of the alternative dispute resolution program.

630 (h) Mediation proceedings must generally be conducted in  
631 accordance with the Florida Rules of Civil Procedure, and these  
632 proceedings are privileged and confidential to the same extent  
633 as court-ordered mediation. Persons who are not parties to the  
634 dispute are not allowed to attend the mediation conference  
635 without the consent of all parties, with the exception of  
636 counsel for the parties and corporate representatives designated  
637 to appear for a party. If the mediator declares an impasse after  
638 a mediation conference has been held, the arbitration proceeding  
639 terminates, unless all parties agree in writing to continue the  
640 arbitration proceeding, in which case the arbitrator's decision  
641 shall be binding or nonbinding, as agreed upon by the parties;  
642 in the arbitration proceeding, the arbitrator shall not consider  
643 any evidence relating to the unsuccessful mediation except in a  
644 proceeding to impose sanctions for failure to appear at the  
645 mediation conference. If the parties do not agree to continue  
646 arbitration, the arbitrator shall enter an order of dismissal,  
647 and either party may institute a suit in a community association  
648 court program under s. 720.32 or a court of competent  
649 jurisdiction. The parties may seek to recover any costs and  
650 attorney fees incurred in connection with arbitration and

651 mediation proceedings under this section as part of the costs  
652 and fees that may be recovered by the prevailing party in any  
653 subsequent litigation.

654 (k) The arbitration decision shall be rendered within 30  
655 days after the hearing and presented to the parties in writing.  
656 An arbitration decision is final in those disputes in which the  
657 parties have agreed to be bound. An arbitration decision is also  
658 final if a complaint for a trial de novo is not filed in a  
659 community association court program under s. 720.32 or a court  
660 of competent jurisdiction in which the condominium is located  
661 within 30 days. The right to file for a trial de novo entitles  
662 the parties to file a complaint in the appropriate trial court  
663 for a judicial resolution of the dispute. The prevailing party  
664 in an arbitration proceeding shall be awarded the costs of the  
665 arbitration and reasonable attorney fees in an amount determined  
666 by the arbitrator. Such an award shall include the costs and  
667 reasonable attorney fees incurred in the arbitration proceeding  
668 as well as the costs and reasonable attorney fees incurred in  
669 preparing for and attending any scheduled mediation. An  
670 arbitrator's failure to render a written decision within 30 days  
671 after the hearing may result in the cancellation of his or her  
672 arbitration certification.

673 (m) Any party to an arbitration proceeding may enforce an  
674 arbitration award by filing a petition in a community  
675 association court program under s. 720.32 or a court of

676 competent jurisdiction in which the condominium is located. A  
677 petition may not be granted unless the time for appeal by the  
678 filing of a complaint for trial de novo has expired. If a  
679 complaint for a trial de novo has been filed, a petition may not  
680 be granted with respect to an arbitration award that has been  
681 stayed. If the petition for enforcement is granted, the  
682 petitioner shall recover reasonable attorney fees and costs  
683 incurred in enforcing the arbitration award. A mediation  
684 settlement may also be enforced through the county or circuit  
685 court or a community association court program, as applicable,  
686 and any costs and fees incurred in the enforcement of a  
687 settlement agreement reached at mediation must be awarded to the  
688 prevailing party in any enforcement action.

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

695 Section 7. Subsection (7) of section 718.128, Florida  
696 Statutes, is amended to read:

697 718.128 Electronic voting.—The association may conduct  
698 elections and other unit owner votes through an Internet-based  
699 online voting system if a unit owner consents, electronically or  
700 in writing, to online voting and if the following requirements

701 are met:

702 (7) (a) Unless the association has adopted electronic  
703 voting in accordance with subsections (1)-(6), the association  
704 must designate an e-mail address, independent website,  
705 application, or Internet web portal for receipt of  
706 electronically transmitted ballots. Electronically transmitted  
707 ballots must meet all the requirements of this subsection.

708 (b) A unit owner may electronically transmit a ballot to  
709 the e-mail address, independent website, application, or  
710 Internet web portal designated by the association without  
711 complying with s. 718.112(2)(d)3. ~~s. 718.112(2)(d)4.~~ or the  
712 rules providing for the secrecy of ballots adopted by the  
713 division. The association must count completed ballots that are  
714 electronically transmitted to the designated e-mail address,  
715 independent website, application, or Internet web portal,  
716 provided the completed ballots comply with the requirements of  
717 this subsection.

718 (c) A ballot that is electronically transmitted to the  
719 association must include all of the following:

720 1. A space for the unit owner to type in his or her unit  
721 number.

722 2. A space for the unit owner to type in his or her first  
723 and last name, which also functions as the signature of the unit  
724 owner for purposes of signing the ballot.

725 3. The following statement in capitalized letters and in a

726 font size larger than any other font size used in the electronic  
727 transmission ~~e-mail~~ from the association to the unit owner:

728

729 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU  
730 DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN  
731 ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT  
732 THROUGH ELECTRONIC MEANS ~~E-MAIL~~ TO THE ASSOCIATION,  
733 YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU  
734 DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO  
735 PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS  
736 BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING  
737 WHICH THE MATTER WILL BE VOTED ON.

738

739 (d) A unit owner must transmit his or her completed ballot  
740 to the e-mail address, independent website, application, or  
741 Internet web portal designated by the association no later than  
742 the scheduled date and time of the meeting during which the  
743 matter is being voted on.

744 (e) There is a rebuttable presumption that an association  
745 has reviewed all folders associated with the e-mail address,  
746 independent website, application, or Internet web portal  
747 designated by the association to receive ballots if a board  
748 member, an officer, or an agent of the association, or a manager  
749 licensed under part VIII of chapter 468, provides a sworn  
750 affidavit attesting to such review.

751 Section 8. Subsections (19) through (29) of section  
752 719.103, Florida Statutes, are renumbered as subsections (20)  
753 through (30), respectively, and a new subsection (19) is added  
754 to that section to read:

755 719.103 Definitions.—As used in this chapter:

756 (19) "Habitable" means a space in a building for living,  
757 sleeping, eating, or cooking. Garages, carports, and storage or  
758 utility spaces are not considered habitable.

759 Section 9. Paragraph (k) of subsection (1) of section  
760 719.106, Florida Statutes, is amended to read:

761 719.106 Bylaws; cooperative ownership.—

762 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
763 documents shall provide for the following, and if they do not,  
764 they shall be deemed to include the following:

765 (k) Structural integrity reserve study.—

766 1. A residential cooperative association must have a  
767 structural integrity reserve study completed at least every 10  
768 years for each building on the cooperative property that is  
769 three habitable stories or higher in height, as determined by  
770 the Florida Building Code, that includes, at a minimum, a study  
771 of the following items as related to the structural integrity  
772 and safety of the building:

773 a. Roof.

774 b. Structure, including load-bearing walls and other  
775 primary structural members and primary structural systems as

776 those terms are defined in s. 627.706.

777 c. Fireproofing and fire protection systems.

778 d. Plumbing.

779 e. Electrical systems.

780 f. Waterproofing and exterior painting.

781 g. Windows and exterior doors.

782 h. Any other item that has a deferred maintenance expense  
783 or replacement cost that exceeds \$25,000 or the inflation-  
784 adjusted amount determined by the division under subparagraph  
785 (j)6., whichever is greater, and the failure to replace or  
786 maintain such item negatively affects the items listed in sub-  
787 subparagraphs a.-g., as determined by the visual inspection  
788 portion of the structural integrity reserve study.

789 2. A structural integrity reserve study is based on a  
790 visual inspection of the cooperative property.

791 3.a. A structural integrity reserve study, including the  
792 visual inspection portion of the structural integrity reserve  
793 study, must be performed or verified by an engineer licensed  
794 under chapter 471, an architect licensed under chapter 481, or a  
795 person certified as a reserve specialist or professional reserve  
796 analyst by the Community Associations Institute or the  
797 Association of Professional Reserve Analysts.

798 b. Any design professional as defined in s. 558.002(7) or  
799 contractor licensed under chapter 489 who bids to perform a  
800 structural integrity reserve study must disclose in writing to

801 the association his or her intent to bid on any services related  
802 to any maintenance, repair, or replacement that may be  
803 recommended by the structural integrity reserve study. Any  
804 design professional as defined in s. 558.002 or contractor  
805 licensed under chapter 489 who submits a bid to the association  
806 for performing any services recommended by the structural  
807 integrity reserve study may not have an interest, directly or  
808 indirectly, in the firm or entity providing the association's  
809 structural integrity reserve study or be a relative of any  
810 person having a direct or indirect interest in such firm, unless  
811 such relationship is disclosed to the association in writing. As  
812 used in this section, the term "relative" means a relative  
813 within the third degree of consanguinity by blood or marriage. A  
814 contract for services is voidable and terminates upon the  
815 association filing a written notice terminating the contract if  
816 the design professional or licensed contractor failed to provide  
817 the written disclosure of the relationship required under this  
818 paragraph. A design professional or licensed contractor may be  
819 subject to discipline under the applicable practice act for his  
820 or her profession for failure to provide the written disclosure  
821 of the relationship required under this subparagraph.

