

By Senator McClain

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1 A bill to be entitled
2 An act relating to land use and development
3 regulations; amending s. 163.3162, F.S.; revising a
4 statement of legislative purpose; deleting language
5 authorizing the owner of an agricultural enclave to
6 apply for a comprehensive plan amendment; authorizing
7 such owner to instead apply for administrative
8 approval of a development regardless of future land
9 use designations or comprehensive plan conflicts under
10 certain circumstances; deleting a certain presumption
11 of urban sprawl; requiring that an authorized
12 development be treated as a conforming use;
13 prohibiting a local government from enacting or
14 enforcing certain regulations or laws; requiring
15 administrative approval of such development if it
16 complies with certain requirements; conforming
17 provisions to changes made by the act; amending s.
18 163.3164, F.S.; revising the definition of the terms
19 "agricultural enclave" and "compatibility"; defining
20 the terms "infill residential development" and
21 "contiguous"; amending s. 163.3177, F.S.; prohibiting
22 a comprehensive plan from making a certain mandate;
23 prohibiting optional elements of a local comprehensive
24 plan from containing certain policies; requiring the
25 use of certain consistent data, where relevant, unless
26 an applicant can make a certain justification;
27 amending s. 163.31801, F.S.; defining the term
28 "extraordinary circumstance"; amending s. 163.3184,
29 F.S.; requiring a supermajority vote for the adoption

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30 of certain comprehensive plans and plan amendments;
31 authorizing owners of property subject to a
32 comprehensive plan amendment and persons applying for
33 comprehensive plan amendments to file civil actions
34 for relief in certain circumstances; providing
35 requirements for such actions; authorizing such owners
36 and applicants to use certain dispute resolution
37 procedures; amending s. 163.3202, F.S.; requiring that
38 local land development regulations establish by a
39 specified date minimum lot sizes within certain zoning
40 districts to accommodate the authorized maximum
41 density; requiring the approval of infill residential
42 development applications in certain circumstances;
43 requiring the treatment of certain developments as a
44 conforming use; amending s. 720.301, F.S.; revising
45 and providing definitions; amending s. 720.302, F.S.;
46 revising applicability of the Homeowners' Association
47 Act; amending s. 720.3086, F.S.; revising the persons
48 to whom and the method by which a certain financial
49 report must be made available; creating s. 720.319,
50 F.S.; specifying that certain parcels may be subject
51 to a recreational covenant and that certain
52 recreational facilities and amenities are not a part
53 of a common area; prohibiting the imposition or
54 collection of amenity dues except as provided in a
55 recreational covenant; providing requirements for
56 certain recreational covenants recorded on or after a
57 certain date; requiring that a recreational covenant
58 recorded before a certain date comply with specified

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59 requirements to remain valid and effective; limiting
60 the annual increases in amenity fees and amenity
61 expenses in certain circumstances; providing
62 construction; prohibiting a recreational covenant from
63 requiring an association to collect amenity dues;
64 requiring a specified disclosure summary for contracts
65 for the sale of certain parcels; providing
66 construction and retroactive application; amending ss.
67 212.055, 336.125, 479.01, 558.002, 617.0725, 718.116,
68 and 720.3085, F.S.; conforming cross-references;
69 providing an effective date.

70

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

72

73 Section 1. Subsections (1) and (4) of section 163.3162,
74 Florida Statutes, are amended to read:

75 163.3162 Agricultural lands and practices.—

76 (1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds
77 that agricultural production is a major contributor to the
78 economy of the state; that agricultural lands constitute unique
79 and irreplaceable resources of statewide importance; that the
80 continuation of agricultural activities preserves the landscape
81 and environmental resources of the state, contributes to the
82 increase of tourism, and furthers the economic self-sufficiency
83 of the people of the state; and that the encouragement,
84 development, and improvement of agriculture will result in a
85 general benefit to the health, safety, and welfare of the people
86 of the state. It is the purpose of this act to protect
87 reasonable agricultural activities conducted on farm lands from

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88 duplicative regulation and to protect the property rights of
89 agricultural land owners.

90 (4) ADMINISTRATIVE APPROVAL ~~AMENDMENT TO LOCAL GOVERNMENT~~
91 ~~COMPREHENSIVE PLAN.~~—The owner of a ~~parcel of~~ land defined as an
92 agricultural enclave under s. 163.3164 may apply for
93 administrative approval of development regardless of the future
94 land use map designation of the parcel or any conflicting
95 comprehensive plan goals, objectives, or policies if the owner's
96 request an amendment to the local government comprehensive plan
97 ~~pursuant to s. 163.3184.~~ Such amendment is presumed not to be
98 ~~urban sprawl as defined in s. 163.3164 if it~~ includes land uses
99 and densities and intensities of use that are consistent with
100 the approved uses and densities and intensities of use of the
101 industrial, commercial, or residential areas that surround the
102 parcel. ~~This presumption may be rebutted by clear and convincing~~
103 ~~evidence.~~ Each application for administrative approval a
104 ~~comprehensive plan amendment~~ under this subsection for a parcel
105 larger than 640 acres must include appropriate new urbanism
106 concepts such as clustering, mixed-use development, the creation
107 of rural village and city centers, and the transfer of
108 development rights in order to discourage urban sprawl while
109 protecting landowner rights. A development authorized under this
110 subsection must be treated as a conforming use, notwithstanding
111 the local government's comprehensive plan, future land use
112 designation, or zoning.

