1	A bill to be entitled
2	An act relating to land use and development; amending
3	ss. 125.022 and 166.033, F.S.; requiring counties and
4	municipalities, respectively, to meet specified
5	requirements regarding the minimum information
6	necessary for certain zoning applications; revising
7	timeframes for processing applications for approvals
8	of development permits or development orders; defining
9	the term "substantive change"; providing a refund
10	requirement in situations in which the county or
11	municipality, respectively, fails to meet certain
12	timeframes; providing exceptions; amending s.
13	163.3162, F.S.; providing that production of ethanol
14	from certain plants or plant products does not
15	constitute chemical manufacturing or chemical
16	refining; providing for construction and retroactive
17	application; amending s. 163.3184, F.S.; providing
18	that if comprehensive plan amendments are not adopted
19	at a specified hearing, such amendments must be
20	formally adopted within a certain time period or they
21	are deemed withdrawn; increasing the time period
22	within which comprehensive plan amendments must be
23	transmitted; providing for construction and
24	retroactive application; amending s. 163.3180, F.S.;
25	prohibiting a school district from collecting,

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26 charging, or imposing any alternative fee for 27 concurrency for educational facilities that does not 28 meet certain requirements; providing the burden of proof for legal action challenging such fees; amending 29 30 s. 553.80, F.S.; specifying certain purposes for which 31 local governments may use certain fees to carry out 32 activities relating to obtaining or finalizing a building permit; amending s. 720.301, F.S.; revising 33 and providing definitions; amending s. 720.302, F.S.; 34 35 revising applicability of the Homeowners' Association 36 Act; amending s. 720.3086, F.S.; revising the persons 37 to whom and the method by which a certain financial report must be made available; creating s. 720.319, 38 39 F.S.; specifying that certain parcels may be subject to a recreational covenant; providing that certain 40 41 recreational facilities and amenities are not a part of a common area; prohibiting the imposition or 42 43 collection of amenity dues except as provided in a recreational covenant; limiting the annual increase in 44 amenity dues; providing requirements for certain 45 recreational covenants recorded on or after a certain 46 47 date; requiring that a recreational covenant recorded 48 on or after a certain date comply with such 49 requirements by a date certain to remain valid; 50 prohibiting a recreational covenant from requiring an

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51	association to collect amenity dues; providing that
52	the termination of a recreational covenant or the
53	right of a private amenity owner to suspend the right
54	of a parcel owner to use a privately owned
55	recreational facility or amenity may not prohibit
56	certain actions of the owner or tenant; requiring a
57	specified disclosure summary beginning on a date
58	certain for contracts for the sale of certain parcels;
59	providing construction; requiring such disclosure to
60	be supplied by the developer or parcel owner;
61	requiring any contract or agreement for sale of a
62	parcel governed by a homeowners' association and
63	subject to a recreational covenant to refer to and
64	incorporate such disclosure after a date certain;
65	authorizing the purchaser to void such contract or
66	agreement if such disclosure is not provided;
67	providing applicability; amending ss. 336.125,
68	558.002, 617.0725, 718.116, and 720.3085, F.S.;
69	conforming cross-references; providing an effective
70	date.
71	
72	Be It Enacted by the Legislature of the State of Florida:
73	
74	Section 1. Section 125.022, Florida Statutes, is amended
75	to read:
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	r aye 5 01 50

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76 125.022 Development permits and orders.-77 (1) A county shall specify in writing the minimum 78 information that must be submitted in an application for a 79 zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall 80 81 make such information available for inspection and copying at 82 the location where the county receives applications for development permits and orders, provide the information to the 83 applicant at a preapplication meeting, or post the information 84 85 on the county's website. 86 (2) (1) Within 5 business days after receiving an 87 application for approval of a development permit or development order, a county shall confirm receipt of the application using 88 89 contact information provided by the applicant. Within 30 days 90 after receiving an application for approval of a development permit or development order, a county must review the 91 92 application for completeness and issue a written notification to 93 the applicant letter indicating that all required information is 94 submitted or specify in writing specifying with particularity 95 any areas that are deficient. If the application is deficient, 96 the applicant has 30 days to address the deficiencies by 97 submitting the required additional information. For applications that do not require final action through a quasi-judicial 98 hearing or a public hearing, the county must approve, approve 99 with conditions, or deny the application for a development 100

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101 permit or development order within 120 days after the county has 102 deemed the application complete., or 180 days For applications 103 that require final action through a quasi-judicial hearing or a 104 public hearing, the county must approve, approve with conditions, or deny the application for a development permit or 105 development order within 180 days after the county has deemed 106 the application complete. Both parties may agree in writing or 107 108 in a public meeting or hearing to a reasonable request for an 109 extension of time, particularly in the event of a force majeure 110 or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development 111 112 permit or development order must include written findings supporting the county's decision. The timeframes contained in 113 114 this subsection do not apply in an area of critical state 115 concern, as designated in s. 380.0552. The timeframes contained 116 in this subsection restart if an applicant makes a substantive 117 change to the application. As used in this subsection, the term 118 "substantive change" means an applicant-initiated change of 15 119 percent or more in the proposed density, intensity, or square 120 footage of a parcel.