822 4.a. At a minimum, a structural integrity reserve study  
823 must identify each item of the cooperative property being  
824 visually inspected, state the estimated remaining useful life  
825 and the estimated replacement cost or deferred maintenance

826 expense of each item of the cooperative property being visually  
827 inspected, and provide a reserve funding schedule with a  
828 recommended annual reserve amount that achieves the estimated  
829 replacement cost or deferred maintenance expense of each item of  
830 cooperative property being visually inspected by the end of the  
831 estimated remaining useful life of the item. The structural  
832 integrity reserve study may recommend that reserves do not need  
833 to be maintained for any item for which an estimate of useful  
834 life and an estimate of replacement cost cannot be determined,  
835 or the study may recommend a deferred maintenance expense amount  
836 for such item. At a minimum, the structural integrity reserve  
837 study must include a recommendation for a reserve funding  
838 schedule based on a baseline funding plan that provides a  
839 reserve funding goal in which the reserve funding for each  
840 budget year is sufficient to maintain the reserve cash balance  
841 above zero. The study may recommend other types of reserve  
842 funding schedules, provided that each recommended schedule is  
843 sufficient to meet the association's maintenance obligation.

844       b. The structural integrity reserve study may recommend  
845 that reserves for replacement costs do not need to be maintained  
846 for any item with an estimated remaining useful life of greater  
847 than 25 years, but the study may recommend a deferred  
848 maintenance expense amount for such item. If the structural  
849 integrity reserve study recommends reserves for any item for  
850 which reserves are not required under this paragraph, the amount

851 of the recommended reserves for such item must be separately  
852 identified in the structural integrity reserve study as an item  
853 for which reserves are not required under this paragraph.

854 c. The structural integrity reserve study must take into  
855 consideration the funding method or methods used by the  
856 association to fund its maintenance and reserve funding  
857 obligations through regular assessments, special assessments,  
858 lines of credit, or loans. If the structural integrity reserve  
859 study is performed before the association has approved a special  
860 assessment or secured a line of credit or a loan, the structural  
861 integrity reserve study must be updated to reflect the funding  
862 method selected by the association and its effect on the reserve  
863 funding schedule, including any anticipated change in the amount  
864 of regular assessments. The structural integrity reserve study  
865 may be updated to reflect any changes to the useful life of the  
866 reserve items after such items are repaired or replaced, and the  
867 effect such repair or replacement will have on the reserve  
868 funding schedule. The association must obtain an updated  
869 structural integrity reserve study before adopting any budget in  
870 which the reserve funding from regular assessments, special  
871 assessments, lines of credit, or loans does not align with the  
872 funding plan from the most recent version of the structural  
873 integrity reserve study.

874 5. This paragraph does not apply to buildings less than  
875 three habitable stories in height; single-family, two-family,

876 three-family, or four-family dwellings with three or fewer  
877 habitable stories above ground; any portion or component of a  
878 building that has not been submitted to the cooperative form of  
879 ownership; or any portion or component of a building that is  
880 maintained by a party other than the association.

881 6. Before a developer turns over control of an association  
882 to unit owners other than the developer, the developer must have  
883 a turnover inspection report in compliance with s. 719.301(4)(p)  
884 and (q) for each building on the cooperative property ~~that is~~  
885 ~~three stories or higher in height.~~

886 7. Associations existing on or before July 1, 2022, which  
887 are controlled by unit owners other than the developer, must  
888 have a structural integrity reserve study completed by December  
889 31, 2024, for each building on the cooperative property that is  
890 three habitable stories or higher in height. An association that  
891 is required to complete a milestone inspection on or before  
892 December 31, 2026, in accordance with s. 553.899 may complete  
893 the structural integrity reserve study simultaneously with the  
894 milestone inspection. In no event may the structural integrity  
895 reserve study be completed after December 31, 2026.

896 8. If the milestone inspection required by s. 553.899, or  
897 an inspection completed for a similar local requirement, was  
898 performed within the past 5 years and meets the requirements of  
899 this paragraph, such inspection may be used in place of the  
900 visual inspection portion of the structural integrity reserve

901 study.

902 9. If the association completes a milestone inspection  
903 required by s. 553.899, or an inspection completed for a similar  
904 local requirement, the association may delay performance of a  
905 required structural integrity reserve study for no more than the  
906 2 consecutive budget years immediately following the milestone  
907 inspection in order to allow the association to focus its  
908 financial resources on completing the repair and maintenance  
909 recommendations of the milestone inspection.

910 10. If the officers or directors of an association  
911 willfully and knowingly fail to complete a structural integrity  
912 reserve study pursuant to this paragraph, such failure is a  
913 breach of an officer's and director's fiduciary relationship to  
914 the unit owners under s. 719.104(9). An officer or a director of  
915 the association must sign an affidavit acknowledging receipt of  
916 the completed structural integrity reserve study.

917 11. Within 45 days after receiving the structural  
918 integrity reserve study, the association must distribute a copy  
919 of the study to each unit owner or deliver to each unit owner a  
920 notice that the completed study is available for inspection and  
921 copying upon a written request. Distribution of a copy of the  
922 study or notice must be made by United States mail or personal  
923 delivery at the mailing address, property address, or any other  
924 address of the owner provided to fulfill the association's  
925 notice requirements under this chapter, or by electronic

926 transmission to the e-mail address or facsimile number provided  
927 to fulfill the association's notice requirements to unit owners  
928 who previously consented to receive notice by electronic  
929 transmission.

930 12. Within 45 days after receiving the structural  
931 integrity reserve study, the association must provide the  
932 division with a statement indicating that the study was  
933 completed and that the association provided or made available  
934 such study to each unit owner in accordance with this section.  
935 Such statement must be provided to the division in the manner  
936 established by the division using a form posted on the  
937 division's website.

938 13. The division shall adopt by rule the form for the  
939 structural integrity reserve study in coordination with the  
940 Florida Building Commission.

941 Section 10. Subsections (8) through (13) of section  
942 720.301, Florida Statutes, are renumbered as subsections (9)  
943 through (14), respectively, and a new subsection (8) is added to  
944 that section, to read:

945 720.301 Definitions.—As used in this chapter, the term:

946 (8) "Financial statements" means a comprehensive report  
947 prepared in accordance with generally accepted accounting  
948 principles which accurately reflects the financial condition and  
949 operation of a homeowners' association for a specified reporting  
950 period. This report must include, at a minimum, a balance sheet;

951 an income and expense statement; a budget comparison; and a  
952 complete set of bank statements, including copies of check  
953 images for all disbursements the association made during the  
954 reporting period, for each bank account belonging to the  
955 association.

956 Section 11. Subsection (2) of section 720.302, Florida  
957 Statutes, is amended to read:

958 720.302 Purposes, scope, and application.—

959 (2) The Legislature recognizes that it is not in the best  
960 interest of homeowners' associations or the individual  
961 association members thereof to create or impose a bureau or  
962 other agency of state government to regulate the affairs of  
963 homeowners' associations. However, in accordance with s.  
964 720.311, the Legislature finds that homeowners' associations and  
965 their individual members will benefit from an expedited  
966 alternative process for resolution of election and recall  
967 ~~disputes and presuit mediation of other disputes involving~~  
968 ~~covenant enforcement~~ and authorizes the department to hear,  
969 administer, and determine these disputes as more fully set forth  
970 in this chapter. Further, the Legislature recognizes that  
971 certain contract rights have been created for the benefit of  
972 homeowners' associations and members thereof before the  
973 effective date of this act and that ss. 720.301-720.407 are not  
974 intended to impair such contract rights, including, but not  
975 limited to, the rights of the developer to complete the

976 community as initially contemplated.

977 Section 12. Subsections (11) through (15) of section  
978 720.303, Florida Statutes, are renumbered as subsections (12)  
979 through (16), respectively, subsection (1) and paragraph (i) of  
980 subsection (5) are amended, and a new subsection (11) is added  
981 to that section, to read:

982 720.303 Association powers and duties; meetings of board;  
983 official records; budgets; financial reporting; association  
984 funds; recalls.—

985 (1) POWERS AND DUTIES.—

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

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

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

1000 1. Each association formed on or after July 1, 2026, must

1001 include the following statement in the governing documents:

1002

1003 This association and the association's governing  
1004 documents are governed by the Florida Homeowners'  
1005 Association Act, as amended from time to time.

1006

1007 2. By January 1, 2027, each association in existence  
1008 before July 1, 2026, must hold a meeting of the members in  
1009 accordance with s. 720.306 to vote whether to amend the  
1010 governing documents of the association to include the statement  
1011 in subparagraph 1. The association must obtain the affirmative  
1012 approval of two-thirds of the voting interests of the  
1013 association at a meeting of the membership at which a quorum has  
1014 been attained in order to amend the governing documents under  
1015 this subparagraph.