113 (a) A proposed development authorized under this subsection
114 must be administratively approved, and no further action by the
115 governing body of the local government is required. ~~A~~ The local
116 government may not enact or enforce any regulation or law for an

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117 agricultural enclave that is more burdensome than for other
118 types of applications for comparable densities or intensities of
119 use. Notwithstanding the future land use designation of the
120 agricultural enclave or whether it is included in an urban
121 service district, a local government must approve the
122 application if it otherwise complies with this subsection and
123 proposes only single-family residential, community gathering,
124 and recreational uses at a density that does not exceed the
125 average density allowed by a future land use designation on any
126 adjacent parcel that allows a density of at least one dwelling
127 unit per acre. A local government must treat an agricultural
128 enclave that is adjacent to an urban service district as if it
129 were within the urban service district and the owner of a parcel
130 of land that is the subject of an application for an amendment
131 shall have 180 days following the date that the local government
132 receives a complete application to negotiate in good faith to
133 reach consensus on the land uses and intensities of use that are
134 consistent with the uses and intensities of use of the
135 industrial, commercial, or residential areas that surround the
136 parcel. Within 30 days after the local government's receipt of
137 such an application, the local government and owner must agree
138 in writing to a schedule for information submittal, public
139 hearings, negotiations, and final action on the amendment, which
140 schedule may thereafter be altered only with the written consent
141 of the local government and the owner. Compliance with the
142 schedule in the written agreement constitutes good faith
143 negotiations for purposes of paragraph (c).

144 (b) ~~Upon conclusion of good faith negotiations under~~
145 ~~paragraph (a), regardless of whether the local government and~~

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146 ~~owner reach consensus on the land uses and intensities of use~~
147 ~~that are consistent with the uses and intensities of use of the~~
148 ~~industrial, commercial, or residential areas that surround the~~
149 ~~parcel, the amendment must be transmitted to the state land~~
150 ~~planning agency for review pursuant to s. 163.3184. If the local~~
151 ~~government fails to transmit the amendment within 180 days after~~
152 ~~receipt of a complete application, the amendment must be~~
153 ~~immediately transferred to the state land planning agency for~~
154 ~~such review. A plan amendment transmitted to the state land~~
155 ~~planning agency submitted under this subsection is presumed not~~
156 ~~to be urban sprawl as defined in s. 163.3164. This presumption~~
157 ~~may be rebutted by clear and convincing evidence.~~

158 ~~(c) If the owner fails to negotiate in good faith, a plan~~
159 ~~amendment submitted under this subsection is not entitled to the~~
160 ~~rebuttable presumption under this subsection in the negotiation~~
161 ~~and amendment process.~~

162 ~~(d)~~ Nothing within this subsection relating to agricultural
163 enclaves shall preempt or replace any protection currently
164 existing for any property located within the boundaries of the
165 following areas:

- 166 1. The Wekiva Study Area, as described in s. 369.316; or
- 167 2. The Everglades Protection Area, as defined in s.
- 168 373.4592(2).

169 Section 2. Present subsections (22) through (54) of section
170 163.3164, Florida Statutes, are redesignated as subsections (23)
171 through (55), respectively, a new subsection (22) is added to
172 that section, and subsections (4) and (9) of that section are
173 amended, to read:

174 163.3164 Community Planning Act; definitions.—As used in

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175 this act:

176 (4) "Agricultural enclave" means an unincorporated,
177 undeveloped parcel or parcels that:

178 (a) Are ~~is~~ owned by a single person or entity;

179 (b) Have ~~has~~ been in continuous use for bona fide
180 agricultural purposes, as defined by s. 193.461, for a period of
181 5 years before ~~prior to~~ the date of any comprehensive plan
182 amendment application;

183 (c) 1. Are ~~is~~ surrounded on at least 75 percent of their ~~its~~
184 perimeter by:

185 a.1. A parcel or parcels ~~Property~~ that have ~~has~~ existing
186 industrial, commercial, or residential development; or

187 b.2. A parcel or parcels ~~Property~~ that the local government
188 has designated, in the local government's comprehensive plan,
189 zoning map, and future land use map, as land that is to be
190 developed for industrial, commercial, or residential purposes,
191 and at least 75 percent of such parcel or parcels are ~~property~~
192 ~~is~~ existing industrial, commercial, or residential development;
193 or

194 2. Do not exceed 640 acres and are surrounded on at least
195 50 percent of their perimeter by a parcel or parcels that the
196 local government has designated in the local government's
197 comprehensive plan and future land use map as land that is to be
198 developed for industrial, commercial, or residential purposes;
199 and the parcel or parcels are surrounded on at least 50 percent
200 of their perimeter by a parcel or parcels within an urban
201 service district, area, or line;

202 (d) Have ~~Has~~ public services, including water, wastewater,
203 transportation, schools, and recreation facilities, available or

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204 such public services are scheduled in the capital improvement
205 element to be provided by the local government or can be
206 provided by an alternative provider of local government
207 infrastructure in order to ensure consistency with applicable
208 concurrency provisions of s. 163.3180; and

209 (e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel
210 or parcels are ~~property is~~ surrounded by existing or authorized
211 residential development that will result in a density at
212 buildout of at least 1,000 residents per square mile, then the
213 area shall be determined to be urban and the parcel or parcels
214 may not exceed 4,480 acres.

215
216 Where a right-of-way or canal exists along the perimeter of a
217 parcel, the perimeter calculations of the agricultural enclave
218 must be based on the parcel or parcels across the right-of-way
219 or canal.

220 (9) "Compatibility" means a condition in which land uses or
221 conditions can coexist in relative proximity to each other in a
222 stable fashion over time such that no use or condition is unduly
223 negatively impacted directly or indirectly by another use or
224 condition. All residential land use categories, residential
225 zoning categories, and housing types are compatible with each
226 other.

227 (22) "Infill residential development" means the development
228 of one or more parcels that are no more than 100 acres in size
229 within a future land use category that allows a residential use
230 and any zoning district that allows a residential use and which
231 parcels are contiguous with residential development on at least
232 50 percent of the parcels' boundaries. For purposes of this

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233 subsection, the term "contiguous" means touching, bordering, or
234 adjoining along a boundary and includes properties that would be
235 contiguous if not separated by a roadway, railroad, canal, or
236 other public easement.