121 <u>(3)(2)(a)</u> When reviewing an application for a development 122 permit or development order that is certified by a professional 123 listed in s. 403.0877, a county may not request additional 124 information from the applicant more than three times, unless the 125 applicant waives the limitation in writing.

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(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.

133 If a county makes a second request for additional (C) information and the applicant submits the required additional 134 information within 30 days after receiving the request, the 135 county must review the application for completeness and issue a 136 137 letter indicating that all required information has been 138 submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional 139 140 information.

Before a third request for additional information, the 141 (d) 142 applicant must be offered a meeting to attempt to resolve 143 outstanding issues. If a county makes a third request for 144 additional information and the applicant submits the required 145 additional information within 30 days after receiving the 146 request, the county must deem the application complete within 10 days after receiving the additional information or proceed to 147 process the application for approval or denial unless the 148 applicant waived the county's limitation in writing as described 149 150 in paragraph (a).

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151 Except as provided in subsection (7) (5), if the (e) 152 applicant believes the request for additional information is not 153 authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed 154 155 to process the application for approval or denial. 156 (4) A county must issue a refund to an applicant equal to: 157 (a) Ten percent of the application fee if the county fails 158 to issue written notification of completeness or written 159 specification of areas of deficiency within 30 days after 160 receiving the application. 161 Ten percent of the application fee if the county fails (b) 162 to issue written notification of completeness or written specification of areas of deficiency within 30 days after 163 164 receiving the additional information pursuant to paragraph 165 (3)(b). 166 (C) Twenty percent of the application fee if the county 167 fails to issue written notification of completeness or written 168 specification of areas of deficiency within 10 days after 169 receiving the additional information pursuant to paragraph 170 (3)(c). 171 (d) Fifty percent of the application fee if the county 172 fails to approve, approves with conditions, or denies the 173 application within 30 days after conclusion of the 120-day or 174 180-day timeframe specified in subsection (2). 175 (e) One hundred percent of the application fee if the

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176 <u>county fails to approve, approves with conditions, or denies an</u> 177 <u>application 31 days or more after conclusion of the 120-day or</u> 178 <u>180-day timeframe specified in subsection (2).</u> 179 180 <u>A county is not required to issue a refund if the applicant and</u> 181 <u>the county agree to an extension of time, the delay is caused by</u> 182 <u>the applicant, or the delay is attributable to a force majeure</u> 183 or other extraordinary circumstance.

184 <u>(5)(3)</u> When a county denies an application for a 185 development permit or development order, the county shall give 186 written notice to the applicant. The notice must include a 187 citation to the applicable portions of an ordinance, rule, 188 statute, or other legal authority for the denial of the permit 189 or order.

190 <u>(6) (4)</u> As used in this section, the terms "development 191 permit" and "development order" have the same meaning as in s. 192 163.3164, but do not include building permits.

193 <u>(7)(5)</u> For any development permit application filed with 194 the county after July 1, 2012, a county may not require as a 195 condition of processing or issuing a development permit or 196 development order that an applicant obtain a permit or approval 197 from any state or federal agency unless the agency has issued a 198 final agency action that denies the federal or state permit 199 before the county action on the local development permit.

200

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

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217

201 order by a county does not in any way create any rights on the 202 part of the applicant to obtain a permit from a state or federal 203 agency and does not create any liability on the part of the 204 county for issuance of the permit if the applicant fails to 205 obtain requisite approvals or fulfill the obligations imposed by 206 a state or federal agency or undertakes actions that result in a 207 violation of state or federal law. A county shall attach such a 208 disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or 209 210 federal permits be obtained before commencement of the 211 development.

212 (9) (7) This section does not prohibit a county from 213 providing information to an applicant regarding what other state 214 or federal permits may apply.

215 Section 2. Subsection (5) is added to section 163.3162, 216 Florida Statutes, to read:

163.3162 Agricultural lands and practices.-218 (5) PRODUCTION OF ETHANOL.-Production of ethanol from 219 plants or plant products as defined in s. 581.011 by 220 fermentation, distillation, or drying does not constitute 221 chemical manufacturing or chemical refining. This subsection is 222 intended to be remedial and clarifying in nature and shall apply retroactively to any law, regulation, or ordinance or any 223 224 interpretation thereof. 225 Section 3. Paragraph (c) of subsection (3) of section

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226 **163.3184, Florida Statutes, is amended to read:** 

227 163.3184 Process for adoption of comprehensive plan or 228 plan amendment.—

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

231 (c)1. The local government shall hold a second public 232 hearing, which shall be a hearing on whether to adopt one or 233 more comprehensive plan amendments pursuant to subsection (11). 234 If the local government fails, within 180 days after receipt of 235 agency comments, to hold the second public hearing, and to adopt 236 the comprehensive plan amendments, the amendments are deemed 237 withdrawn unless extended by agreement with notice to the state 238 land planning agency and any affected person that provided 239 comments on the amendment. If the amendments are not adopted at 240 the second public hearing, the amendments shall be formally 241 adopted by the local government within 180 days after the second 242 public hearing is held or the amendments are deemed withdrawn 243 The 180-day limitation does not apply to amendments processed 244 pursuant to s. 380.06.