1016 (d) After control of the association is obtained by  
1017 members other than the developer, the association may institute,  
1018 maintain, settle, or appeal actions or hearings in its name on  
1019 behalf of all members concerning matters of common interest to  
1020 the members, including, but not limited to, the common areas;  
1021 ~~roof or~~ structural components of a building, or other  
1022 improvements for which the association is responsible;  
1023 mechanical, electrical, or plumbing elements serving an  
1024 improvement or building for which the association is  
1025 responsible; representations of the developer pertaining to any

1026 existing or proposed commonly used facility; and protest of ad  
1027 valorem taxes on commonly used facilities. The association may  
1028 defend actions in eminent domain or bring inverse condemnation  
1029 actions. Before commencing litigation against any party in the  
1030 name of the association involving amounts in controversy in  
1031 excess of \$100,000, the association must obtain the affirmative  
1032 approval of a majority of the voting interests at a meeting of  
1033 the membership at which a quorum has been attained. This  
1034 paragraph ~~subsection~~ does not limit any statutory or common-law  
1035 right of any individual member or class of members to bring any  
1036 action without participation by the association.

1037 (e) A member does not have authority to act for the  
1038 association by virtue of being a member. An association may have  
1039 more than one class of members and may issue membership  
1040 certificates.

1041 (f) An association of 15 or fewer parcel owners may  
1042 enforce only the requirements of those deed restrictions  
1043 established prior to the purchase of each parcel upon an  
1044 affected parcel owner or owners.

1045 (5) INSPECTION AND COPYING OF RECORDS.—

1046 (i)1. If an association receives a subpoena or written  
1047 request for records from a prosecuting agency as defined in s.  
1048 112.531 or a law enforcement agency, the association must  
1049 provide a copy of such records or otherwise make the records  
1050 available for inspection and copying to a law enforcement agency

1051 or prosecuting agency within 5 business days after receipt of  
1052 the subpoena or written request, unless otherwise specified by  
1053 the law enforcement agency, prosecuting agency, ~~or~~ subpoena, or  
1054 written request. An association must assist a law enforcement  
1055 agency in its investigation to the extent permissible by law.

1056 2. A director or member of the board or association or a  
1057 community association manager who willfully and knowingly fails  
1058 to provide a copy of records, or otherwise fails to make the  
1059 records available for inspection and copying, to a law  
1060 enforcement agency or prosecuting agency as required under  
1061 subparagraph 1. commits a misdemeanor of the second degree,  
1062 punishable as provided in s. 775.082 or s. 775.083.

1063 (11) CONFLICTS OF INTEREST.—

1064 (a) A director, an officer, or a committee member of an  
1065 association owes a duty of loyalty to the association and its  
1066 members.

1067 (b) A conflict of interest exists when a director, an  
1068 officer, or a committee member has a direct or an indirect  
1069 financial interest in a transaction, contract, or decision under  
1070 consideration by the association.

1071 (c) The director, officer, or committee member with a  
1072 conflict of interest must disclose the nature and extent of the  
1073 conflict in writing to the board before any discussion or vote  
1074 occurs on the matter.

1075 (d) After disclosure of the conflict of interest, the

1076 conflicted director, officer, or committee member may not  
 1077 participate in any discussion or vote on the matter.

1078 (e) A transaction involving a conflict of interest is  
 1079 voidable by the association unless the transaction was approved  
 1080 by a majority of the voting interests of the association after  
 1081 full disclosure by the conflicted director, officer, or  
 1082 committee member has occurred.

1083 (f) Compensating or contracting with a director, an  
 1084 officer, or a committee member of the association, or an  
 1085 immediate family member thereof, creates a rebuttable  
 1086 presumption that a conflict of interest exists.

1087 (g) This subsection may not be waived or limited by the  
 1088 governing documents of the association.

1089 Section 13. Paragraph (b) of subsection (1) of section  
 1090 720.3035, Florida Statutes, is amended to read:

1091 720.3035 Architectural control covenants; parcel owner  
 1092 improvements; rights and privileges.—

1093 (1)

1094 (b) An association or any architectural, construction  
 1095 improvement, or other such similar committee of an association  
 1096 may not enforce or adopt a covenant, rule, or guideline that:

1097 1. Limits or places requirements on the interior of a  
 1098 structure that is not visible from the parcel's frontage or an  
 1099 adjacent parcel, an adjacent common area, or a community golf  
 1100 course.

1101           2. Requires the review and approval of plans and  
1102 specifications for a central air-conditioning, refrigeration,  
1103 heating, or ventilating system by the association or any  
1104 architectural, construction improvement, or other such similar  
1105 committee of an association, if such system is not visible from  
1106 the parcel's frontage, an adjacent parcel, an adjacent common  
1107 area, or a community golf course and is substantially similar to  
1108 a system that is approved or recommended by the association or a  
1109 committee thereof.

1110           3. Requires that a specific type of material be used on  
1111 the building or rebuilding of a roof, provided the built or  
1112 rebuilt roof appears to be substantially identical in shape and  
1113 color to the roofing requirements created by the association or  
1114 any architectural, construction improvement, or other similar  
1115 committee of the association and that such roofing materials  
1116 adhere to the roof systems recognized by the Florida Building  
1117 Code which meet ASCE 7-22 standards pursuant to paragraph  
1118 (6) (c).

1119           Section 14. Paragraph (h) of subsection (1) of section  
1120 720.306, Florida Statutes, is amended to read:

1121           720.306 Meetings of members; voting and election  
1122 procedures; amendments.—

1123           (1) QUORUM; AMENDMENTS.—

1124           (h)1. Except as otherwise provided in this paragraph, any  
1125 governing document, or amendment to a governing document, that

1126 is enacted after July 1, 2021, and that prohibits or regulates  
 1127 rental agreements applies only to a parcel owner who acquires  
 1128 title to the parcel after the effective date of the governing  
 1129 document or amendment, or to a parcel owner who consents,  
 1130 individually or through a representative, to the governing  
 1131 document or amendment.

1132 2. Notwithstanding subparagraph 1., an association may  
 1133 amend its governing documents to prohibit or regulate rental  
 1134 agreements for a term of less than 6 months and may prohibit the  
 1135 rental of a parcel for more than three times in a calendar year,  
 1136 and such amendments shall apply to all parcel owners.

1137 3. This paragraph does not affect the amendment  
 1138 restrictions for associations of 15 or fewer parcel owners under  
 1139 s. 720.303(1) (f) ~~s. 720.303(1)~~.

1140 4. For purposes of this paragraph, a change of ownership  
 1141 does not occur when a parcel owner conveys the parcel to an  
 1142 affiliated entity, when beneficial ownership of the parcel does  
 1143 not change, or when an heir becomes the parcel owner. For  
 1144 purposes of this subparagraph, the term "affiliated entity"  
 1145 means an entity that controls, is controlled by, or is under  
 1146 common control with the parcel owner or that becomes a parent or  
 1147 successor entity by reason of transfer, merger, consolidation,  
 1148 public offering, reorganization, dissolution or sale of stock,  
 1149 or transfer of membership partnership interests. For a  
 1150 conveyance to be recognized as one made to an affiliated entity,

1151 the entity must furnish to the association a document certifying  
1152 that this subparagraph applies and provide any organizational  
1153 documents for the parcel owner and the affiliated entity which  
1154 support the representations in the certificate, as requested by  
1155 the association.

1156 5. For purposes of this paragraph, a change of ownership  
1157 does occur when, with respect to a parcel owner that is a  
1158 business entity, every person that owned an interest in the real  
1159 property at the time of the enactment of the amendment or rule  
1160 conveys their interest in the real property to an unaffiliated  
1161 entity.

1162 Section 15. Paragraph (g) is added to subsection (3) of  
1163 section 720.3075, Florida Statutes, to read:

1164 720.3075 Prohibited clauses in association documents.—

1165 (3) Homeowners' association documents, including  
1166 declarations of covenants, articles of incorporation, or bylaws,  
1167 may not preclude:

1168 (g) A property owner from using any type of building  
1169 material to build or rebuild his or her roof, provided the built  
1170 or rebuilt roof appears to be substantially identical in shape  
1171 and color to the roofing requirements created by the association  
1172 or any architectural, construction improvement, or other similar  
1173 committee of the association and that such roofing materials  
1174 adhere to the roof systems recognized by the Florida Building  
1175 Code which meet ASCE 7-22 standards pursuant to paragraph

1176 (6) (c).

1177 Section 16. Section 720.311, Florida Statutes, is amended  
1178 to read:

1179 720.311 Dispute resolution.—

1180 (1) The Legislature finds that alternative dispute  
1181 resolution has made progress in reducing court dockets and  
1182 trials and in offering a more efficient, cost-effective option  
1183 to litigation. The filing of any petition for arbitration tolls  
1184 ~~or the serving of a demand for presuit mediation as provided for~~  
1185 ~~in this section shall toll~~ the applicable statute of  
1186 limitations. Any recall dispute filed with the department under  
1187 s. 720.303(10) must ~~shall~~ be conducted by the department in  
1188 accordance with ~~the provisions of~~ ss. 718.112(2)(1) and 718.1255  
1189 and the rules adopted by the division. In addition, the  
1190 department shall conduct binding arbitration of election  
1191 disputes between a member and an association in accordance with  
1192 s. 718.1255 and rules adopted by the division. Election disputes  
1193 and recall disputes ~~are not eligible for presuit mediation;~~  
1194 ~~these disputes~~ must be arbitrated by the department or filed in  
1195 a court of competent jurisdiction. The arbitration proceeding  
1196 must be conducted by a department arbitrator or by a private  
1197 arbitrator certified by the department. At the conclusion of an  
1198 arbitration proceeding, the department shall charge the parties  
1199 a fee in an amount adequate to cover all costs and expenses  
1200 incurred by the department in conducting the proceeding.

