

1 A bill to be entitled
2 An act relating to community associations; creating s.
3 712.13, F.S.; providing legislative findings and
4 intent; providing definitions; providing that the
5 recorded governing documents of a dissolved
6 homeowners' association are deemed terminated and
7 unenforceable; requiring the clerk of the circuit
8 court to indicate in the county records that a
9 dissolved association's governing documents are
10 terminated and inactive; requiring certain exclusive
11 easements to revert to the servient estate upon
12 dissolution of a homeowners' association under certain
13 circumstances; providing for the extinguishment of
14 such easement; prohibiting an easement held by a
15 dissolved association from becoming a public right-of-
16 way, trail, or access route unless the easement is
17 separately recorded for public use; providing
18 construction; providing retroactive applicability;
19 amending s. 718.103, F.S.; defining the term
20 "habitable"; revising the definition of the term
21 "video conference"; amending s. 718.104, F.S.;
22 requiring condominium associations to include a
23 specified statement in the governing documents or to
24 hold a meeting by a date certain to vote to amend the
25 governing documents to include such statement;

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

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

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

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

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

137

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

139

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

240 718.111 The association.—

241 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

300 4. A person who willfully and knowingly or intentionally

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

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

326 | accessible to unit owners:

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

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

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

347 | d. Medical records of unit owners.

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

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

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

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

375 h. All affirmative acknowledgments made pursuant to s.

376 718.121(4)(c).

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

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

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

397 718.112 Bylaws.—

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

401 (g) Structural integrity reserve study.—
 402 1. A residential condominium association must have a
 403 structural integrity reserve study completed at least every 10
 404 years after the condominium's creation for each building on the
 405 condominium property that is three habitable stories or higher
 406 in height, as determined by the Florida Building Code, which
 407 includes, at a minimum, a study of the following items as
 408 related to the structural integrity and safety of the building:
 409 a. Roof.
 410 b. Structure, including load-bearing walls and other
 411 primary structural members and primary structural systems as
 412 those terms are defined in s. 627.706.
 413 c. Fireproofing and fire protection systems.
 414 d. Plumbing.
 415 e. Electrical systems.
 416 f. Waterproofing and exterior painting.
 417 g. Windows and exterior doors.
 418 h. Any other item that has a deferred maintenance expense
 419 or replacement cost that exceeds \$25,000 or the inflation-
 420 adjusted amount determined by the division under subparagraph
 421 (f)6., whichever is greater, and the failure to replace or
 422 maintain such item negatively affects the items listed in sub-
 423 subparagraphs a.-g., as determined by the visual inspection
 424 portion of the structural integrity reserve study.
 425 2. A structural integrity reserve study is based on a

426 visual inspection of the condominium property.

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

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

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

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

476 maintenance obligation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

701 are met:

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

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

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

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

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

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

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

728
729 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU
730 DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN
731 ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT
732 THROUGH ELECTRONIC MEANS ~~E-MAIL~~ TO THE ASSOCIATION,
733 YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU
734 DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO
735 PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS
736 BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING
737 WHICH THE MATTER WILL BE VOTED ON.

738
739 (d) A unit owner must transmit his or her completed ballot
740 to the e-mail address, independent website, application, or
741 Internet web portal designated by the association no later than
742 the scheduled date and time of the meeting during which the
743 matter is being voted on.

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

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

755 719.103 Definitions.—As used in this chapter:

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

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

761 719.106 Bylaws; cooperative ownership.—

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

765 (k) Structural integrity reserve study.—

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

773 a. Roof.

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

776 those terms are defined in s. 627.706.

777 c. Fireproofing and fire protection systems.

778 d. Plumbing.

779 e. Electrical systems.

780 f. Waterproofing and exterior painting.

781 g. Windows and exterior doors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

901 study.

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

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

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

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

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

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

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

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

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

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

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

958 720.302 Purposes, scope, and application.—

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

976 community as initially contemplated.

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

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

985 (1) POWERS AND DUTIES.—

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

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

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

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

1001 include the following statement in the governing documents:

1002

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

1006

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

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

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

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

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

1045 (5) INSPECTION AND COPYING OF RECORDS.—

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

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

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

1063 (11) CONFLICTS OF INTEREST.—

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

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

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

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

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

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

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

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

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

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

1093 (1)

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

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

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

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

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

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

1123 (1) QUORUM; AMENDMENTS.—

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

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

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

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

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

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

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

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

1164 720.3075 Prohibited clauses in association documents.—

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

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

1176 (6) (c).