237 Section 3. Paragraph (f) of subsection (1) and subsection
238 (2) of section 163.3177, Florida Statutes, are amended to read:

239 163.3177 Required and optional elements of comprehensive
240 plan; studies and surveys.—

241 (1) The comprehensive plan shall provide the principles,
242 guidelines, standards, and strategies for the orderly and
243 balanced future economic, social, physical, environmental, and
244 fiscal development of the area that reflects community
245 commitments to implement the plan and its elements. These
246 principles and strategies shall guide future decisions in a
247 consistent manner and shall contain programs and activities to
248 ensure comprehensive plans are implemented. The sections of the
249 comprehensive plan containing the principles and strategies,
250 generally provided as goals, objectives, and policies, shall
251 describe how the local government's programs, activities, and
252 land development regulations will be initiated, modified, or
253 continued to implement the comprehensive plan in a consistent
254 manner. It is not the intent of this part to require the
255 inclusion of implementing regulations in the comprehensive plan
256 but rather to require identification of those programs,
257 activities, and land development regulations that will be part
258 of the strategy for implementing the comprehensive plan and the
259 principles that describe how the programs, activities, and land
260 development regulations will be carried out. The plan shall
261 establish meaningful and predictable standards for the use and

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262 development of land and provide meaningful guidelines for the
263 content of more detailed land development and use regulations.

264 (f) All mandatory and optional elements of the
265 comprehensive plan and plan amendments shall be based upon
266 relevant and appropriate data and an analysis by the local
267 government that may include, but not be limited to, surveys,
268 studies, community goals and vision, and other data available at
269 the time of adoption of the comprehensive plan or plan
270 amendment. To be based on data means to react to it in an
271 appropriate way and to the extent necessary indicated by the
272 data available on that particular subject at the time of
273 adoption of the plan or plan amendment at issue.

274 1. Surveys, studies, and data utilized in the preparation
275 of the comprehensive plan may not be deemed a part of the
276 comprehensive plan unless adopted as a part of it. Copies of
277 such studies, surveys, data, and supporting documents for
278 proposed plans and plan amendments shall be made available for
279 public inspection, and copies of such plans shall be made
280 available to the public upon payment of reasonable charges for
281 reproduction. Support data or summaries are not subject to the
282 compliance review process, but the comprehensive plan must be
283 clearly based on appropriate data. Support data or summaries may
284 be used to aid in the determination of compliance and
285 consistency.

286 2. Data must be taken from professionally accepted sources.
287 The application of a methodology utilized in data collection or
288 whether a particular methodology is professionally accepted may
289 be evaluated. However, the evaluation may not include, and a
290 comprehensive plan may not mandate, whether one accepted

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291 methodology is better than another. Original data collection by
292 local governments is not required. However, local governments
293 may use original data so long as methodologies are
294 professionally accepted.

295 3. The comprehensive plan shall be based upon permanent and
296 seasonal population estimates and projections, which shall
297 either be those published by the Office of Economic and
298 Demographic Research or generated by the local government based
299 upon a professionally acceptable methodology. The plan must be
300 based on at least the minimum amount of land required to
301 accommodate the medium projections as published by the Office of
302 Economic and Demographic Research for at least a 10-year
303 planning period unless otherwise limited under s. 380.05,
304 including related rules of the Administration Commission. Absent
305 physical limitations on population growth, population
306 projections for each municipality, and the unincorporated area
307 within a county must, at a minimum, be reflective of each area's
308 proportional share of the total county population and the total
309 county population growth.

310 (2) Coordination of the required and optional ~~several~~
311 elements of the local comprehensive plan must ~~shall~~ be a major
312 objective of the planning process. The required and optional
313 ~~several~~ elements of the comprehensive plan must ~~shall~~ be
314 consistent. Optional elements of the comprehensive plan may not
315 contain policies that restrict the density or intensity
316 established in the future land use element. Where data is
317 relevant to required and optional ~~several~~ elements, consistent
318 data must ~~shall~~ be used, including population estimates and
319 projections unless alternative data can be justified by an

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320 applicant for a plan amendment through new supporting data and
321 analysis. Each map depicting future conditions must reflect the
322 principles, guidelines, and standards within all elements, and
323 each such map must be contained within the comprehensive plan.

324 Section 4. Present paragraphs (a) and (b) of subsection (3)
325 of section 163.31801, Florida Statutes, are redesignated as
326 paragraphs (b) and (c), respectively, a new paragraph (a) is
327 added to that subsection, and paragraph (g) of subsection (6) of
328 that section is republished, to read:

329 163.31801 Impact fees; short title; intent; minimum
330 requirements; audits; challenges.—

331 (3) For purposes of this section, the term:

332 (a) "Extraordinary circumstance" means an event that is
333 outside of the control of a local government, school district,
334 or special district and that prevents the local government,
335 school district, or special district from fulfilling the
336 objectives intended to be funded by an impact fee. The term
337 includes, but is not limited to, a natural disaster or other
338 major disruption to the security or health of the community or
339 geographic area served by the local government, school district,
340 or special district or a significant economic deterioration in
341 the community or geographic area served by the local government,
342 school district, or special district which directly and
343 adversely affects the local government, school district, or
344 special district. A funding deficiency that is not caused by
345 such an event is not an extraordinary circumstance.

346 (6) A local government, school district, or special
347 district may increase an impact fee only as provided in this
348 subsection.

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349 (g) A local government, school district, or special
350 district may increase an impact fee rate beyond the phase-in
351 limitations established under paragraph (b), paragraph (c),
352 paragraph (d), or paragraph (e) by establishing the need for
353 such increase in full compliance with the requirements of
354 subsection (4), provided the following criteria are met:

355 1. A demonstrated-need study justifying any increase in
356 excess of those authorized in paragraph (b), paragraph (c),
357 paragraph (d), or paragraph (e) has been completed within the 12
358 months before the adoption of the impact fee increase and
359 expressly demonstrates the extraordinary circumstances
360 necessitating the need to exceed the phase-in limitations.