1201 Initially, the petitioner shall remit a filing fee of at least  
1202 \$200 to the department. The fees paid to the department shall  
1203 become a recoverable cost in the arbitration proceeding, and the  
1204 prevailing party in an arbitration proceeding shall recover its  
1205 reasonable costs and attorney fees in an amount found reasonable  
1206 by the arbitrator. The department shall adopt rules to  
1207 effectuate the purposes of this section.

1208 ~~(2) (a) Disputes between an association and a parcel owner~~  
1209 ~~regarding use of or changes to the parcel or the common areas~~  
1210 ~~and other covenant enforcement disputes, disputes regarding~~  
1211 ~~amendments to the association documents, disputes regarding~~  
1212 ~~meetings of the board and committees appointed by the board,~~  
1213 ~~membership meetings not including election meetings, and access~~  
1214 ~~to the official records of the association shall be the subject~~  
1215 ~~of a demand for presuit mediation served by an aggrieved party~~  
1216 ~~before the dispute is filed in court. Presuit mediation~~  
1217 ~~proceedings must be conducted in accordance with the applicable~~  
1218 ~~Florida Rules of Civil Procedure, and these proceedings are~~  
1219 ~~privileged and confidential to the same extent as court-ordered~~  
1220 ~~mediation. Disputes subject to presuit mediation under this~~  
1221 ~~section shall not include the collection of any assessment,~~  
1222 ~~fine, or other financial obligation, including attorney's fees~~  
1223 ~~and costs, claimed to be due or any action to enforce a prior~~  
1224 ~~mediation settlement agreement between the parties. Also, in any~~  
1225 ~~dispute subject to presuit mediation under this section where~~

1226 ~~emergency relief is required, a motion for temporary injunctive~~  
 1227 ~~relief may be filed with the court without first complying with~~  
 1228 ~~the presuit mediation requirements of this section. After any~~  
 1229 ~~issues regarding emergency or temporary relief are resolved, the~~  
 1230 ~~court may either refer the parties to a mediation program~~  
 1231 ~~administered by the courts or require mediation under this~~  
 1232 ~~section. An arbitrator or judge may not consider any information~~  
 1233 ~~or evidence arising from the presuit mediation proceeding except~~  
 1234 ~~in a proceeding to impose sanctions for failure to attend a~~  
 1235 ~~presuit mediation session or to enforce a mediated settlement~~  
 1236 ~~agreement. Persons who are not parties to the dispute may not~~  
 1237 ~~attend the presuit mediation conference without the consent of~~  
 1238 ~~all parties, except for counsel for the parties and a corporate~~  
 1239 ~~representative designated by the association. When mediation is~~  
 1240 ~~attended by a quorum of the board, such mediation is not a board~~  
 1241 ~~meeting for purposes of notice and participation set forth in s.~~  
 1242 ~~720.303. An aggrieved party shall serve on the responding party~~  
 1243 ~~a written demand to participate in presuit mediation in~~  
 1244 ~~substantially the following form:~~

1245 ~~STATUTORY OFFER TO PARTICIPATE~~

1246 ~~IN PRESUIT MEDIATION~~

1247 ~~The alleged aggrieved party, ....., hereby~~  
 1248 ~~demands that ....., as the responding~~  
 1249 ~~party, engage in mandatory presuit mediation in~~  
 1250 ~~connection with the following disputes, which by~~

1251 ~~statute are of a type that are subject to presuit~~  
1252 ~~mediation:~~  
1253 ~~(List specific nature of the dispute or disputes to be~~  
1254 ~~mediated and the authority supporting a finding of a~~  
1255 ~~violation as to each dispute.)~~  
1256 ~~Pursuant to section 720.311, Florida Statutes, this~~  
1257 ~~demand to resolve the dispute through presuit~~  
1258 ~~mediation is required before a lawsuit can be filed~~  
1259 ~~concerning the dispute. Pursuant to the statute, the~~  
1260 ~~parties are required to engage in presuit mediation~~  
1261 ~~with a neutral third-party mediator in order to~~  
1262 ~~attempt to resolve this dispute without court action,~~  
1263 ~~and the aggrieved party demands that you likewise~~  
1264 ~~agree to this process. If you fail to participate in~~  
1265 ~~the mediation process, suit may be brought against you~~  
1266 ~~without further warning.~~  
1267 ~~The process of mediation involves a supervised~~  
1268 ~~negotiation process in which a trained, neutral third-~~  
1269 ~~party mediator meets with both parties and assists~~  
1270 ~~them in exploring possible opportunities for resolving~~  
1271 ~~part or all of the dispute. By agreeing to participate~~  
1272 ~~in presuit mediation, you are not bound in any way to~~  
1273 ~~change your position. Furthermore, the mediator has no~~  
1274 ~~authority to make any decisions in this matter or to~~  
1275 ~~determine who is right or wrong and merely acts as a~~

1276 ~~facilitator to ensure that each party understands the~~  
1277 ~~position of the other party and that all options for~~  
1278 ~~reasonable settlement are fully explored.~~  
1279 ~~If an agreement is reached, it shall be reduced to~~  
1280 ~~writing and becomes a binding and enforceable~~  
1281 ~~commitment of the parties. A resolution of one or more~~  
1282 ~~disputes in this fashion avoids the need to litigate~~  
1283 ~~these issues in court. The failure to reach an~~  
1284 ~~agreement, or the failure of a party to participate in~~  
1285 ~~the process, results in the mediator declaring an~~  
1286 ~~impasse in the mediation, after which the aggrieved~~  
1287 ~~party may proceed to court on all outstanding,~~  
1288 ~~unsettled disputes. If you have failed or refused to~~  
1289 ~~participate in the entire mediation process, you will~~  
1290 ~~not be entitled to recover attorney's fees, even if~~  
1291 ~~you prevail.~~  
1292 ~~The aggrieved party has selected and hereby lists five~~  
1293 ~~certified mediators who we believe to be neutral and~~  
1294 ~~qualified to mediate the dispute. You have the right~~  
1295 ~~to select any one of these mediators. The fact that~~  
1296 ~~one party may be familiar with one or more of the~~  
1297 ~~listed mediators does not mean that the mediator~~  
1298 ~~cannot act as a neutral and impartial facilitator. Any~~  
1299 ~~mediator who cannot act in this capacity is required~~  
1300 ~~ethically to decline to accept engagement. The~~

1301 ~~mediators that we suggest, and their current hourly~~  
1302 ~~rates, are as follows:~~  
1303 ~~(List the names, addresses, telephone numbers, and~~  
1304 ~~hourly rates of the mediators. Other pertinent~~  
1305 ~~information about the background of the mediators may~~  
1306 ~~be included as an attachment.)~~  
1307 ~~You may contact the offices of these mediators to~~  
1308 ~~confirm that the listed mediators will be neutral and~~  
1309 ~~will not show any favoritism toward either party. The~~  
1310 ~~Florida Supreme Court can provide you a list of~~  
1311 ~~certified mediators.~~  
1312 ~~Unless otherwise agreed by the parties, section~~  
1313 ~~720.311(2)(b), Florida Statutes, requires that the~~  
1314 ~~parties share the costs of presuit mediation equally,~~  
1315 ~~including the fee charged by the mediator. An average~~  
1316 ~~mediation may require three to four hours of the~~  
1317 ~~mediator's time, including some preparation time, and~~  
1318 ~~the parties would need to share equally the mediator's~~  
1319 ~~fees as well as their own attorney's fees if they~~  
1320 ~~choose to employ an attorney in connection with the~~  
1321 ~~mediation. However, use of an attorney is not required~~  
1322 ~~and is at the option of each party. The mediators may~~  
1323 ~~require the advance payment of some or all of the~~  
1324 ~~anticipated fees. The aggrieved party hereby agrees to~~  
1325 ~~pay or prepay one-half of the mediator's estimated~~

1326 ~~fees and to forward this amount or such other~~  
1327 ~~reasonable advance deposits as the mediator requires~~  
1328 ~~for this purpose. Any funds deposited will be returned~~  
1329 ~~to you if these are in excess of your share of the~~  
1330 ~~fees incurred.~~

1331 ~~To begin your participation in presuit mediation to~~  
1332 ~~try to resolve the dispute and avoid further legal~~  
1333 ~~action, please sign below and clearly indicate which~~  
1334 ~~mediator is acceptable to you. We will then ask the~~  
1335 ~~mediator to schedule a mutually convenient time and~~  
1336 ~~place for the mediation conference to be held. The~~  
1337 ~~mediation conference must be held within ninety (90)~~  
1338 ~~days of this date, unless extended by mutual written~~  
1339 ~~agreement. In the event that you fail to respond~~  
1340 ~~within 20 days from the date of this letter, or if you~~  
1341 ~~fail to agree to at least one of the mediators that we~~  
1342 ~~have suggested or to pay or prepay to the mediator~~  
1343 ~~one-half of the costs involved, the aggrieved party~~  
1344 ~~will be authorized to proceed with the filing of a~~  
1345 ~~lawsuit against you without further notice and may~~  
1346 ~~seek an award of attorney's fees or costs incurred in~~  
1347 ~~attempting to obtain mediation.~~