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

1179 720.311 Dispute resolution.—

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

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

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

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

1245 ~~STATUTORY OFFER TO PARTICIPATE~~

1246 ~~IN PRESUIT MEDIATION~~

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

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

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

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

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

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

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

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

1352 ~~.....~~

1353 ~~.....~~

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

1356 ~~AGREEMENT TO MEDIATE~~

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

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

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

1366 ~~.....~~

1367 ~~Signature of responding party #1~~

1368 ~~.....~~

1369 ~~Telephone contact information~~

1370 ~~.....~~

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

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

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

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

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

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

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

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

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

1449 720.319 Dissolution of homeowners' association.—

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

1451 Association Dissolution and Accountability Act."

1452 (2) The Legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1499 (5).

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

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

1510 (b) Notice of such meeting must be made in accordance with
1511 s. 720.303(2) and include the following information:

- 1512 1. A copy of the proposed plan of dissolution.
- 1513 2. An explanation of how the common areas and the assets
1514 of the association will be managed or transferred.
- 1515 3. The manner in which voting will take place.

1516 (c) If the board fails to call a meeting within the 60-day
1517 time period, any member may petition a community association
1518 court program under s. 720.32 or, if a community association
1519 court program does not exist in the judicial circuit in which
1520 the association is located, another court of competent
1521 jurisdiction for an order compelling compliance with this
1522 section.

1523 (6) If a plan of termination is approved, the board must
1524 submit such plan to the community association court program in
1525 the judicial circuit in which the association is located or, if

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

1538 (7) (a) A plan of termination and the consents or joinders
1539 of parcel owners must be recorded in the public records of each
1540 county in which any portion of the association is located. The
1541 plan is effective only upon recordation or at a later date
1542 specified in the plan.

1543 (b) Upon recordation or at a later date specified in the
1544 plan of termination, title to the association property vests in
1545 a termination trustee. The board serves as such trustee unless
1546 another person is appointed in the plan of termination. If the
1547 board is not the termination trustee, the board must transfer
1548 any association property to such trustee. The termination
1549 trustee is vested with the powers given by the declaration and
1550 bylaws of the association and subsection (9). If the board is

1551 unable, unwilling, or fails to act as termination trustee, a
1552 parcel owner may petition the community association court
1553 program to appoint a termination trustee.

1554 (8) If the board fails to hold the meeting under
1555 subsection (5), obstructs the termination process, or refuses to
1556 record the decision of the members to terminate, a member may
1557 file a petition with the community association court program in
1558 the judicial circuit in which the association is located or, if
1559 a community association court program does not exist, another
1560 court of competent jurisdiction. A community association court
1561 program may do all of the following:

1562 (a) Verify compliance with the procedural requirements of
1563 this section and all statutory voting requirements.

1564 (b) Order the Department of State to dissolve the
1565 homeowners' association.

1566 (c) Appoint a termination trustee to manage the
1567 distribution of assets and resolution of liabilities.

1568 (9) The approval of the plan of termination does not
1569 terminate the board of administration, which shall continue in
1570 existence following approval of the plan of termination with all
1571 powers and duties such board had before approval of the plan.
1572 Notwithstanding any provision to the contrary in the declaration
1573 or bylaws, after approval of the plan of termination the board
1574 must:

1575 (a) Employ directors, agents, attorneys, and other

1576 professionals to liquidate or conclude the board's affairs.
1577 (b) Conduct the affairs of the association as necessary
1578 for the liquidation or termination.
1579 (c) Carry out contracts and collect, pay, and settle debts
1580 and claims for and against the association.
1581 (d) Defend suits brought against the association.
1582 (e) Sue in the name of the association for all sums due or
1583 owed to the association or to recover any association property.
1584 (f) Perform any act necessary to maintain, repair, or
1585 demolish unsafe or uninhabitable improvements or other
1586 association property in compliance with applicable codes.
1587 (g) Sell at public or private sale or exchange, convey, or
1588 otherwise dispose of assets of the association for an amount
1589 deemed to be in the best interests of the association, and
1590 execute bills of sale and deeds of conveyance in the name of the
1591 association.
1592 (h) Collect and receive rents, profits, accounts
1593 receivable, income, maintenance fees, special assessments, or
1594 insurance proceeds for the association.
1595 (i) Contract and do anything in the name of the
1596 association which is proper or convenient to terminate the
1597 affairs of the association.
1598 (10) (a) All remaining association assets after the payment
1599 of any lawful debts must be distributed equally among members or
1600 as otherwise provided in the plan of termination.