245 2. All comprehensive plan amendments adopted by the 246 governing body, along with the supporting data and analysis, 247 shall be transmitted within <u>30</u> <del>10</del> working days after the final 248 adoption hearing to the state land planning agency and any other 249 agency or local government that provided timely comments under 250 subparagraph (b)2. If the local government fails to transmit the

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251 comprehensive plan amendments within 30 10 working days after 252 the final adoption hearing, the amendments are deemed withdrawn. 253 3. The state land planning agency shall notify the local 254 government of any deficiencies within 5 working days after 255 receipt of an amendment package. For purposes of completeness, 256 an amendment shall be deemed complete if it contains a full, 257 executed copy of: 258 The adoption ordinance or ordinances; a. 259 In the case of a text amendment, the amended language b. in legislative format with new words inserted in the text 260 261 underlined, and words deleted stricken with hyphens; 262 In the case of a future land use map amendment, the с. 263 future land use map clearly depicting the parcel, its existing 264 future land use designation, and its adopted designation; and 265 d. Any data and analyses the local government deems 266 appropriate. 267 An amendment adopted under this paragraph does not 4. 268 become effective until 31 days after the state land planning

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.

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275 Т

This paragraph is remedial in nature, is intended to clarify

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276	existing law, and shall apply retroactively to January 1, 2022.
277	Section 4. Section 166.033, Florida Statutes, is amended
278	to read:
279	166.033 Development permits and orders
280	(1) A municipality shall specify in writing the minimum
281	information that must be submitted for an application for a
282	zoning approval, rezoning approval, subdivision approval,
283	certification, special exception, or variance. A municipality
284	shall make such information available for inspection and copying
285	at the location where the municipality receives applications for
286	development permits and orders, provide the information to the
287	applicant at a preapplication meeting, or post the information
288	on the municipality's website.
289	(2) <del>(1)</del> Within 5 business days after receiving an
290	application for approval of a development permit or development
291	order, a municipality shall confirm receipt of the application
292	using contact information provided by the applicant. Within 30
293	days after receiving an application for approval of a
294	development permit or development order, a municipality must
295	review the application for completeness and issue a <u>written</u>
296	notification to the applicant letter indicating that all
297	required information is submitted or specify in writing
298	specifying with particularity any areas that are deficient. If
299	the application is deficient, the applicant has 30 days to
300	address the deficiencies by submitting the required additional
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301	information. For applications that do not require final action
302	through a quasi-judicial hearing or a public hearing, the
303	municipality must approve, approve with conditions, or deny the
304	application for a development permit or development order within
305	120 days after the municipality has deemed the application
306	complete <u>.</u> , or 180 days For applications that require final
307	action through a quasi-judicial hearing or a public hearing, the
308	municipality must approve, approve with conditions, or deny the
309	application for a development permit or development order within
310	180 days after the municipality has deemed the application
311	complete. Both parties may agree in writing or in a public
312	meeting or hearing to <del>a reasonable request for</del> an extension of
313	time, particularly in the event of a force majeure or other
314	extraordinary circumstance. An approval, approval with
315	conditions, or denial of the application for a development
316	permit or development order must include written findings
317	supporting the municipality's decision. The timeframes contained
318	in this subsection do not apply in an area of critical state
319	concern, as designated in s. 380.0552 or chapter 28-36, Florida
320	Administrative Code. The timeframes contained in this subsection
321	restart if an applicant makes a substantive change to the
322	application. As used in this subsection, the term "substantive
323	change" means an applicant-initiated change of 15 percent or
324	more in the proposed density, intensity, or square footage of a
325	parcel.

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326 <u>(3)(2)</u>(a) When reviewing an application for a development 327 permit or development order that is certified by a professional 328 listed in s. 403.0877, a municipality may not request additional 329 information from the applicant more than three times, unless the 330 applicant waives the limitation in writing.

331 If a municipality makes a request for additional (b) 332 information and the applicant submits the required additional 333 information within 30 days after receiving the request, the 334 municipality must review the application for completeness and issue a letter indicating that all required information has been 335 336 submitted or specify with particularity any areas that are 337 deficient within 30 days after receiving the additional 338 information.

339 (C) If a municipality makes a second request for 340 additional information and the applicant submits the required additional information within 30 days after receiving the 341 342 request, the municipality must review the application for 343 completeness and issue a letter indicating that all required 344 information has been submitted or specify with particularity any 345 areas that are deficient within 10 days after receiving the 346 additional information.