361 2. The local government jurisdiction has held not less than
362 two publicly noticed workshops dedicated to the extraordinary
363 circumstances necessitating the need to exceed the phase-in
364 limitations set forth in paragraph (b), paragraph (c), paragraph
365 (d), or paragraph (e).

366 3. The impact fee increase ordinance is approved by at
367 least a two-thirds vote of the governing body.

368 Section 5. Paragraph (a) of subsection (11) of section
369 163.3184, Florida Statutes, is amended, and subsection (14) is
370 added to that section, to read:

371 163.3184 Process for adoption of comprehensive plan or plan
372 amendment.—

373 (11) PUBLIC HEARINGS.—

374 (a) The procedure for transmittal of a complete proposed
375 comprehensive plan or plan amendment pursuant to subparagraph
376 (3) (b) 1. and paragraph (4) (b) and for adoption of a
377 comprehensive plan or plan amendment pursuant to subparagraphs

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378 (3) (c)1. and (4) (e)1. shall be by affirmative vote of ~~not less~~
379 ~~than~~ a majority of the members of the governing body present at
380 the hearing. The adoption of a comprehensive plan or plan
381 amendment shall be by ordinance approved by affirmative vote of
382 a majority of the members of the governing body present at the
383 hearing, except that the adoption of a comprehensive plan or
384 plan amendment that contains more restrictive or burdensome
385 procedures concerning development, including, but not limited
386 to, the review, approval, or issuance of a site plan,
387 development permit, or development order, must be by affirmative
388 vote of a supermajority of the members of the governing body.
389 For the purposes of transmitting or adopting a comprehensive
390 plan or plan amendment, the notice requirements in chapters 125
391 and 166 are superseded by this subsection, except as provided in
392 this part.

393 (14) REVIEW OF APPLICATION.—An owner of real property
394 subject to a comprehensive plan amendment, or a person applying
395 for a comprehensive plan amendment that is not adopted by the
396 local government and who is not provided the opportunity for a
397 hearing within 180 days after the filing of the application, may
398 file a civil action for declaratory, injunctive, or other
399 relief, which must be reviewed de novo. The local government has
400 the burden of proving by a preponderance of the evidence that
401 the application is inconsistent with the local government's
402 comprehensive plan. The court may not use a deferential standard
403 for the benefit of the local government. The court shall
404 independently determine whether the local government's existing
405 comprehensive plan is in compliance. Before initiating such an
406 action, the owner or applicant may use the dispute resolution

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407 procedures under s. 70.51.

408 Section 6. Present paragraphs (b) through (j) of subsection
409 (2) of section 163.3202, Florida Statutes, are redesignated as
410 paragraphs (c) through (k), respectively, a new paragraph (b) is
411 added to that subsection, and subsection (8) is added to that
412 section, to read:

413 163.3202 Land development regulations.-

414 (2) Local land development regulations shall contain
415 specific and detailed provisions necessary or desirable to
416 implement the adopted comprehensive plan and shall at a minimum:

417 (b) By January 1, 2026, establish minimum lot sizes within
418 single-family, two-family, and fee simple, single-family
419 townhouse zoning districts, including planned unit development
420 and site plan controlled zoning districts allowing these uses,
421 to accommodate and achieve the maximum density authorized in the
422 comprehensive plan, net of the land area required to be set
423 aside for subdivision roads, sidewalks, stormwater ponds, open
424 space, and landscape buffers and any other land area required to
425 be set aside pursuant to mandatory land development regulations
426 which could otherwise be used for the development of single-
427 family homes, two-family homes, and fee simple, single-family
428 townhouses.

429 (8) Notwithstanding any ordinance to the contrary, an
430 application for an infill residential development must be
431 administratively approved without requiring a comprehensive plan
432 amendment, rezoning, variance, or any other public hearing by
433 any board or reviewing body if the proposed infill residential
434 development is consistent with current development standards and
435 the density of the proposed infill residential development is

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436 the same as the average density of contiguous properties. A
437 development authorized under this subsection must be treated as
438 a conforming use, notwithstanding the local government's
439 comprehensive plan, future land use designation, or zoning.

440 Section 7. Present subsections (1) through (12) and (13) of
441 section 720.301, Florida Statutes, are redesignated as
442 subsections (4) through (15) and (17), respectively, new
443 subsections (1), (2), and (3) and subsection (16) are added to
444 that section, and present subsections (1), (8), and (10) of that
445 section are amended, to read:

446 720.301 Definitions.—As used in this chapter, the term:

447 (1) "Amenity dues" means amenity expenses and amenity fees,
448 if any, in any combination, charged in accordance with a
449 recreational covenant. The term does not include the expenses of
450 a homeowners' association.

451 (2) "Amenity expenses" means the costs of owning,
452 operating, managing, maintaining, and insuring privately owned
453 commercial recreational facilities or amenities made available
454 to parcel owners pursuant to a recreational covenant, whether
455 directly or indirectly. The term includes, but is not limited
456 to, maintenance, cleaning fees, trash collection, utility
457 charges, cable service charges, legal fees, management fees,
458 reserves, repairs, replacements, refurbishments, payroll and
459 payroll costs, insurance, working capital, and ad valorem or
460 other taxes, costs, expenses, levies, and charges of any nature
461 which may be levied or imposed against, or in connection with,
462 the commercial recreational facilities or amenities made
463 available to parcel owners pursuant to a recreational covenant.
464 The term does not include income taxes or the initial cost of

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465 construction of recreational facilities or amenities.

466 (3) "Amenity fee" means any amounts, other than amenity
467 expenses, due in accordance with a recreational covenant which
468 are levied against parcel owners for recreational memberships or
469 use. An amenity fee may be composed in part of profit or other
470 components to be paid to a private third-party commercial
471 recreational facility or amenity owner, which may be the
472 developer, as provided in a recreational covenant. The term does
473 not include the expenses of a homeowners' association.