1601 (b) A member may not be subject to personal liability for
1602 unpaid obligations beyond the member's regular assessments or
1603 special assessments that existed before the vote for
1604 termination.

1605 (11) (a) The following actions by an association or the
1606 officers or directors thereof are unlawful:

1607 1. Failing to call or notice a meeting after receipt of a
1608 valid petition for a plan of termination.

1609 2. Spending association funds to campaign for or against
1610 the plan of termination.

1611 3. Concealing any financial or property records relevant
1612 to the plan of termination.

1613 (b) An officer or a director who violates paragraph (a) is
1614 subject to any of the following:

1615 1. A civil penalty of up to \$5,000 per violation.

1616 2. Removal from office by court order.

1617 3. Personal liability for legal fees incurred by the
1618 petitioners.

1619 **Section 18. Section 720.32, Florida Statutes, is created**
1620 **to read:**

1621 720.32 Community association court program.—

1622 (1) It is the intent of the Legislature to encourage and
1623 support the judicial circuits of the state to create and
1624 maintain a community association court program in each judicial
1625 circuit. The purpose of a community association court program is

1626 to provide an optional, voluntary process for community
1627 associations and the members thereof to address disputes as an
1628 alternative to entering into mediation or arbitration. It is the
1629 intent of the Legislature that this section provide a detailed
1630 statewide standard for the creation, operation, and procedures
1631 for community association court programs.

1632 (2) A circuit court may create and administer a community
1633 association court program. The chief judge shall designate at
1634 least one judge to preside over the community association court
1635 program. The chief judge may issue administrative orders
1636 concerning the community association court program.

1637 (3) The community association court program has
1638 jurisdiction over disputes, including any related termination or
1639 enforcement proceedings, arising under any of the following:

1640 (a) Chapter 718, the Condominium Act.

1641 (b) Chapter 719, the Cooperative Act.

1642 (c) Chapter 720, the Homeowners' Association Act.

1643 (4) The community association court program may do all of
1644 the following:

1645 (a) Enforce all statutory rights of unit owners and parcel
1646 owners.

1647 (b) Verify and compel compliance with all statutory
1648 requirements by community associations, boards of
1649 administration, and officers or directors of such boards.

1650 (c) Order the Department of State to dissolve a community

1651 association.

1652 (d) Appoint a termination trustee to manage the
1653 distribution of association assets and resolution of
1654 liabilities.

1655 (e) Impose civil penalties for violations of statutory
1656 rights.

1657 (f) Issue injunctive relief as appropriate.

1658 (g) Award reasonable attorney fees and costs as
1659 appropriate.

1660 (5) By January 1 of each year, the chief judge in each
1661 judicial circuit in which a community association court program
1662 is created shall submit to the President of the Senate and the
1663 Speaker of the House of Representatives a report that summarizes
1664 the caseload of each community association court program and the
1665 outcomes of such caseload.

1666 (6) The Office of the State Courts Administrator shall
1667 establish procedure, staffing, and reporting requirements for
1668 the operation of the community association court program.

1669 (7) The costs associated with the creation, operation, and
1670 compliance and enforcement duties of the community association
1671 court program shall be funded as authorized by and consistent
1672 with funding appropriated in the General Appropriations Act.

1673 (8) Funds specifically appropriated by an operating
1674 appropriation or a nonoperating transfer from the Division of
1675 Florida Condominiums, Timeshares, and Mobile Homes Trust Fund to

1676 the state court system to support judicial functions relating to
 1677 community associations which remain unencumbered as of June 30
 1678 or undisbursed as of September 30 each year shall revert to the
 1679 Division of Florida Condominiums, Timeshares, and Mobile Homes
 1680 Trust Fund.

1681 (9) This section does not apply to timeshare condominium
 1682 associations or timeshare cooperative associations unless the
 1683 facilities of such associations include homestead condominium
 1684 units or homestead cooperative units.

1685 **Section 19. Subsections (11), (13), and (17) of section**
 1686 **26.031, Florida Statutes, are amended to read:**

1687 26.031 Judicial circuits; number of judges.—The number of
 1688 circuit judges in each circuit shall be as follows:

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

1693 **Section 20.** The amendments made by this act to s. 26.031,
 1694 Florida Statutes, are for the purpose of authorizing additional
 1695 judgeships specifically for the community association court
 1696 program created in s. 720.32, Florida Statutes, by this act.