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

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351 additional information within 30 days after receiving the 352 request, the municipality must deem the application complete 353 within 10 days after receiving the additional information or 354 proceed to process the application for approval or denial unless 355 the applicant waived the municipality's limitation in writing as 356 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.

362 (4) A municipality must issue a refund to an applicant 363 equal to:

364 <u>(a) Ten percent of the application fee if the municipality</u> 365 <u>fails to issue written notification of completeness or written</u> 366 <u>specification of areas of deficiency within 30 days after</u> 367 receiving the application.

368 Ten percent of the application fee if the municipality (b) 369 fails to issue written notification of completeness or written 370 specification of areas of deficiency within 30 days after 371 receiving the additional information pursuant to paragraph 372 (3)(b). Twenty percent of the application fee if the 373 (C) 374 municipality fails to issue written notification of completeness

375 or written specification of areas of deficiency within 10 days

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376	after receiving the additional information pursuant to paragraph
377	<u>(3)(c).</u>
378	(d) Fifty percent of the application fee if the
379	municipality fails to approve, approves with conditions, or
380	denies the application within 30 days after conclusion of the
381	120-day or 180-day timeframe specified in subsection (2).
382	(e) One hundred percent of the application fee if the
383	municipality fails to approve, approves with conditions, or
384	denies an application 31 days or more after conclusion of the
385	120-day or 180-day timeframe specified in subsection (2).
386	
387	A municipality is not required to issue a refund if the
388	applicant and the municipality agree to an extension of time,
389	the delay is caused by the applicant, or the delay is
390	attributable to a force majeure or other extraordinary
391	circumstance.
392	(5)-(3) When a municipality denies an application for a
393	development permit or development order, the municipality shall
394	give written notice to the applicant. The notice must include a
395	citation to the applicable portions of an ordinance, rule,
396	statute, or other legal authority for the denial of the permit
397	or order.
398	(6)(4) As used in this section, the terms "development
399	permit" and "development order" have the same meaning as in s.
400	163.3164, but do not include building permits.
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401 (7) (7) (5) For any development permit application filed with 402 the municipality after July 1, 2012, a municipality may not 403 require as a condition of processing or issuing a development 404 permit or development order that an applicant obtain a permit or 405 approval from any state or federal agency unless the agency has 406 issued a final agency action that denies the federal or state 407 permit before the municipal action on the local development 408 permit.

409 (8) (6) Issuance of a development permit or development 410 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 411 412 and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails 413 414 to obtain requisite approvals or fulfill the obligations imposed 415 by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall 416 417 attach such a disclaimer to the issuance of development permits 418 and shall include a permit condition that all other applicable 419 state or federal permits be obtained before commencement of the 420 development.

421 <u>(9) (7)</u> This section does not prohibit a municipality from 422 providing information to an applicant regarding what other state 423 or federal permits may apply.

424 Section 5. Paragraph (j) of subsection (6) of section 425 163.3180, Florida Statutes, is redesignated as paragraph (k),

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426	and a new paragraph (j) is added to that subsection to read:
427	163.3180 Concurrency
428	(6)
429	(j) A school district may not collect, charge, or impose
430	any alternative fee in lieu of an impact fee to mitigate the
431	impact of development on educational facilities unless such fee
432	meets the requirements of s. 163.31801(4)(f) and (g). In any
433	action challenging a fee under this paragraph, the school
434	district has the burden of proving by a preponderance of the
435	evidence that the imposition and amount of the fee meets the
436	requirements of state legal precedent.
437	Section 6. Paragraph (a) of subsection (7) of section
438	553.80, Florida Statutes, is amended to read:
439	553.80 Enforcement
440	(7)(a) The governing bodies of local governments may
441	provide a schedule of reasonable fees, as authorized by s.
442	125.56(2) or s. 166.222 and this section, for enforcing this
443	part. These fees, and any fines or investment earnings related
444	to the fees, may only be used for carrying out the local
445	government's responsibilities in enforcing the Florida Building
446	Code, including, but not limited to, any process or enforcement
447	related to obtaining or finalizing a building permit. When
448	providing a schedule of reasonable fees, the total estimated
449	annual revenue derived from fees, and the fines and investment
450	earnings related to the fees, may not exceed the total estimated
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451 annual costs of allowable activities. Any unexpended balances 452 must be carried forward to future years for allowable activities 453 or must be refunded at the discretion of the local government. A 454 local government may not carry forward an amount exceeding the 455 average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of 456 457 this subsection, the term "operating budget" does not include 458 reserve amounts. Any amount exceeding this limit must be used as 459 authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund 460 Advisory Board consisting of five members from the construction 461 462 stakeholder community and carries an unexpended balance in 463 excess of the average of its operating budget for the previous 4 464 fiscal years may continue to carry such excess funds forward 465 upon the recommendation of the advisory board. The basis for a 466 fee structure for allowable activities must relate to the level 467 of service provided by the local government and must include 468 consideration for refunding fees due to reduced services based 469 on services provided as prescribed by s. 553.791, but not 470 provided by the local government. Fees charged must be 471 consistently applied.