474 (4)-(1) "Assessment" or "amenity fee" means a sum or sums of
475 money payable to the association, to the developer or other
476 owner of common areas, or to recreational facilities and other
477 properties serving the parcels by the owners of one or more
478 parcels as authorized in the governing documents, which if not
479 paid by the owner of a parcel, can result in a lien against the
480 parcel by the association. The term does not include amenity
481 dues, amenity expenses, or amenity fees.

482 (11)-(8) "Governing documents" means:

483 (a) the recorded declaration of covenants for a community
484 and all duly adopted and recorded amendments, supplements, and
485 recorded exhibits thereto; and

486 (b) the articles of incorporation and bylaws of the
487 homeowners' association and any duly adopted amendments thereto.
488 The term does not include recreational covenants respecting
489 commercial recreational facilities or amenities, regardless of
490 whether such recreational covenants are attached as exhibits to
491 a declaration of covenants for a community.

492 (13)-(10) "Member" means a member of an association, and may
493 include, but is not limited to, a parcel owner or an association

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494 representing parcel owners or a combination thereof, and
495 includes any person or entity obligated by the governing
496 documents to pay an assessment to the association ~~or amenity~~
497 ~~fee~~.

498 (16) "Recreational covenant" means a recorded covenant,
499 separate and distinct from a declaration of covenants, which
500 provides the nature and requirements of a membership in or the
501 use or purchase of privately owned commercial recreational
502 facilities or amenities for parcel owners in one or more
503 communities or community development districts and which:

504 (a) Is recorded in the public records of the county in
505 which the recreational facility or amenity or a property
506 encumbered thereby is located;

507 (b) Contains information regarding the amenity dues that
508 may be imposed on members and other persons permitted to use the
509 recreational facility or amenity and remedies that the
510 recreational facility or amenity owner or other third party may
511 have upon nonpayment of such amenity fees; and

512 (c) Requires mandatory membership or mandatory payment of
513 amenity dues by some or all of the parcel owners in a community.

514 Section 8. Subsection (3) of section 720.302, Florida
515 Statutes, is amended, and subsection (6) is added to that
516 section, to read:

517 720.302 Purposes, scope, and application.—

518 (3) This chapter does not apply to:

519 (a) A community that is composed of property primarily
520 intended for commercial, industrial, or other nonresidential
521 use; or

522 (b) The commercial or industrial parcels, including amenity

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523 or recreational properties governed by a recreational covenant,
524 in a community that contains both residential parcels and
525 parcels intended for commercial or industrial use.

526 (6) This chapter does not apply to recreational covenants
527 or recreational facilities or amenities governed by a
528 recreational covenant except as provided in ss. 720.3086 and
529 720.319.

530 Section 9. Section 720.3086, Florida Statutes, is amended
531 to read:

532 720.3086 Financial report.—In a residential subdivision in
533 which the owners of lots or parcels must pay ~~mandatory~~
534 ~~maintenance or amenity dues fees~~ to the subdivision developer or
535 to the owners of the ~~common areas,~~ recreational facilities and
536 amenities, and other properties serving the lots or parcels, the
537 developer or owner of such ~~areas,~~ facilities or amenities, or
538 properties shall make public, within 60 days following the end
539 of each fiscal year, a complete financial report of the actual,
540 total receipts of ~~mandatory maintenance or amenity dues fees~~
541 received by it, and an itemized listing of the expenditures made
542 for the operational costs, expenses, or other amounts expended
543 for the operation of such facilities or amenities or properties
544 by it from such fees, for that year. Such report shall be made
545 public by mailing it to each ~~lot or~~ parcel owner in the
546 subdivision who is subject to the payment of such amenity dues,
547 by publishing a notice of availability for inspection ~~it~~ in a
548 publication regularly distributed within the subdivision, or by
549 posting a notice of availability for inspection ~~it~~ in a
550 prominent location ~~locations~~ in the subdivision and in each such
551 facility or amenity or property. The report must also be made

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552 available to a parcel owner within the subdivision who makes a
553 written request to inspect the report. This section does not
554 apply to assessments or other amounts paid to homeowner
555 associations pursuant to chapter 617, chapter 718, chapter 719,
556 chapter 721, or chapter 723, or to amounts paid to local
557 governmental entities, including special districts.

558 Section 10. Section 720.319, Florida Statutes, is created
559 to read:

560 720.319 Parcels subject to a recreational covenant.-

561 (1) A parcel within a community may be subject to a
562 recreational covenant. Recreational facilities and amenities
563 governed by a recreational covenant are not a part of a common
564 area.

565 (2) Amenity dues may only be imposed and collected as
566 provided in a recreational covenant.

567 (3) A recreational covenant recorded on or after July 1,
568 2025, which creates mandatory membership in a club or imposes
569 mandatory amenity dues on parcel owners must specify all of the
570 following:

571 (a) The parcels within the community which are or will be
572 subject to mandatory membership in a club or to the imposition
573 of mandatory amenity dues.

574 (b) The person responsible for owning, maintaining, and
575 operating the recreational facility or amenity governed by the
576 recreational covenant, which may be the developer.

577 (c) The manner in which amenity dues are apportioned and
578 collected from each encumbered parcel owner, and the person
579 authorized to collect such dues. The recreational covenant must
580 specify the components that comprise the amenity dues, which may

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581 include any combination of the amenity expenses or amenity fees.

582 (d) The amount of any amenity fees included in the amenity
583 dues. If the amount of such amenity fees is not specified, the
584 recreational covenant must specify the manner in which such fees
585 are calculated.

586 (e) The manner in which amenity fees may be increased,
587 which increase may occur periodically by a fixed percentage, a
588 fixed dollar amount, or in accordance with increases in the
589 consumer price index.

590 (f) The collection rights and remedies that are available
591 for enforcing payment of amenity dues.