1348 ~~Therefore, please give this matter your immediate~~  
1349 ~~attention. By law, your response must be mailed by~~  
1350 ~~certified mail, return receipt requested, and by~~

1351 ~~first class mail to the address shown on this demand.~~

1352 ~~.....~~

1353 ~~.....~~

1354 ~~RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR~~  
1355 ~~AGREEMENT TO THAT CHOICE.~~

1356 ~~AGREEMENT TO MEDIATE~~

1357 ~~The undersigned hereby agrees to participate in~~  
1358 ~~presuit mediation and agrees to attend a mediation~~  
1359 ~~conducted by the following mediator or mediators who~~  
1360 ~~are listed above as someone who would be acceptable to~~  
1361 ~~mediate this dispute:~~

1362 ~~(List acceptable mediator or mediators.)~~

1363 ~~I/we further agree to pay or prepay one-half of the~~  
1364 ~~mediator's fees and to forward such advance deposits~~  
1365 ~~as the mediator may require for this purpose.~~

1366 ~~.....~~

1367 ~~Signature of responding party #1~~

1368 ~~.....~~

1369 ~~Telephone contact information~~

1370 ~~.....~~

1371 ~~Signature and telephone contact information of~~  
1372 ~~responding party #2 (if applicable) (if property is~~  
1373 ~~owned by more than one person, all owners must sign)~~

1374 ~~(b) Service of the statutory demand to participate in~~  
1375 ~~presuit mediation shall be effected by sending a letter in~~

1376 ~~substantial conformity with the above form by certified mail,~~  
1377 ~~return receipt requested, with an additional copy being sent by~~  
1378 ~~regular first-class mail, to the address of the responding party~~  
1379 ~~as it last appears on the books and records of the association.~~  
1380 ~~The responding party has 20 days from the date of the mailing of~~  
1381 ~~the statutory demand to serve a response to the aggrieved party~~  
1382 ~~in writing. The response shall be served by certified mail,~~  
1383 ~~return receipt requested, with an additional copy being sent by~~  
1384 ~~regular first-class mail, to the address shown on the statutory~~  
1385 ~~demand. Notwithstanding the foregoing, once the parties have~~  
1386 ~~agreed on a mediator, the mediator may reschedule the mediation~~  
1387 ~~for a date and time mutually convenient to the parties. The~~  
1388 ~~parties shall share the costs of presuit mediation equally,~~  
1389 ~~including the fee charged by the mediator, if any, unless the~~  
1390 ~~parties agree otherwise, and the mediator may require advance~~  
1391 ~~payment of its reasonable fees and costs. The failure of any~~  
1392 ~~party to respond to a demand or response, to agree upon a~~  
1393 ~~mediator, to make payment of fees and costs within the time~~  
1394 ~~established by the mediator, or to appear for a scheduled~~  
1395 ~~mediation session without the approval of the mediator, shall~~  
1396 ~~constitute the failure or refusal to participate in the~~  
1397 ~~mediation process and shall operate as an impasse in the presuit~~  
1398 ~~mediation by such party, entitling the other party to proceed in~~  
1399 ~~court and to seek an award of the costs and fees associated with~~  
1400 ~~the mediation. Additionally, notwithstanding the provisions of~~

1401 ~~any other law or document, persons who fail or refuse to~~  
1402 ~~participate in the entire mediation process may not recover~~  
1403 ~~attorney's fees and costs in subsequent litigation relating to~~  
1404 ~~the dispute. If any presuit mediation session cannot be~~  
1405 ~~scheduled and conducted within 90 days after the offer to~~  
1406 ~~participate in mediation was filed, an impasse shall be deemed~~  
1407 ~~to have occurred unless both parties agree to extend this~~  
1408 ~~deadline.~~

1409 (2)(e) ~~In~~ If ~~presuit mediation as described in paragraph~~  
1410 ~~(a) is not successful in resolving~~ all issues between the  
1411 parties, the parties may file the ~~unresolved~~ dispute in a court  
1412 of competent jurisdiction or elect to enter into binding or  
1413 nonbinding arbitration pursuant to the procedures set forth in  
1414 s. 718.1255 and rules adopted by the division, with the  
1415 arbitration proceeding to be conducted by a department  
1416 arbitrator or by a private arbitrator certified by the  
1417 department. If all parties do not agree to arbitration  
1418 ~~proceedings following an unsuccessful presuit mediation,~~ any  
1419 party may file the dispute in court. A final order resulting  
1420 from nonbinding arbitration is final and enforceable in the  
1421 courts if a complaint for trial de novo is not filed in a court  
1422 of competent jurisdiction within 30 days after entry of the  
1423 order. As to any issue or dispute that is not resolved at  
1424 arbitration ~~presuit mediation,~~ and as to any issue that is  
1425 settled at arbitration ~~presuit mediation~~ but is thereafter

1426 subject to an action seeking enforcement of the ~~mediation~~  
1427 settlement, the prevailing party in any subsequent arbitration  
1428 or litigation proceeding ~~may~~ shall ~~be entitled to~~ seek recovery  
1429 of all costs and attorney ~~attorney's~~ fees incurred in the  
1430 arbitration ~~presuit mediation~~ process.

1431 (3)(d) ~~An A mediator or~~ arbitrator is ~~shall be~~ authorized  
1432 to conduct ~~mediation or~~ arbitration under this section only if  
1433 he or she has been certified as a circuit court civil ~~mediator~~  
1434 ~~or~~ arbitrator, ~~respectively,~~ pursuant to the requirements  
1435 established by the Florida Supreme Court. ~~Settlement agreements~~  
1436 ~~resulting from mediation shall not have precedential value in~~  
1437 ~~proceedings involving parties other than those participating in~~  
1438 ~~the mediation to support either a claim or defense in other~~  
1439 ~~disputes.~~

1440 ~~(e) The presuit mediation procedures provided by this~~  
1441 ~~subsection may be used by a Florida corporation responsible for~~  
1442 ~~the operation of a community in which the voting members are~~  
1443 ~~parcel owners or their representatives, in which membership in~~  
1444 ~~the corporation is not a mandatory condition of parcel~~  
1445 ~~ownership, or which is not authorized to impose an assessment~~  
1446 ~~that may become a lien on the parcel.~~

1447 Section 17. Section 720.319, Florida Statutes, is created  
1448 to read:

1449 720.319 Dissolution of homeowners' association.—

1450 (1) This section may be cited as the "Homeowners'

1451 Association Dissolution and Accountability Act."

1452 (2) The Legislature finds that:

1453 (a) Homeowners' associations are created as authorized by  
1454 general law and are subject to covenants that encumber the land  
1455 and restrict the use of real property.

1456 (b) In some circumstances, the continued enforcement of  
1457 those covenants may no longer serve the homeowners' or  
1458 community's interest and it is the public policy of this state  
1459 to provide by general law a method to preserve the value of the  
1460 property interests and the rights of alienation thereof that  
1461 homeowners have in their parcels before and after termination.

1462 (c) It is contrary to the public policy of this state to  
1463 require the continued operation of a homeowners' association  
1464 when such continuation is made impossible by law or regulation.

1465 (d) It is in the best interest of this state to provide  
1466 for termination of the declaration of covenants in certain  
1467 circumstances in order to:

1468 1. Prevent covenants from impairing the continued  
1469 productive use of the property.

1470 2. Provide fair treatment and just compensation for parcel  
1471 owners and preserve property values and the local property tax  
1472 base.

1473 3. Preserve the state's long history of protecting  
1474 homestead property rights by ensuring that such protection is  
1475 extended to parcel owners whose parcel is their homestead in the

1476 context of a termination of a declaration of covenants for an  
1477 association.

1478 (3) A homeowners' association may be terminated by a plan  
1479 of termination that meets the requirements of this section and  
1480 is approved by a community association court program under s.  
1481 720.32.

1482 (4) A plan of termination is subject to the following  
1483 conditions:

1484 (a) The total voting interests of the association must  
1485 include all voting interests for the purpose of considering a  
1486 plan of termination. A voting interest of the association may  
1487 not be suspended for any reason when voting on termination under  
1488 this section.

1489 (b) If the members reject a plan of termination, a  
1490 subsequent plan of termination under this section may not be  
1491 considered for at least 18 months after the date of the  
1492 rejection.

1493 (c) A plan of termination must be approved by at least  
1494 two-thirds of the total voting interests of the association.

1495 (d) A parcel owner desiring to reject a plan of  
1496 termination must do so by either voting in person or by proxy to  
1497 reject the plan or by delivering a written objection to the  
1498 association before or at the meeting called under subsection

1499 (5).