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

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476 processing; building code enforcement; and fire inspections 477 associated with new construction. The phrase may also include 478 training costs associated with the enforcement of the Florida 479 Building Code and enforcement action pertaining to unlicensed 480 contractor activity to the extent not funded by other user fees.

481 2. A local government must use any excess funds that it is 482 prohibited from carrying forward to rebate and reduce fees, to 483 upgrade technology hardware and software systems to enhance 484 service delivery, to pay for the construction of a building or structure that houses a local government's building code 485 486 enforcement agency, or for training programs for building 487 officials, inspectors, or plans examiners associated with the 488 enforcement of the Florida Building Code. Excess funds used to 489 construct such a building or structure must be designated for 490 such purpose by the local government and may not be carried 491 forward for more than 4 consecutive years. An owner or builder 492 who has a valid building permit issued by a local government for 493 a fee, or an association of owners or builders located in the 494 state that has members with valid building permits issued by a 495 local government for a fee, may bring a civil action against the 496 local government that issued the permit for a fee to enforce 497 this subparagraph.

498 3. The following activities may not be funded with fees499 adopted for enforcing the Florida Building Code:

500

a. Planning and zoning or other general government

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501 activities not related to obtaining a building permit. 502 b. Inspections of public buildings for a reduced fee or no 503 fee. Public information requests, community functions, 504 с. 505 boards, and any program not directly related to enforcement of 506 the Florida Building Code. 507 d. Enforcement and implementation of any other local 508 ordinance, excluding validly adopted local amendments to the 509 Florida Building Code and excluding any local ordinance directly 510 related to enforcing the Florida Building Code as defined in 511 subparagraph 1. 512 4. A local government must use recognized management, 513 accounting, and oversight practices to ensure that fees, fines, 514 and investment earnings generated under this subsection are 515 maintained and allocated or used solely for the purposes described in subparagraph 1. 516 517 The local enforcement agency, independent district, or 5. 518 special district may not require at any time, including at the 519 time of application for a permit, the payment of any additional 520 fees, charges, or expenses associated with: 521 a. Providing proof of licensure under chapter 489; 522 Recording or filing a license issued under this b. 523 chapter; Providing, recording, or filing evidence of workers' 524 с. compensation insurance coverage as required by chapter 440; or 525

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526 d. Charging surcharges or other similar fees not directly 527 related to enforcing the Florida Building Code.

528 Section 7. Subsections (1) through (12) and (13) of 529 section 720.301, Florida Statutes, are renumbered as subsections 530 (2) through (13) and (15), respectively, present subsections 531 (1), (8), and (10) are amended, and a new subsection (1) and 532 subsection (14) are added to that section, to read:

533

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

534 <u>(1)</u> "Amenity dues" means dues charged in accordance with a 535 recreational covenant. The term does not include the expenses of 536 a homeowners' association.

537 (2)(1) "Assessment" or "amenity fee" means a sum or sums 538 of money payable to the association, to the developer or other 539 owner of common areas, or to recreational facilities and other 540 properties serving the parcels by the owners of one or more 541 parcels as authorized in the governing documents, which if not 542 paid by the owner of a parcel, can result in a lien against the 543 parcel by the association.

544 <u>(9) (a) (8)</u> "Governing documents" means: 545 <u>1. (a)</u> The recorded declaration of covenants for a 546 community and all duly adopted and recorded amendments, 547 supplements, and recorded exhibits thereto; and

5482.(b)The articles of incorporation and bylaws of the549homeowners' association and any duly adopted amendments thereto.

550

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

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551 covenants respecting privately owned recreational amenities are 552 not governing documents of an association, even if the 553 recreational covenants are attached as exhibits to, or 554 referenced in, a declaration of covenants. (11) (10) "Member" means a member of an association, and 555 556 may include, but is not limited to, a parcel owner or an 557 association representing parcel owners or a combination thereof, 558 and includes any person or entity obligated by the governing 559 documents to pay an assessment to the association or amenity 560 fee. 561 "Recreational covenant" means a recorded covenant, (14)562 separate and distinct from a declaration of covenants, which 563 provides the nature and requirements of a membership in or the 564 use or purchase of privately owned commercial recreational 565 facilities or amenities for parcel owners in one or more 566 communities or community development districts and which: 567 (a) Is recorded in the public records of the county in 568 which the recreational facility or amenity or a property 569 encumbered thereby is located; 570 (b) Contains information regarding the amenity dues that 571 may be imposed on members and other persons permitted to use the 572 recreational facility or amenity and remedies that the 573 recreational facility or amenity owner or other third party may 574 have upon nonpayment of such amenity dues; and 575 (c) Requires mandatory membership or mandatory payment of