592 (g) A statement of whether collection rights to enforce
593 payment of amenity dues are subordinate to an association's
594 right to collect assessments.

595 (h) A statement of whether the recreational facility or
596 amenity is open to the public or may be used by persons who are
597 not members or parcel owners within the community.

598 (4) (a) A recreational covenant recorded before July 1,
599 2025, must comply with the requirements of paragraphs (3) (a)-(d)
600 by July 1, 2026, to remain valid and effective after that date.

601 (b) If a recreational covenant recorded before July 1,
602 2025, does not specify the manner in which amenity fees may be
603 increased as required by paragraph (3) (e), the increase in such
604 amenity fees is limited to a maximum annual increase in an
605 amount equal to the annual increase in the Consumer Price Index
606 for All Urban Consumers, U.S. City Average, All Items.

607 (5) A recreational covenant that does not specify the
608 amount by which amenity expenses may be increased is limited to
609 a maximum annual increase of 25 percent of the amenity expenses

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610 from the preceding fiscal year. This limitation does not
 611 prohibit an increase in amenity expenses resulting from a
 612 natural disaster, an act of God, an increase in insurance costs,
 613 an increase in utility rates, an increase in supply costs, an
 614 increase in labor rates, or any other circumstance outside of
 615 the reasonable control of the owner or other person responsible
 616 for maintaining or operating the recreational facility or
 617 amenity governed by the recreational covenant.

618 (6) A recreational covenant may not require an association
 619 to collect amenity dues on behalf of a private third-party
 620 commercial recreational facility or amenity owner. The private
 621 third-party commercial recreational facility or amenity owner is
 622 solely responsible for the collection of such dues.

623 (7) Beginning July 1, 2025, each contract for the sale of a
 624 parcel by a developer or builder to a third party which is
 625 governed by an association but is also subject to a recreational
 626 covenant must contain in conspicuous type a clause that
 627 substantially states:

628
 629 DISCLOSURE SUMMARY

630
 631 YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A
 632 RECREATIONAL COVENANT. AS A PURCHASER OF PROPERTY
 633 SUBJECT TO THE RECREATIONAL COVENANT, YOU WILL BE
 634 OBLIGATED TO PAY AMENITY DUES TO A PRIVATE THIRD-PARTY
 635 COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER.

636
 637 BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:
 638

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639 (1) THE RECREATIONAL FACILITY OR AMENITY GOVERNED BY
640 THE RECREATIONAL COVENANT IS NOT A COMMON AREA OF THE
641 HOMEOWNERS' ASSOCIATION AND IS NOT OWNED OR CONTROLLED
642 BY THE HOMEOWNERS' ASSOCIATION. THE RECREATIONAL
643 COVENANT IS NOT A GOVERNING DOCUMENT OF THE
644 ASSOCIATION.

645
646 (2) CHARGES FOR AMENITY DUES WILL BE GOVERNED BY THE
647 RECREATIONAL COVENANT. THE RECREATIONAL COVENANT
648 CONTAINS IMPORTANT PROVISIONS AND RIGHTS AND IS OR
649 WILL BE AVAILABLE IN THE PUBLIC RECORDS OF THE COUNTY.

650
651 (3) THE PARTY THAT CONTROLS THE MAINTENANCE AND
652 OPERATION OF THE RECREATIONAL FACILITY OR AMENITY
653 DETERMINES THE BUDGET FOR THE OPERATION AND
654 MAINTENANCE OF SUCH RECREATIONAL FACILITY OR AMENITY.
655 HOWEVER, THE PARCEL OWNERS SUBJECT TO THE RECREATIONAL
656 COVENANT ARE STILL RESPONSIBLE FOR AMENITY DUES.

657
658 (4) AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE.
659 AMENITY DUES ARE IN ADDITION TO, AND SEPARATE AND
660 DISTINCT FROM, ASSESSMENTS LEVIED BY THE HOMEOWNERS'
661 ASSOCIATION.

662
663 (5) FAILURE TO PAY AMENITY DUES OR OTHER CHARGES
664 IMPOSED BY A PRIVATE THIRD-PARTY COMMERCIAL
665 RECREATIONAL FACILITY OR AMENITY OWNER MAY RESULT IN A
666 LIEN ON YOUR PROPERTY.

667

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668 (6) THIRD PARTIES WHO ARE NOT MEMBERS OF THE
669 HOMEOWNERS' ASSOCIATION MAY HAVE THE RIGHT TO ACCESS
670 AND USE THE RECREATIONAL FACILITY OR AMENITY, AS
671 DETERMINED BY THE ENTITY THAT CONTROLS SUCH
672 PROPERTIES.

673

674 (7) MANDATORY MEMBERSHIP REQUIREMENTS OR OTHER
675 OBLIGATIONS TO PAY AMENITY DUES CAN BE FOUND IN THE
676 RECREATIONAL COVENANT OR OTHER RECORDED INSTRUMENT.

677

678 (8) THE PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL
679 FACILITY OR AMENITY OWNER MAY HAVE THE RIGHT TO AMEND
680 THE RECREATIONAL COVENANT WITHOUT THE APPROVAL OF
681 MEMBERS OR PARCEL OWNERS, SUBJECT TO THE TERMS OF THE
682 RECREATIONAL COVENANT AND SECTION 720.319, FLORIDA
683 STATUTES.

684

685 (9) THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM
686 ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE
687 PURCHASER, YOU SHOULD REFER TO THE RECREATIONAL
688 COVENANTS BEFORE PURCHASE. THE RECREATIONAL COVENANT
689 IS EITHER A MATTER OF PUBLIC RECORD AND CAN BE
690 OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE
691 THE PROPERTY IS LOCATED OR IS NOT RECORDED AND CAN BE
692 OBTAINED FROM THE DEVELOPER.

693

694 (8) This section may not be construed to impair the
695 validity or effectiveness of a recreational covenant recorded
696 before July 1, 2025, except as provided in paragraph (4) (a).

