A bill to be entitled

An act relating to land use and development; amending ss. 125.022 and 166.033, F.S.; requiring counties and municipalities, respectively, to meet specified requirements regarding the minimum information necessary for certain zoning applications; revising timeframes for processing applications for approvals of development permits or development orders; defining the term "substantive change"; providing a refund requirement in situations in which the county or municipality, respectively, fails to meet certain timeframes; providing exceptions; amending s. 163.3162, F.S.; providing that production of ethanol from certain plants or plant products does not constitute chemical manufacturing or chemical refining; providing for construction and retroactive application; amending s. 163.3184, F.S.; providing that if comprehensive plan amendments are not adopted at a specified hearing, such amendments must be formally adopted within a certain time period or they are deemed withdrawn; increasing the time period within which comprehensive plan amendments must be transmitted; providing for construction and retroactive application; amending s. 163.3180, F.S.; prohibiting a school district from collecting,

charging, or imposing any alternative fee for concurrency for educational facilities that does not meet certain requirements; providing the burden of proof for legal action challenging such fees; amending s. 553.80, F.S.; specifying certain purposes for which local governments may use certain fees to carry out activities relating to obtaining or finalizing a building permit; amending s. 720.301, F.S.; revising and providing definitions; amending s. 720.302, F.S.; revising applicability of the Homeowners' Association Act; amending s. 720.3086, F.S.; revising the persons to whom and the method by which a certain financial report must be made available; creating s. 720.319, F.S.; specifying that certain parcels may be subject to a recreational covenant; providing that certain recreational facilities and amenities are not a part of a common area; prohibiting the imposition or collection of amenity dues except as provided in a recreational covenant; limiting the annual increase in amenity dues; providing requirements for certain recreational covenants recorded on or after a certain date; requiring that a recreational covenant recorded on or after a certain date comply with such requirements by a date certain to remain valid; prohibiting a recreational covenant from requiring an

association to collect amenity dues; providing that the termination of a recreational covenant or the right of a private amenity owner to suspend the right of a parcel owner to use a privately owned recreational facility or amenity may not prohibit certain actions of the owner or tenant; requiring a specified disclosure summary beginning on a date certain for contracts for the sale of certain parcels; providing construction; requiring such disclosure to be supplied by the developer or parcel owner; requiring any contract or agreement for sale of a parcel governed by a homeowners' association and subject to a recreational covenant to refer to and incorporate such disclosure after a date certain; authorizing the purchaser to void such contract or agreement if such disclosure is not provided; providing applicability; amending ss. 336.125, 558.002, 617.0725, 718.116, and 720.3085, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make such information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county's website.

(2) ~~(1)~~ Within 5 business days after receiving an application for approval of a development permit or development order, a county shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development

permit or development order within 120 days after the county has deemed the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)~~(2)~~(a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the

county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5) ~~(3)~~ When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6) ~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7) ~~(5)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(8) ~~(6)~~ Issuance of a development permit or development

order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9) ~~(7)~~ This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Subsection (5) is added to section 163.3162, Florida Statutes, to read:

163.3162 Agricultural lands and practices.—

(5) PRODUCTION OF ETHANOL.—Production of ethanol from plants or plant products as defined in s. 581.011 by fermentation, distillation, or drying does not constitute chemical manufacturing or chemical refining. This subsection is intended to be remedial and clarifying in nature and shall apply retroactively to any law, regulation, or ordinance or any interpretation thereof.

Section 3. Paragraph (c) of subsection (3) of section

163.3184, Florida Statutes, is amended to read:

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

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt the comprehensive plan amendments,~~ the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. If the amendments are not adopted at the second public hearing, the amendments shall be formally adopted by the local government within 180 days after the second public hearing is held or the amendments are deemed withdrawn ~~The 180-day limitation does not apply to amendments processed pursuant to s. 380.06~~.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 30 ~~10~~ working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the

comprehensive plan amendments within 30 ~~10~~ working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

a. The adoption ordinance or ordinances;

b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;

c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and

d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

This paragraph is remedial in nature, is intended to clarify

existing law, and shall apply retroactively to January 1, 2022.