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576	amenity dues by some or all of the parcel owners in a community.
577	Section 8. Subsection (3) of section 720.302, Florida
578	Statutes, is amended, and subsection (6) is added to that
579	section, to read:
580	720.302 Purposes, scope, and application
581	(3) This chapter does not apply to:
582	(a) A community that is composed of property primarily
583	intended for commercial, industrial, or other nonresidential
584	use; <del>or</del>
585	(b) The commercial or industrial parcels in a community
586	that contains both residential parcels and parcels intended for
587	commercial or industrial use <u>; or</u>
588	(c) Privately owned recreational amenities.
589	(6) This chapter does not apply to recreational covenants
590	or recreational facilities or amenities governed by a
591	recreational covenant, except as provided in ss. 720.3086 and
592	720.319.
593	Section 9. Section 720.3086, Florida Statutes, is amended
594	to read:
595	720.3086 Financial reportIn a residential subdivision in
596	which the owners of lots or parcels must pay <del>mandatory</del>
597	maintenance or amenity <u>dues</u> <del>fees</del> to the subdivision developer or
598	to the owners of the <del>common areas,</del> recreational facilities,
599	<u>amenities, or</u> and other properties serving the lots or parcels,
600	the developer or owner of such <del>areas,</del> facilities, <u>amenities,</u> or

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601 properties shall make public, within 60 days following the end 602 of each fiscal year, a complete financial report of the actual, 603 total receipts of mandatory maintenance or amenity dues fees 604 received by it, and an itemized listing of the expenditures made for the operational costs, expenses, or other amounts expended 605 for the operation of such facilities, amenities, or properties 606 by it from such fees, for that year. Such report shall be made 607 608 public by mailing it to each lot or parcel owner in the 609 subdivision who is subject to the payment of such amenity dues, 610 by publishing it in a publication regularly distributed within 611 the subdivision, or by posting it in a prominent location 612 locations in the subdivision and in each such facility, amenity, 613 or property. The report must also be made available to a parcel 614 owner within the subdivision who makes a written request to 615 inspect the report. This section does not apply to assessments 616 or other amounts paid to homeowner associations pursuant to 617 chapter 617, chapter 718, chapter 719, chapter 721, or chapter 618 723, or to amounts paid to local governmental entities, 619 including special districts. 620 Section 10. Section 720.319, Florida Statutes, is created 621 to read: 622 720.319 Parcels subject to a recreational covenant.-623 (1) A parcel within a community may be subject to a recreational covenant. Recreational facilities and amenities 624 625 governed by a recreational covenant are not a part of a common

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626	area.
627	(2) Amenity dues may only be imposed and collected as
628	provided in a recreational covenant. Amenity dues may not be
629	increased by more than 10 percent from the preceding fiscal
630	year, unless the parcel owners subject to the recreational
631	covenant, by a majority vote, approve an increase in excess of
632	10 percent.
633	(3) If the recreational facilities or amenities are
634	intended to be converted to another use or sold, the parcels
635	that are subject to mandatory membership in a club or to the
636	imposition of mandatory amenity dues, or the association
637	responsible for governing the parcels, shall have the right of
638	first refusal to purchase the facilities or amenities at fair
639	market value and shall be given notice at least 180 days before
640	the intended conversion or sale. In the event that a
641	recreational covenant recorded before October 1, 2025, contains
642	a purchase price or formula for determining the purchase price,
643	the terms of the recreational covenant shall govern the purchase
644	and sale of the facilities or amenities.
645	(4) A recreational covenant recorded on or after October
646	1, 2025, which creates mandatory membership in a club or imposes
647	mandatory amenity dues on parcel owners must specify all of the
648	following:
649	(a) The parcels within the community which are or will be
650	subject to mandatory membership in a club or to the imposition

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651	of mandatory amenity dues.
652	(b) The person responsible for owning, maintaining, and
653	operating the recreational facility or amenity governed by the
654	recreational covenant, which may be the developer.
655	(c) The manner in which amenity dues are apportioned and
656	collected from each encumbered parcel owner, and the person
657	authorized to collect such dues. The recreational covenant must
658	specify the components that comprise the amenity dues.
659	(d) The manner in which amenity dues may be increased,
660	which increase may occur periodically by a fixed percentage, a
661	fixed dollar amount, or in accordance with increases in the
662	Consumer Price Index for All Urban Consumers released in January
663	of each year.
664	(e) The rights and remedies that are available relating to
665	payment and collection of amenity dues.
666	(f) A statement of whether collection rights to enforce
667	payment of amenity dues are subordinate to an association's
668	right to collect assessments.
669	(g) A statement of whether the recreational facility or
670	amenity is open to the public or may be used by persons who are
671	not members or parcel owners within the community.
672	(5) A recreational covenant recorded before October 1,
673	2025, must comply with the requirements of subsection (4) by
674	October 1, 2026, to remain valid after that date.
675	(6) Notwithstanding any provision in a recreational