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697 Section 11. The amendments made to ss. 720.301 and 720.302,
698 Florida Statutes, and s. 720.319(1), Florida Statutes, as
699 created by this act, are intended to clarify existing law and
700 shall apply retroactively, but do not revive or reinstate any
701 right or interest that has been fully and finally adjudicated as
702 invalid before July 1, 2025.

703 Section 12. Paragraph (d) of subsection (2) of section
704 212.055, Florida Statutes, is amended to read:

705 212.055 Discretionary sales surtaxes; legislative intent;
706 authorization and use of proceeds.—It is the legislative intent
707 that any authorization for imposition of a discretionary sales
708 surtax shall be published in the Florida Statutes as a
709 subsection of this section, irrespective of the duration of the
710 levy. Each enactment shall specify the types of counties
711 authorized to levy; the rate or rates which may be imposed; the
712 maximum length of time the surtax may be imposed, if any; the
713 procedure which must be followed to secure voter approval, if
714 required; the purpose for which the proceeds may be expended;
715 and such other requirements as the Legislature may provide.
716 Taxable transactions and administrative procedures shall be as
717 provided in s. 212.054.

718 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

719 (d) The proceeds of the surtax authorized by this
720 subsection and any accrued interest shall be expended by the
721 school district, within the county and municipalities within the
722 county, or, in the case of a negotiated joint county agreement,
723 within another county, to finance, plan, and construct
724 infrastructure; to acquire any interest in land for public
725 recreation, conservation, or protection of natural resources or

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726 to prevent or satisfy private property rights claims resulting
727 from limitations imposed by the designation of an area of
728 critical state concern; to provide loans, grants, or rebates to
729 residential or commercial property owners who make energy
730 efficiency improvements to their residential or commercial
731 property, if a local government ordinance authorizing such use
732 is approved by referendum; or to finance the closure of county-
733 owned or municipally owned solid waste landfills that have been
734 closed or are required to be closed by order of the Department
735 of Environmental Protection. Any use of the proceeds or interest
736 for purposes of landfill closure before July 1, 1993, is
737 ratified. The proceeds and any interest may not be used for the
738 operational expenses of infrastructure, except that a county
739 that has a population of fewer than 75,000 and that is required
740 to close a landfill may use the proceeds or interest for long-
741 term maintenance costs associated with landfill closure.
742 Counties, as defined in s. 125.011, and charter counties may, in
743 addition, use the proceeds or interest to retire or service
744 indebtedness incurred for bonds issued before July 1, 1987, for
745 infrastructure purposes, and for bonds subsequently issued to
746 refund such bonds. Any use of the proceeds or interest for
747 purposes of retiring or servicing indebtedness incurred for
748 refunding bonds before July 1, 1999, is ratified.

749 1. For the purposes of this paragraph, the term
750 "infrastructure" means:

751 a. Any fixed capital expenditure or fixed capital outlay
752 associated with the construction, reconstruction, or improvement
753 of public facilities that have a life expectancy of 5 or more
754 years, any related land acquisition, land improvement, design,

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755 and engineering costs, and all other professional and related
756 costs required to bring the public facilities into service. For
757 purposes of this sub-subparagraph, the term "public facilities"
758 means facilities as defined in s. 163.3164(42) ~~s. 163.3164(41)~~,
759 s. 163.3221(13), or s. 189.012(5), and includes facilities that
760 are necessary to carry out governmental purposes, including, but
761 not limited to, fire stations, general governmental office
762 buildings, and animal shelters, regardless of whether the
763 facilities are owned by the local taxing authority or another
764 governmental entity.

765 b. A fire department vehicle, an emergency medical service
766 vehicle, a sheriff's office vehicle, a police department
767 vehicle, or any other vehicle, and the equipment necessary to
768 outfit the vehicle for its official use or equipment that has a
769 life expectancy of at least 5 years.

770 c. Any expenditure for the construction, lease, or
771 maintenance of, or provision of utilities or security for,
772 facilities, as defined in s. 29.008.

773 d. Any fixed capital expenditure or fixed capital outlay
774 associated with the improvement of private facilities that have
775 a life expectancy of 5 or more years and that the owner agrees
776 to make available for use on a temporary basis as needed by a
777 local government as a public emergency shelter or a staging area
778 for emergency response equipment during an emergency officially
779 declared by the state or by the local government under s.
780 252.38. Such improvements are limited to those necessary to
781 comply with current standards for public emergency evacuation
782 shelters. The owner must enter into a written contract with the
783 local government providing the improvement funding to make the

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784 private facility available to the public for purposes of
785 emergency shelter at no cost to the local government for a
786 minimum of 10 years after completion of the improvement, with
787 the provision that the obligation will transfer to any
788 subsequent owner until the end of the minimum period.

789 e. Any land acquisition expenditure for a residential
790 housing project in which at least 30 percent of the units are
791 affordable to individuals or families whose total annual
792 household income does not exceed 120 percent of the area median
793 income adjusted for household size, if the land is owned by a
794 local government or by a special district that enters into a
795 written agreement with the local government to provide such
796 housing. The local government or special district may enter into
797 a ground lease with a public or private person or entity for
798 nominal or other consideration for the construction of the
799 residential housing project on land acquired pursuant to this
800 sub-subparagraph.

801 f. Instructional technology used solely in a school
802 district's classrooms. As used in this sub-subparagraph, the
803 term "instructional technology" means an interactive device that
804 assists a teacher in instructing a class or a group of students
805 and includes the necessary hardware and software to operate the
806 interactive device. The term also includes support systems in
807 which an interactive device may mount and is not required to be
808 affixed to the facilities.