1500 (5) (a) A parcel owner who wishes to terminate a

1501 homeowners' association in which he or she is a member must  
1502 provide to the board of administration a petition for a plan of  
1503 termination that is signed by at least 50 percent of the voting  
1504 members of the association. The board must notify the city in  
1505 which the homeowners' association is located in writing,  
1506 including, but not limited to, through e-mail, that a plan of  
1507 termination has begun and hold a meeting of the members within  
1508 60 days after receipt of the signed petition. A voting interest  
1509 of the association may not be suspended for any reason for  
1510 purposes of signing the petition or determining whether the 50  
1511 percent threshold for such petition has been met under this  
1512 paragraph.

1513 (b) Notice of such meeting must be made in accordance with  
1514 s. 720.303(2) and include the following information:

- 1515 1. A copy of the proposed plan of dissolution.
- 1516 2. An explanation of how the common areas and the assets  
1517 of the association will be managed or transferred.
- 1518 3. The manner in which voting will take place.

1519 (c) If the board fails to call a meeting within the 60-day  
1520 time period, any member may petition a community association  
1521 court program under s. 720.32 or, if a community association  
1522 court program does not exist in the judicial circuit in which  
1523 the association is located, another court of competent  
1524 jurisdiction for an order compelling compliance with this  
1525 section.

1526        (6) If a plan of termination is approved, the board must  
1527 submit such plan to the community association court program in  
1528 the judicial circuit in which the association is located or, if  
1529 a community association court program does not exist, another  
1530 court of competent jurisdiction. The court shall examine the  
1531 plan of termination and determine its procedural sufficiency  
1532 and, within 45 days after receipt of the plan, notify the  
1533 association by mail of any procedural deficiencies or that the  
1534 plan is accepted. If notice is not provided within the 45-day  
1535 time period, the plan of termination is deemed accepted. If the  
1536 court determines that the conditions required by this section  
1537 have been met and that the plan of termination complies with the  
1538 procedural requirements of this section, the court must  
1539 authorize the termination and the termination may proceed as  
1540 authorized in this section.

1541        (7) (a) A plan of termination and the consents or joinders  
1542 of parcel owners must be recorded in the public records of each  
1543 county in which any portion of the association is located. The  
1544 plan is effective only upon recordation or at a later date  
1545 specified in the plan.

1546        (b) Upon recordation or at a later date specified in the  
1547 plan of termination, title to the association property vests in  
1548 a termination trustee. The board serves as such trustee unless  
1549 another person is appointed in the plan of termination. If the  
1550 board is not the termination trustee, the board must transfer

1551 any association property to such trustee. The termination  
1552 trustee is vested with the powers given by the declaration and  
1553 bylaws of the association and subsection (9). If the board is  
1554 unable, unwilling, or fails to act as termination trustee, a  
1555 parcel owner may petition the community association court  
1556 program to appoint a termination trustee.

1557 (8) If the board fails to hold the meeting under  
1558 subsection (5), obstructs the termination process, or refuses to  
1559 record the decision of the members to terminate, a member may  
1560 file a petition with the community association court program in  
1561 the judicial circuit in which the association is located or, if  
1562 a community association court program does not exist, another  
1563 court of competent jurisdiction. A community association court  
1564 program may do all of the following:

1565 (a) Verify compliance with the procedural requirements of  
1566 this section and all statutory voting requirements.

1567 (b) Order the Department of State to dissolve the  
1568 homeowners' association.

1569 (c) Appoint a termination trustee to manage the  
1570 distribution of assets and resolution of liabilities.

1571 (9) The approval of the plan of termination does not  
1572 terminate the board of administration, which shall continue in  
1573 existence following approval of the plan of termination with all  
1574 powers and duties such board had before approval of the plan.  
1575 Notwithstanding any provision to the contrary in the declaration

1576 or bylaws, after approval of the plan of termination the board  
1577 must:

1578 (a) Employ directors, agents, attorneys, and other  
1579 professionals to liquidate or conclude the board's affairs.

1580 (b) Conduct the affairs of the association as necessary  
1581 for the liquidation or termination.

1582 (c) Carry out contracts and collect, pay, and settle debts  
1583 and claims for and against the association.

1584 (d) Defend suits brought against the association.

1585 (e) Sue in the name of the association for all sums due or  
1586 owed to the association or to recover any association property.

1587 (f) Perform any act necessary to maintain, repair, or  
1588 demolish unsafe or uninhabitable improvements or other  
1589 association property in compliance with applicable codes.

1590 (g) Sell at public or private sale or exchange, convey, or  
1591 otherwise dispose of assets of the association for an amount  
1592 deemed to be in the best interests of the association, and  
1593 execute bills of sale and deeds of conveyance in the name of the  
1594 association.

1595 (h) Collect and receive rents, profits, accounts  
1596 receivable, income, maintenance fees, special assessments, or  
1597 insurance proceeds for the association.

1598 (i) Contract and do anything in the name of the  
1599 association which is proper or convenient to terminate the  
1600 affairs of the association.

1601 (10) (a) All remaining association assets after the payment  
1602 of any lawful debts must be distributed equally among members or  
1603 as otherwise provided in the plan of termination.

1604 (b) A member may not be subject to personal liability for  
1605 unpaid obligations beyond the member's regular assessments or  
1606 special assessments that existed before the vote for  
1607 termination.

1608 (11) (a) The following actions by an association or the  
1609 officers or directors thereof are unlawful:

1610 1. Failing to call or notice a meeting after receipt of a  
1611 valid petition for a plan of termination.

1612 2. Spending association funds to campaign for or against  
1613 the plan of termination.

1614 3. Concealing any financial or property records relevant  
1615 to the plan of termination.

1616 (b) An officer or a director who violates paragraph (a) is  
1617 subject to any of the following:

1618 1. A civil penalty of up to \$5,000 per violation.

1619 2. Removal from office by court order.

1620 3. Personal liability for legal fees incurred by the  
1621 petitioners.

1622 Section 18. Section 720.32, Florida Statutes, is created  
1623 to read:

1624 720.32 Community association court program.—

1625 (1) It is the intent of the Legislature to encourage and

1626 support the judicial circuits of the state to create and  
1627 maintain a community association court program in each judicial  
1628 circuit. The purpose of a community association court program is  
1629 to provide an optional, voluntary process for community  
1630 associations and the members thereof to address disputes as an  
1631 alternative to entering into mediation or arbitration. It is the  
1632 intent of the Legislature that this section provide a detailed  
1633 statewide standard for the creation, operation, and procedures  
1634 for community association court programs.

1635 (2) A circuit court may create and administer a community  
1636 association court program. The chief judge shall designate at  
1637 least one judge to preside over the community association court  
1638 program. The chief judge may issue administrative orders  
1639 concerning the community association court program.

1640 (3) The community association court program has  
1641 jurisdiction over disputes, including any related termination or  
1642 enforcement proceedings, arising under any of the following:

1643 (a) Chapter 718, the Condominium Act.

1644 (b) Chapter 719, the Cooperative Act.

1645 (c) Chapter 720, the Homeowners' Association Act.

1646 (4) The community association court program may do all of  
1647 the following:

1648 (a) Enforce all statutory rights of unit owners and parcel  
1649 owners.

1650 (b) Verify and compel compliance with all statutory

1651 requirements by community associations, boards of  
1652 administration, and officers or directors of such boards.

1653 (c) Order the Department of State to dissolve a community  
1654 association.

1655 (d) Appoint a termination trustee to manage the  
1656 distribution of association assets and resolution of  
1657 liabilities.

1658 (e) Impose civil penalties for violations of statutory  
1659 rights.

1660 (f) Issue injunctive relief as appropriate.

1661 (g) Award reasonable attorney fees and costs as  
1662 appropriate.

1663 (5) By January 1 of each year, the chief judge in each  
1664 judicial circuit in which a community association court program  
1665 is created shall submit to the President of the Senate and the  
1666 Speaker of the House of Representatives a report that summarizes  
1667 the caseload of each community association court program and the  
1668 outcomes of such caseload.

1669 (6) The Office of the State Courts Administrator shall  
1670 establish procedure, staffing, and reporting requirements for  
1671 the operation of the community association court program.

1672 (7) The costs associated with the creation, operation, and  
1673 compliance and enforcement duties of the community association  
1674 court program shall be funded as authorized by and consistent  
1675 with funding appropriated in the General Appropriations Act.

1676           (8) Funds specifically appropriated by an operating  
 1677 appropriation or a nonoperating transfer from the Division of  
 1678 Florida Condominiums, Timeshares, and Mobile Homes Trust Fund to  
 1679 the state court system to support judicial functions relating to  
 1680 community associations which remain unencumbered as of June 30  
 1681 or undisbursed as of September 30 each year shall revert to the  
 1682 Division of Florida Condominiums, Timeshares, and Mobile Homes  
 1683 Trust Fund.

1684           (9) This section does not apply to timeshare condominium  
 1685 associations or timeshare cooperative associations unless the  
 1686 facilities of such associations include homestead condominium  
 1687 units or homestead cooperative units.

1688           Section 19. Subsections (11), (13), and (17) of section  
 1689 26.031, Florida Statutes, are amended to read:

1690           26.031 Judicial circuits; number of judges.—The number of  
 1691 circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(11) Eleventh.....	<u>85</u> <del>83</del>
(13) Thirteenth.....	<u>46</u> <del>45</del>
(17) Seventeenth.....	<u>59</u> <del>58</del>

1696           Section 20. The amendments made by this act to s. 26.031,  
 1697 Florida Statutes, are for the purpose of authorizing additional  
 1698 judgeships specifically for the community association court  
 1699 program created in s. 720.32, Florida Statutes, by this act.