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676 covenant to the contrary, a recreational covenant may not 677 require an association to collect amenity dues on behalf of a 678 private third-party commercial recreational facility or amenity 679 owner. The private third-party commercial recreational facility 680 or amenity owner is solely responsible for the collection of 681 such dues. 682 (7) The termination of a recreational covenant or the 683 right of a private amenity owner to suspend the right of a 684 parcel owner to use a privately owned recreational facility or 685 amenity may not: 686 (a) Prohibit an owner or a tenant of a parcel from having 687 vehicular and pedestrian ingress to and egress from the parcel; 688 (b) Prohibit an owner or a tenant of a parcel from 689 receiving utilities provided to the parcel by virtue of utility 690 facilities or utility easements located within the privately 691 owned recreational facility or amenity; or 692 (c) Prohibit an owner or a tenant of a parcel from having 693 access to any mail delivery facility serving the parcel which is 694 located within the privately owned recreational facility or 695 amenity. 696 (8) Beginning October 1, 2025, each contract for the sale 697 of a parcel which is governed by an association and is also 698 subject to a recreational covenant must contain in conspicuous 699 type a clause that substantially states the following, if the 700 contract does not already contain a disclosure that meets the

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701	requirements of the Interstate Land Sales Full Disclosure Act of
702	1968, as amended:
703	
704	DISCLOSURE SUMMARY
705	
706	YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A
707	RECREATIONAL COVENANT, AS DEFINED IN SECTION 720.301,
708	FLORIDA STATUTES. AS A PURCHASER OF PROPERTY SUBJECT
709	TO THE RECREATIONAL COVENANT, YOU WILL BE OBLIGATED TO
710	PAY AMENITY DUES TO A PRIVATE THIRD-PARTY COMMERCIAL
711	RECREATIONAL FACILITY OR AMENITY OWNER.
712	
713	PURCHASER ACKNOWLEDGES ALL OF THE FOLLOWING:
714	
715	(1) THE RECREATIONAL FACILITY OR AMENITY GOVERNED BY
716	THE RECREATIONAL COVENANT IS NOT A COMMON AREA OF THE
717	HOMEOWNERS' ASSOCIATION AND IS NOT OWNED OR CONTROLLED
718	BY THE HOMEOWNERS' ASSOCIATION. THE RECREATIONAL
719	COVENANT IS NOT A GOVERNING DOCUMENT OF THE
720	ASSOCIATION.
721	
722	(2) CHARGES FOR AMENITY DUES WILL BE GOVERNED BY THE
723	RECREATIONAL COVENANT. THE RECREATIONAL COVENANT
724	CONTAINS IMPORTANT PROVISIONS AND RIGHTS AND IS
725	AVAILABLE IN THE PUBLIC RECORDS OF THE COUNTY.
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726	
727	(3) THE PARTY THAT CONTROLS THE MAINTENANCE AND
728	OPERATION OF THE RECREATIONAL FACILITY OR AMENITY
729	DETERMINES THE BUDGET FOR THE OPERATION AND
730	MAINTENANCE OF SUCH RECREATIONAL FACILITY OR AMENITY.
731	HOWEVER, THE PARCEL OWNERS SUBJECT TO THE RECREATIONAL
732	COVENANT ARE STILL RESPONSIBLE FOR AMENITY DUES.
733	
734	(4) AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE.
735	AMENITY DUES ARE IN ADDITION TO, AND SEPARATE AND
736	DISTINCT FROM, ASSESSMENTS LEVIED BY THE HOMEOWNERS'
737	ASSOCIATION.
738	
739	(5) FAILURE TO PAY AMENITY DUES OR OTHER CHARGES
740	IMPOSED BY A PRIVATE THIRD-PARTY COMMERCIAL
741	RECREATIONAL FACILITY OR AMENITY OWNER MAY RESULT IN A
742	LIEN ON YOUR PROPERTY.
743	
744	(6) THIRD PARTIES WHO ARE NOT MEMBERS OF THE
745	HOMEOWNERS' ASSOCIATION MAY HAVE THE RIGHT TO ACCESS
746	AND USE THE RECREATIONAL FACILITY OR AMENITY, AS
747	DETERMINED BY THE ENTITY THAT CONTROLS SUCH FACILITY
748	OR AMENITY.
749	
750	(7) MANDATORY MEMBERSHIP REQUIREMENTS OR OTHER
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751	OBLIGATIONS TO PAY AMENITY DUES CAN BE FOUND IN THE
752	RECREATIONAL COVENANT.
753	
754	(8) THE PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL
755	FACILITY OR AMENITY OWNER MAY HAVE THE RIGHT TO AMEND
756	THE RECREATIONAL COVENANT WITHOUT THE APPROVAL OF
757	MEMBERS OR PARCEL OWNERS, SUBJECT TO THE TERMS OF THE
758	RECREATIONAL COVENANT AND SECTION 720.319, FLORIDA
759	STATUTES.
760	
761	(9) THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM
762	ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE
763	PURCHASER, YOU SHOULD REFER TO THE RECREATIONAL
764	COVENANT BEFORE PURCHASE. THE RECREATIONAL COVENANT IS
765	A MATTER OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE
766	RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY IS
767	LOCATED.
768	
769	(9) This section may not be construed to impair the
770	validity or effectiveness of a recreational covenant recorded
771	before October 1, 2025, except as provided in subsection (5).
772	(10) The disclosure summary required by this section must
773	be supplied by the developer or, if the sale is by a parcel
774	owner that is not the developer, by the parcel owner. After
775	October 1, 2025, any contract or agreement for sale of a parcel