809 2. For the purposes of this paragraph, the term "energy
810 efficiency improvement" means any energy conservation and
811 efficiency improvement that reduces consumption through
812 conservation or a more efficient use of electricity, natural

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813 gas, propane, or other forms of energy on the property,
814 including, but not limited to, air sealing; installation of
815 insulation; installation of energy-efficient heating, cooling,
816 or ventilation systems; installation of solar panels; building
817 modifications to increase the use of daylight or shade;
818 replacement of windows; installation of energy controls or
819 energy recovery systems; installation of electric vehicle
820 charging equipment; installation of systems for natural gas fuel
821 as defined in s. 206.9951; and installation of efficient
822 lighting equipment.

823 3. Notwithstanding any other provision of this subsection,
824 a local government infrastructure surtax imposed or extended
825 after July 1, 1998, may allocate up to 15 percent of the surtax
826 proceeds for deposit into a trust fund within the county's
827 accounts created for the purpose of funding economic development
828 projects having a general public purpose of improving local
829 economies, including the funding of operational costs and
830 incentives related to economic development. The ballot statement
831 must indicate the intention to make an allocation under the
832 authority of this subparagraph.

833 Section 13. Paragraph (a) of subsection (1) of section
834 336.125, Florida Statutes, is amended to read:

835 336.125 Closing and abandonment of roads; optional
836 conveyance to homeowners' association; traffic control
837 jurisdiction.—

838 (1)(a) In addition to the authority provided in s. 336.12,
839 the governing body of the county may abandon the roads and
840 rights-of-way dedicated in a recorded residential subdivision
841 plat and simultaneously convey the county's interest in such

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842 roads, rights-of-way, and appurtenant drainage facilities to a
843 homeowners' association for the subdivision, if the following
844 conditions have been met:

845 1. The homeowners' association has requested the
846 abandonment and conveyance in writing for the purpose of
847 converting the subdivision to a gated neighborhood with
848 restricted public access.

849 2. No fewer than four-fifths of the owners of record of
850 property located in the subdivision have consented in writing to
851 the abandonment and simultaneous conveyance to the homeowners'
852 association.

853 3. The homeowners' association is both a corporation not
854 for profit organized and in good standing under chapter 617, and
855 a "homeowners' association" as defined in s. 720.301 ~~s.~~
856 ~~720.301(9)~~ with the power to levy and collect assessments for
857 routine and periodic major maintenance and operation of street
858 lighting, drainage, sidewalks, and pavement in the subdivision.

859 4. The homeowners' association has entered into and
860 executed such agreements, covenants, warranties, and other
861 instruments; has provided, or has provided assurance of, such
862 funds, reserve funds, and funding sources; and has satisfied
863 such other requirements and conditions as may be established or
864 imposed by the county with respect to the ongoing operation,
865 maintenance, and repair and the periodic reconstruction or
866 replacement of the roads, drainage, street lighting, and
867 sidewalks in the subdivision after the abandonment by the
868 county.

869 Section 14. Subsection (29) of section 479.01, Florida
870 Statutes, is amended to read:

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871 479.01 Definitions.—As used in this chapter, the term:
872 (29) "Zoning category" means the designation under the land
873 development regulations or other similar ordinance enacted to
874 regulate the use of land as provided in s. 163.3202(2)(c) ~~s.~~
875 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
876 restrictions, and limitations on use applicable to properties
877 within the category.

878 Section 15. Subsection (2) of section 558.002, Florida
879 Statutes, is amended to read:

880 558.002 Definitions.—As used in this chapter, the term:

881 (2) "Association" has the same meaning as in s. 718.103, s.
882 719.103(2), s. 720.301(12) ~~s. 720.301(9)~~, or s. 723.075.

883 Section 16. Section 617.0725, Florida Statutes, is amended
884 to read:

885 617.0725 Quorum.—An amendment to the articles of
886 incorporation or the bylaws which adds, changes, or deletes a
887 greater or lesser quorum or voting requirement must meet the
888 same quorum or voting requirement and be adopted by the same
889 vote and voting groups required to take action under the quorum
890 and voting requirements then in effect or proposed to be
891 adopted, whichever is greater. This section does not apply to
892 any corporation that is an association, as defined in s.
893 720.301(12) ~~s. 720.301(9)~~, or any corporation regulated under
894 chapter 718 or chapter 719.

895 Section 17. Paragraph (b) of subsection (1) of section
896 718.116, Florida Statutes, is amended to read:

897 718.116 Assessments; liability; lien and priority;
898 interest; collection.—

899 (1)

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

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

909 b. One percent of the original mortgage debt. The
910 provisions of this paragraph apply only if the first mortgagee
911 joined the association as a defendant in the foreclosure action.
912 Joinder of the association is not required if, on the date the
913 complaint is filed, the association was dissolved or did not
914 maintain an office or agent for service of process at a location
915 which was known to or reasonably discoverable by the mortgagee.

916 2. An association, or its successor or assignee, that
917 acquires title to a unit through the foreclosure of its lien for
918 assessments is not liable for any unpaid assessments, late fees,
919 interest, or reasonable attorney's fees and costs that came due
920 before the association's acquisition of title in favor of any
921 other association, as defined in s. 718.103 or s. 720.301(12) ~~s.~~
922 ~~720.301(9)~~, which holds a superior lien interest on the unit.
923 This subparagraph is intended to clarify existing law.

924 Section 18. Paragraph (d) of subsection (2) of section
925 720.3085, Florida Statutes, is amended to read:

926 720.3085 Payment for assessments; lien claims.—

927 (2)

928 (d) An association, or its successor or assignee, that

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929 acquires title to a parcel through the foreclosure of its lien
930 for assessments is not liable for any unpaid assessments, late
931 fees, interest, or reasonable attorney's fees and costs that
932 came due before the association's acquisition of title in favor
933 of any other association, as defined in s. 718.103 or s.
934 720.301(12) ~~s. 720.301(9)~~, which holds a superior lien interest
935 on the parcel. This paragraph is intended to clarify existing
936 law.

937 Section 19. This act shall take effect July 1, 2025.