1700           Section 21. Paragraph (d) of subsection (1) of section

1701 34.01, Florida Statutes, is amended to read:

1702 34.01 Jurisdiction of county court.—

1703 (1) County courts shall have original jurisdiction:

1704 (d) Of disputes occurring in ~~the~~ homeowners' associations  
 1705 ~~as described in s. 720.311(2)(a)~~, which shall be concurrent with  
 1706 jurisdiction of the circuit courts.

1707 Section 22. Paragraph (a) of subsection (1) of section  
 1708 336.125, Florida Statutes, is amended to read:

1709 336.125 Closing and abandonment of roads; optional  
 1710 conveyance to homeowners' association; traffic control  
 1711 jurisdiction.—

1712 (1)(a) In addition to the authority provided in s. 336.12,  
 1713 the governing body of the county may abandon the roads and  
 1714 rights-of-way dedicated in a recorded residential subdivision  
 1715 plat and simultaneously convey the county's interest in such  
 1716 roads, rights-of-way, and appurtenant drainage facilities to a  
 1717 homeowners' association for the subdivision, if the following  
 1718 conditions have been met:

1719 1. The homeowners' association has requested the  
 1720 abandonment and conveyance in writing for the purpose of  
 1721 converting the subdivision to a gated neighborhood with  
 1722 restricted public access.

1723 2. No fewer than four-fifths of the owners of record of  
 1724 property located in the subdivision have consented in writing to  
 1725 the abandonment and simultaneous conveyance to the homeowners'

1726 association.

1727         3. The homeowners' association is both a corporation not  
 1728 for profit organized and in good standing under chapter 617, and  
 1729 a "homeowners' association" as defined in s. 720.301 ~~s.~~  
 1730 ~~720.301(9)~~ with the power to levy and collect assessments for  
 1731 routine and periodic major maintenance and operation of street  
 1732 lighting, drainage, sidewalks, and pavement in the subdivision.

1733         4. The homeowners' association has entered into and  
 1734 executed such agreements, covenants, warranties, and other  
 1735 instruments; has provided, or has provided assurance of, such  
 1736 funds, reserve funds, and funding sources; and has satisfied  
 1737 such other requirements and conditions as may be established or  
 1738 imposed by the county with respect to the ongoing operation,  
 1739 maintenance, and repair and the periodic reconstruction or  
 1740 replacement of the roads, drainage, street lighting, and  
 1741 sidewalks in the subdivision after the abandonment by the  
 1742 county.

1743         Section 23. Subsection (2) of section 558.002, Florida  
 1744 Statutes, is amended to read:

1745         558.002 Definitions.—As used in this chapter, the term:

1746         (2) "Association" has the same meaning as in s. 718.103,  
 1747 s. 719.103(2), s. 720.301(10) ~~s. 720.301(9)~~, or s. 723.075.

1748         Section 24. Subsection (6) of section 617.0601, Florida  
 1749 Statutes, is amended to read:

1750         617.0601 Members, generally.—

1751 (6) Subsections (1), (2), (3), and (4) do not apply to a  
 1752 corporation that is an association as defined in s. 720.301(10)  
 1753 ~~s. 720.301~~.

1754 Section 25. Subsection (6) of section 617.0701, Florida  
 1755 Statutes, is amended to read:

1756 617.0701 Meetings of members, generally; failure to hold  
 1757 annual meeting; special meeting; consent to corporate actions  
 1758 without meetings; waiver of notice of meetings.—

1759 (6) Subsections (1) and (3) do not apply to any  
 1760 corporation that is an association as defined in s. 720.301(10)  
 1761 ~~s. 720.301~~; a corporation regulated by chapter 718, chapter 719,  
 1762 chapter 720, chapter 721, or chapter 723; or a corporation where  
 1763 membership in such corporation is required pursuant to a  
 1764 document recorded in the county property records.

1765 Section 26. Subsection (7) of section 617.0721, Florida  
 1766 Statutes, is amended to read:

1767 617.0721 Voting by members.—

1768 (7) Subsections (1), (5), and (6) do not apply to a  
 1769 corporation that is an association, as defined in s. 720.301(10)  
 1770 ~~s. 720.301~~, or a corporation regulated by chapter 718 or chapter  
 1771 719.

1772 Section 27. Section 617.0725, Florida Statutes, is amended  
 1773 to read:

1774 617.0725 Quorum.—An amendment to the articles of  
 1775 incorporation or the bylaws which adds, changes, or deletes a

1776 greater or lesser quorum or voting requirement must meet the  
 1777 same quorum or voting requirement and be adopted by the same  
 1778 vote and voting groups required to take action under the quorum  
 1779 and voting requirements then in effect or proposed to be  
 1780 adopted, whichever is greater. This section does not apply to  
 1781 any corporation that is an association, as defined in s.  
 1782 720.301(10) ~~s. 720.301(9)~~, or any corporation regulated under  
 1783 chapter 718 or chapter 719.

1784 Section 28. Subsection (3) of section 617.0808, Florida  
 1785 Statutes, is amended to read:

1786 617.0808 Removal of directors.—

1787 (3) This section does not apply to any corporation that is  
 1788 an association, as defined in s. 720.301(10) ~~s. 720.301~~, or a  
 1789 corporation regulated under chapter 718 or chapter 719.

1790 Section 29. Section 617.1606, Florida Statutes, is amended  
 1791 to read:

1792 617.1606 Access to records.—Sections 617.1601-617.1605 do  
 1793 not apply to a corporation that is an association, as defined in  
 1794 s. 720.301(10) ~~s. 720.301~~, or a corporation regulated under  
 1795 chapter 718 or chapter 719.

1796 Section 30. Paragraph (b) of subsection (1) of section  
 1797 718.116, Florida Statutes, is amended to read:

1798 718.116 Assessments; liability; lien and priority;  
 1799 interest; collection.—

1800 (1)

1801 (b)1. The liability of a first mortgagee or its successor  
1802 or assignees who acquire title to a unit by foreclosure or by  
1803 deed in lieu of foreclosure for the unpaid assessments that  
1804 became due before the mortgagee's acquisition of title is  
1805 limited to the lesser of:

1806 a. The unit's unpaid common expenses and regular periodic  
1807 assessments which accrued or came due during the 12 months  
1808 immediately preceding the acquisition of title and for which  
1809 payment in full has not been received by the association; or

1810 b. One percent of the original mortgage debt. The  
1811 provisions of this paragraph apply only if the first mortgagee  
1812 joined the association as a defendant in the foreclosure action.  
1813 Joinder of the association is not required if, on the date the  
1814 complaint is filed, the association was dissolved or did not  
1815 maintain an office or agent for service of process at a location  
1816 which was known to or reasonably discoverable by the mortgagee.

1817 2. An association, or its successor or assignee, that  
1818 acquires title to a unit through the foreclosure of its lien for  
1819 assessments is not liable for any unpaid assessments, late fees,  
1820 interest, or reasonable attorney's fees and costs that came due  
1821 before the association's acquisition of title in favor of any  
1822 other association, as defined in s. 718.103 or s. 720.301(10) ~~s.~~  
1823 ~~720.301(9)~~, which holds a superior lien interest on the unit.  
1824 This subparagraph is intended to clarify existing law.

1825 Section 31. Paragraph (d) of subsection (1) and paragraph

1826 (e) of subsection (2) of section 718.503, Florida Statutes, are  
1827 amended to read:

1828 718.503 Developer disclosure prior to sale; nondeveloper  
1829 unit owner disclosure prior to sale; voidability.—

1830 (1) DEVELOPER DISCLOSURE.—

1831 (d) Milestone inspection, turnover inspection report, or  
1832 structural integrity reserve study.—If the association is  
1833 required to have completed a milestone inspection as described  
1834 in s. 553.899, a turnover inspection report for a turnover  
1835 inspection performed on or after July 1, 2023, or a structural  
1836 integrity reserve study, and the association has not completed  
1837 the milestone inspection, the turnover inspection report, or the  
1838 structural integrity reserve study, each contract entered into  
1839 after December 31, 2024, for the sale of a residential unit  
1840 shall contain in conspicuous type a statement indicating that  
1841 the association is required to have a milestone inspection, a  
1842 turnover inspection report, or a structural integrity reserve  
1843 study and has not completed such inspection, report, or study,  
1844 as appropriate. If the association is not required to have a  
1845 milestone inspection as described in s. 553.899 or a structural  
1846 integrity reserve study, each contract entered into after  
1847 December 31, 2024, for the sale of a residential unit shall  
1848 contain in conspicuous type a statement indicating that the  
1849 association is not required to have a milestone inspection or a  
1850 structural integrity reserve study, as appropriate. If the

1851 association has completed a milestone inspection as described in  
1852 s. 553.899, a turnover inspection report for a turnover  
1853 inspection performed on or after July 1, 2023, or a structural  
1854 integrity reserve study, each contract entered into after  
1855 December 31, 2024, for the sale of a residential unit shall  
1856 contain in conspicuous type:

1857 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1858 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1859 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1860 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1861 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1862 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1863 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1864 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(29) ~~718.103(26)~~ AND  
1865 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15  
1866 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE  
1867 EXECUTION OF THIS CONTRACT; and

1868 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1869 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1870 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1871 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1872 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1873 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1874 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1875 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

1876 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1877 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1878 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(29) ~~718.103(26)~~ AND  
1879 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1880 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1881 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15  
1882 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1883 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
1884 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
1885 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
1886 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),  
1887 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
1888 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
1889 718.103(29) ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF  
1890 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
1891 TERMINATE AT CLOSING.