Section 4. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make such information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2) ~~(1)~~ Within 5 business days after receiving an application for approval of a development permit or development order, a municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional

information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the municipality has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3) ~~(2)~~ (a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required

additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days

after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)~~(3)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6)~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7)~~(5)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8)~~(6)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)~~(7)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 5. Paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k),

and a new paragraph (j) is added to that subsection to read:

163.3180 Concurrency.—

(6)

(j) A school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the requirements of s. 163.31801(4)(f) and (g). In any action challenging a fee under this paragraph, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meets the requirements of state legal precedent.

Section 6. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated

annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit

processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government

activities not related to obtaining a building permit.

b. Inspections of public buildings for a reduced fee or no fee.

c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

a. Providing proof of licensure under chapter 489;

b. Recording or filing a license issued under this chapter;

c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or

d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 7. Subsections (1) through (12) and (13) of section 720.301, Florida Statutes, are renumbered as subsections (2) through (13) and (15), respectively, present subsections (1), (8), and (10) are amended, and a new subsection (1) and subsection (14) are added to that section, to read:

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

(1) "Amenity dues" means dues charged in accordance with a recreational covenant. The term does not include the expenses of a homeowners' association.

(2) ~~(1)~~ "Assessment" ~~or "amenity fee"~~ means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel by the association.

(9)(a) ~~(8)~~ "Governing documents" means:

1. ~~(a)~~ The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and

2. ~~(b)~~ The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

(b) Consistent with s. 720.302(3)(c), recreational

covenants respecting privately owned recreational amenities are not governing documents of an association, even if the recreational covenants are attached as exhibits to, or referenced in, a declaration of covenants.

(11) ~~(10)~~ "Member" means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment to the association ~~or amenity fee~~.

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

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

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

(c) Requires mandatory membership or mandatory payment of

amenity dues by some or all of the parcel owners in a community.

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

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

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

(b) The commercial or industrial parcels in a community that contains both residential parcels and parcels intended for commercial or industrial use; or

(c) Privately owned recreational amenities.

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

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

720.3086 Financial report.—In a residential subdivision in which the owners of lots or parcels must pay ~~mandatory maintenance or~~ amenity dues ~~fees~~ to the subdivision developer or to the owners of the ~~common areas,~~ recreational facilities, amenities, or ~~and~~ other properties serving the lots or parcels, the developer or owner of such ~~areas,~~ facilities, amenities, or

properties shall make public, within 60 days following the end of each fiscal year, a complete financial report of the actual, total receipts of ~~mandatory maintenance or~~ amenity dues ~~fees~~ received by it, and an itemized listing of the expenditures made for the operational costs, expenses, or other amounts expended for the operation of such facilities, amenities, or properties by it ~~from such fees,~~ for that year. Such report shall be made public by mailing it to each ~~lot or~~ parcel owner in the subdivision who is subject to the payment of such amenity dues, by publishing it in a publication regularly distributed within the subdivision, or by posting it in a prominent location ~~locations~~ in the subdivision and in each such facility, amenity, or property. The report must also be made available to a parcel owner within the subdivision who makes a written request to inspect the report. This section does not apply to assessments or other amounts paid to homeowner associations pursuant to chapter 617, chapter 718, chapter 719, chapter 721, or chapter 723, or to amounts paid to local governmental entities, including special districts.

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

720.319 Parcels subject to a recreational covenant.—

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

area.

(2) Amenity dues may only be imposed and collected as provided in a recreational covenant. Amenity dues may not be increased by more than 10 percent from the preceding fiscal year, unless the parcel owners subject to the recreational covenant, by a majority vote, approve an increase in excess of 10 percent.

(3) If the recreational facilities or amenities are intended to be converted to another use or sold, the parcels that are subject to mandatory membership in a club or to the imposition of mandatory amenity dues, or the association responsible for governing the parcels, shall have the right of first refusal to purchase the facilities or amenities at fair market value and shall be given notice at least 180 days before the intended conversion or sale. In the event that a recreational covenant recorded before October 1, 2025, contains a purchase price or formula for determining the purchase price, the terms of the recreational covenant shall govern the purchase and sale of the facilities or amenities.

(4) A recreational covenant recorded on or after October 1, 2025, which creates mandatory membership in a club or imposes mandatory amenity dues on parcel owners must specify all of the following:

(a) The parcels within the community which are or will be subject to mandatory membership in a club or to the imposition

of mandatory amenity dues.