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776 which is governed by a homeowners' association and is also 777 subject to a recreational covenant must refer to and incorporate 778 the disclosure summary and must include, in prominent language, 779 a statement that the prospective purchaser should not execute 780 the contract or agreement until the purchaser has received and 781 read the disclosure summary required by this section. 782 (11) After October 1, 2025, if the disclosure summary is 783 not provided to a prospective purchaser as required by this 784 section, the purchaser may void the contract by delivering to 785 the seller or the seller's agent or representative written 786 notice canceling the contract within 3 days after receipt of the 787 disclosure summary or before closing, whichever occurs later. 788 This right may not be waived by the purchaser but terminates at 789 closing. 790 (12) This section does not apply to a corporation not for 791 profit pursuant to chapter 617 or a local governmental entity, 792 including, but not limited to, a special district created 793 pursuant to chapter 189 or chapter 190. 794 Section 11. Paragraph (a) of subsection (1) of section 795 336.125, Florida Statutes, is amended to read: 796 336.125 Closing and abandonment of roads; optional 797 conveyance to homeowners' association; traffic control 798 jurisdiction.-(1) (a) In addition to the authority provided in s. 336.12, 799 800 the governing body of the county may abandon the roads and

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801 rights-of-way dedicated in a recorded residential subdivision 802 plat and simultaneously convey the county's interest in such 803 roads, rights-of-way, and appurtenant drainage facilities to a 804 homeowners' association for the subdivision, if the following 805 conditions have been met:

806 1. The homeowners' association has requested the 807 abandonment and conveyance in writing for the purpose of 808 converting the subdivision to a gated neighborhood with 809 restricted public access.

810 2. No fewer than four-fifths of the owners of record of 811 property located in the subdivision have consented in writing to 812 the abandonment and simultaneous conveyance to the homeowners' 813 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 <u>s. 720.301</u> <del>s.</del> 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,

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826 maintenance, and repair and the periodic reconstruction or 827 replacement of the roads, drainage, street lighting, and 828 sidewalks in the subdivision after the abandonment by the 829 county.

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

832 558.002 Definitions.—As used in this chapter, the term:
833 (2) "Association" has the same meaning as in s. 718.103,
834 s. 719.103(2), s. 720.301 s. 720.301(9), or s. 723.075.

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

837 617.0725 Quorum.-An amendment to the articles of 838 incorporation or the bylaws which adds, changes, or deletes a 839 greater or lesser quorum or voting requirement must meet the same quorum or voting requirement and be adopted by the same 840 841 vote and voting groups required to take action under the quorum 842 and voting requirements then in effect or proposed to be 843 adopted, whichever is greater. This section does not apply to 844 any corporation that is an association, as defined in s. 720.301 845 s. 720.301(9), or any corporation regulated under chapter 718 or 846 chapter 719.

847 Section 14. Paragraph (b) of subsection (1) of section
848 718.116, Florida Statutes, is amended to read:

849 718.116 Assessments; liability; lien and priority; 850 interest; collection.-

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(1)

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851

(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.

868 2. An association, or its successor or assignee, that 869 acquires title to a unit through the foreclosure of its lien for 870 assessments is not liable for any unpaid assessments, late fees, 871 interest, or reasonable attorney's fees and costs that came due 872 before the association's acquisition of title in favor of any other association, as defined in s. 718.103 or s. 720.301  $\frac{1}{3}$ 873 874 720.301(9), which holds a superior lien interest on the unit. 875 This subparagraph is intended to clarify existing law.

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876	Section 15. Paragraph (d) of subsection (2) of section
877	720.3085, Florida Statutes, is amended to read:
878	720.3085 Payment for assessments; lien claims
879	(2)
880	(d) An association, or its successor or assignee, that
881	acquires title to a parcel through the foreclosure of its lien
882	for assessments is not liable for any unpaid assessments, late
883	fees, interest, or reasonable attorney's fees and costs that
884	came due before the association's acquisition of title in favor
885	of any other association, as defined in s. 718.103 or <u>s. 720.301</u>
886	s. 720.301(9), which holds a superior lien interest on the
887	parcel. This paragraph is intended to clarify existing law.
888	Section 16. This act shall take effect October 1, 2025.

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