1892  
1893 A contract that does not conform to the requirements of this  
1894 paragraph is voidable at the option of the purchaser before  
1895 closing.

1896 (2) NONDEVELOPER DISCLOSURE.—

1897 (e) If the association is required to have completed a  
1898 milestone inspection as described in s. 553.899, a turnover  
1899 inspection report for a turnover inspection performed on or  
1900 after July 1, 2023, or a structural integrity reserve study, and

1901 the association has not completed the milestone inspection, the  
1902 turnover inspection report, or the structural integrity reserve  
1903 study, each contract entered into after December 31, 2024, for  
1904 the sale of a residential unit shall contain in conspicuous type  
1905 a statement indicating that the association is required to have  
1906 a milestone inspection, a turnover inspection report, or a  
1907 structural integrity reserve study and has not completed such  
1908 inspection, report, or study, as appropriate. If the association  
1909 is not required to have a milestone inspection as described in  
1910 s. 553.899 or a structural integrity reserve study, each  
1911 contract entered into after December 31, 2024, for the sale of a  
1912 residential unit shall contain in conspicuous type a statement  
1913 indicating that the association is not required to have a  
1914 milestone inspection or a structural integrity reserve study, as  
1915 appropriate. If the association has completed a milestone  
1916 inspection as described in s. 553.899, a turnover inspection  
1917 report for a turnover inspection performed on or after July 1,  
1918 2023, or a structural integrity reserve study, each contract  
1919 entered into after December 31, 2024, for the resale of a  
1920 residential unit shall contain in conspicuous type:

1921 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1922 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1923 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1924 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1925 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

1926 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1927 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1928 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(29) ~~718.103(26)~~ AND  
1929 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7  
1930 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE  
1931 EXECUTION OF THIS CONTRACT; and

1932 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1933 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1934 CANCEL WITHIN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1935 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1936 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1937 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1938 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1939 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1940 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1941 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1942 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(29) ~~718.103(26)~~ AND  
1943 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1944 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1945 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7  
1946 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1947 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
1948 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
1949 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
1950 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),

1951 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
 1952 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
 1953 718.103(29) ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF  
 1954 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
 1955 TERMINATE AT CLOSING.

1956  
 1957 A contract that does not conform to the requirements of this  
 1958 paragraph is voidable at the option of the purchaser before  
 1959 closing.

1960 Section 32. Paragraph (d) of subsection (1) and paragraph  
 1961 (d) of subsection (2) of section 719.503, Florida Statutes, are  
 1962 amended to read:

1963 719.503 Disclosure prior to sale.—

1964 (1) DEVELOPER DISCLOSURE.—

1965 (d) Milestone inspection, turnover inspection report, or  
 1966 structural integrity reserve study.—If the association is  
 1967 required to have completed a milestone inspection as described  
 1968 in s. 553.899, a turnover inspection report for a turnover  
 1969 inspection performed on or after July 1, 2023, or a structural  
 1970 integrity reserve study, and the association has not completed  
 1971 the milestone inspection, the turnover inspection report, or the  
 1972 structural integrity reserve study, each contract entered into  
 1973 after December 31, 2024, for the sale of a residential unit  
 1974 shall contain in conspicuous type a statement indicating that  
 1975 the association is required to have a milestone inspection, a

1976 turnover inspection report, or a structural integrity reserve  
 1977 study and has not completed such inspection, report, or study,  
 1978 as appropriate. If the association is not required to have a  
 1979 milestone inspection as described in s. 553.899 or a structural  
 1980 integrity reserve study, each contract entered into after  
 1981 December 31, 2024, for the sale of a residential unit shall  
 1982 contain in conspicuous type a statement indicating that the  
 1983 association is not required to have a milestone inspection or a  
 1984 structural integrity reserve study, as appropriate. If the  
 1985 association has completed a milestone inspection as described in  
 1986 s. 553.899, a turnover inspection report for a turnover  
 1987 inspection performed on or after July 1, 2023, or a structural  
 1988 integrity reserve study, each contract entered into after  
 1989 December 31, 2024, for the sale of a residential unit shall  
 1990 contain in conspicuous type:

1991       1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
 1992 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
 1993 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
 1994 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
 1995 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
 1996 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
 1997 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
 1998 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
 1999 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15  
 2000 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE

2001 EXECUTION OF THIS CONTRACT; and  
 2002 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
 2003 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
 2004 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
 2005 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
 2006 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
 2007 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
 2008 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
 2009 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
 2010 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
 2011 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
 2012 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
 2013 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
 2014 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
 2015 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15  
 2016 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
 2017 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
 2018 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
 2019 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
 2020 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),  
 2021 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
 2022 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
 2023 719.103(25) ~~719.103(24)~~ AND 719.106(1)(k), FLORIDA STATUTES, IF  
 2024 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
 2025 TERMINATE AT CLOSING.

2026  
2027 A contract that does not conform to the requirements of this  
2028 paragraph is voidable at the option of the purchaser before  
2029 closing.

2030 (2) NONDEVELOPER DISCLOSURE.—

2031 (d) If the association is required to have completed a  
2032 milestone inspection as described in s. 553.899, a turnover  
2033 inspection report for a turnover inspection performed on or  
2034 after July 1, 2023, or a structural integrity reserve study, and  
2035 the association has not completed the milestone inspection, the  
2036 turnover inspection report, or the structural integrity reserve  
2037 study, each contract entered into after December 31, 2024, for  
2038 the sale of a residential unit shall contain in conspicuous type  
2039 a statement indicating that the association is required to have  
2040 a milestone inspection, a turnover inspection report, or a  
2041 structural integrity reserve study and has not completed such  
2042 inspection, report, or study, as appropriate. If the association  
2043 is not required to have a milestone inspection as described in  
2044 s. 553.899 or a structural integrity reserve study, each  
2045 contract entered into after December 31, 2024, for the sale of a  
2046 residential unit shall contain in conspicuous type a statement  
2047 indicating that the association is not required to have a  
2048 milestone inspection or a structural integrity reserve study, as  
2049 appropriate. If the association has completed a milestone  
2050 inspection as described in s. 553.899, a turnover inspection

2051 report for a turnover inspection performed on or after July 1,  
2052 2023, or a structural integrity reserve study, each contract  
2053 entered into after December 31, 2024, for the resale of a  
2054 residential unit shall contain in conspicuous type:

2055 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
2056 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
2057 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
2058 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
2059 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
2060 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
2061 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
2062 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
2063 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7  
2064 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE  
2065 EXECUTION OF THIS CONTRACT; and

2066 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
2067 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
2068 CANCEL WITHIN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
2069 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
2070 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
2071 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
2072 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
2073 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
2074 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
2075 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

2076 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
2077 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
2078 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
2079 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7  
2080 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
2081 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
2082 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
2083 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
2084 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),  
2085 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
2086 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
2087 719.103(25) ~~719.103(24)~~ AND 719.106(1)(k), FLORIDA STATUTES, IF  
2088 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
2089 TERMINATE AT CLOSING.

2090  
2091 A contract that does not conform to the requirements of this  
2092 paragraph is voidable at the option of the purchaser before  
2093 closing.

2094 Section 33. Paragraph (d) of subsection (2) of section  
2095 720.3085, Florida Statutes, is amended to read:

2096 720.3085 Payment for assessments; lien claims.—

2097 (2)

2098 (d) An association, or its successor or assignee, that  
2099 acquires title to a parcel through the foreclosure of its lien  
2100 for assessments is not liable for any unpaid assessments, late

2101 fees, interest, or reasonable attorney's fees and costs that  
2102 came due before the association's acquisition of title in favor  
2103 of any other association, as defined in s. 718.103 or s.  
2104 720.301(10) ~~s. 720.301(9)~~, which holds a superior lien interest  
2105 on the parcel. This paragraph is intended to clarify existing  
2106 law.

2107 Section 34. For the purpose of incorporating the amendment  
2108 made by this act to section 720.3035, Florida Statutes, in a  
2109 reference thereto, subsection (9) of section 617.0825, Florida  
2110 Statutes, is reenacted to read:

2111 617.0825 Board committees and advisory committees.—

2112 (9) This section does not apply to a committee established  
2113 under chapter 718, chapter 719, or chapter 720 to perform the  
2114 functions set forth in s. 718.303(3), s. 719.303(3), s.  
2115 720.3035(1), s. 720.305(2), or s. 720.405, respectively.

2116 Section 35. This act shall take effect July 1, 2026.