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

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

(d) The manner in which amenity dues may be increased, which increase may occur periodically by a fixed percentage, a fixed dollar amount, or in accordance with increases in the Consumer Price Index for All Urban Consumers released in January of each year.

(e) The rights and remedies that are available relating to payment and collection of amenity dues.

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

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

(5) A recreational covenant recorded before October 1, 2025, must comply with the requirements of subsection (4) by October 1, 2026, to remain valid after that date.

(6) Notwithstanding any provision in a recreational

covenant to the contrary, a recreational covenant may not require an association to collect amenity dues on behalf of a private third-party commercial recreational facility or amenity owner. The private third-party commercial recreational facility or amenity owner is solely responsible for the collection of such dues.

(7) The termination of a recreational covenant or the right of a private amenity owner to suspend the right of a parcel owner to use a privately owned recreational facility or amenity may not:

(a) Prohibit an owner or a tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel;

(b) Prohibit an owner or a tenant of a parcel from receiving utilities provided to the parcel by virtue of utility facilities or utility easements located within the privately owned recreational facility or amenity; or

(c) Prohibit an owner or a tenant of a parcel from having access to any mail delivery facility serving the parcel which is located within the privately owned recreational facility or amenity.

(8) Beginning October 1, 2025, each contract for the sale of a parcel which is governed by an association and is also subject to a recreational covenant must contain in conspicuous type a clause that substantially states the following, if the contract does not already contain a disclosure that meets the

requirements of the Interstate Land Sales Full Disclosure Act of 1968, as amended:

DISCLOSURE SUMMARY

YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT, AS DEFINED IN SECTION 720.301, FLORIDA STATUTES. AS A PURCHASER OF PROPERTY SUBJECT TO THE RECREATIONAL COVENANT, YOU WILL BE OBLIGATED TO PAY AMENITY DUES TO A PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER.

PURCHASER ACKNOWLEDGES ALL OF THE FOLLOWING:

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

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

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

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

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

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

(7) MANDATORY MEMBERSHIP REQUIREMENTS OR OTHER

OBLIGATIONS TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT.

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

(9) THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO THE RECREATIONAL COVENANT BEFORE PURCHASE. THE RECREATIONAL COVENANT IS A MATTER OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED.

(9) This section may not be construed to impair the validity or effectiveness of a recreational covenant recorded before October 1, 2025, except as provided in subsection (5).

(10) The disclosure summary required by this section must be supplied by the developer or, if the sale is by a parcel owner that is not the developer, by the parcel owner. After October 1, 2025, any contract or agreement for sale of a parcel

which is governed by a homeowners' association and is also subject to a recreational covenant must refer to and incorporate the disclosure summary and must include, in prominent language, a statement that the prospective purchaser should not execute the contract or agreement until the purchaser has received and read the disclosure summary required by this section.

(11) After October 1, 2025, if the disclosure summary is not provided to a prospective purchaser as required by this section, the purchaser may void the contract by delivering to the seller or the seller's agent or representative written notice canceling the contract within 3 days after receipt of the disclosure summary or before closing, whichever occurs later. This right may not be waived by the purchaser but terminates at closing.

(12) This section does not apply to a corporation not for profit pursuant to chapter 617 or a local governmental entity, including, but not limited to, a special district created pursuant to chapter 189 or chapter 190.

Section 11. Paragraph (a) of subsection (1) of section 336.125, Florida Statutes, is amended to read:

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

(1)(a) In addition to the authority provided in s. 336.12, the governing body of the county may abandon the roads and

rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a homeowners' association for the subdivision, if the following conditions have been met:

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

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

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

4. The homeowners' association has entered into and executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation,

maintenance, and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.

Section 12. Subsection (2) of section 558.002, Florida Statutes, is amended to read:

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

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

Section 13. Section 617.0725, Florida Statutes, is amended to read:

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

Section 14. Paragraph (b) of subsection (1) of section 718.116, Florida Statutes, is amended to read:

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

(1)

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

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

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

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

Section 15. Paragraph (d) of subsection (2) of section 720.3085, Florida Statutes, is amended to read:

720.3085 Payment for assessments; lien claims.—

(2)

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

Section 16. This act shall take effect October 1, 2025.