1697 **Section 21. Paragraph (d) of subsection (1) of section**
 1698 **34.01, Florida Statutes, is amended to read:**

1699 34.01 Jurisdiction of county court.—

1700 (1) County courts shall have original jurisdiction:

1701 (d) Of disputes occurring in ~~the~~ homeowners' associations
 1702 ~~as described in s. 720.311(2)(a)~~, which shall be concurrent with
 1703 jurisdiction of the circuit courts.

1704 **Section 22. Paragraph (a) of subsection (1) of section**
 1705 **336.125, Florida Statutes, is amended to read:**

1706 336.125 Closing and abandonment of roads; optional
 1707 conveyance to homeowners' association; traffic control
 1708 jurisdiction.—

1709 (1)(a) In addition to the authority provided in s. 336.12,
 1710 the governing body of the county may abandon the roads and
 1711 rights-of-way dedicated in a recorded residential subdivision
 1712 plat and simultaneously convey the county's interest in such
 1713 roads, rights-of-way, and appurtenant drainage facilities to a
 1714 homeowners' association for the subdivision, if the following
 1715 conditions have been met:

1716 1. The homeowners' association has requested the
 1717 abandonment and conveyance in writing for the purpose of
 1718 converting the subdivision to a gated neighborhood with
 1719 restricted public access.

1720 2. No fewer than four-fifths of the owners of record of
 1721 property located in the subdivision have consented in writing to
 1722 the abandonment and simultaneous conveyance to the homeowners'
 1723 association.

1724 3. The homeowners' association is both a corporation not
 1725 for profit organized and in good standing under chapter 617, and

1726 a "homeowners' association" as defined in s. 720.301 ~~s.~~
 1727 ~~720.301(9)~~ with the power to levy and collect assessments for
 1728 routine and periodic major maintenance and operation of street
 1729 lighting, drainage, sidewalks, and pavement in the subdivision.

1730 4. The homeowners' association has entered into and
 1731 executed such agreements, covenants, warranties, and other
 1732 instruments; has provided, or has provided assurance of, such
 1733 funds, reserve funds, and funding sources; and has satisfied
 1734 such other requirements and conditions as may be established or
 1735 imposed by the county with respect to the ongoing operation,
 1736 maintenance, and repair and the periodic reconstruction or
 1737 replacement of the roads, drainage, street lighting, and
 1738 sidewalks in the subdivision after the abandonment by the
 1739 county.

1740 **Section 23. Subsection (2) of section 558.002, Florida**
 1741 **Statutes, is amended to read:**

1742 558.002 Definitions.—As used in this chapter, the term:
 1743 (2) "Association" has the same meaning as in s. 718.103,
 1744 s. 719.103(2), s. 720.301(10) ~~s. 720.301(9)~~, or s. 723.075.

1745 **Section 24. Subsection (6) of section 617.0601, Florida**
 1746 **Statutes, is amended to read:**

1747 617.0601 Members, generally.—
 1748 (6) Subsections (1), (2), (3), and (4) do not apply to a
 1749 corporation that is an association as defined in s. 720.301(10)
 1750 ~~s. 720.301~~.

1751 **Section 25. Subsection (6) of section 617.0701, Florida**
 1752 **Statutes, is amended to read:**

1753 617.0701 Meetings of members, generally; failure to hold
 1754 annual meeting; special meeting; consent to corporate actions
 1755 without meetings; waiver of notice of meetings.—

1756 (6) Subsections (1) and (3) do not apply to any
 1757 corporation that is an association as defined in s. 720.301(10)
 1758 ~~s. 720.301~~; a corporation regulated by chapter 718, chapter 719,
 1759 chapter 720, chapter 721, or chapter 723; or a corporation where
 1760 membership in such corporation is required pursuant to a
 1761 document recorded in the county property records.

1762 **Section 26. Subsection (7) of section 617.0721, Florida**
 1763 **Statutes, is amended to read:**

1764 617.0721 Voting by members.—

1765 (7) Subsections (1), (5), and (6) do not apply to a
 1766 corporation that is an association, as defined in s. 720.301(10)
 1767 ~~s. 720.301~~, or a corporation regulated by chapter 718 or chapter
 1768 719.

1769 **Section 27. Section 617.0725, Florida Statutes, is amended**
 1770 **to read:**

1771 617.0725 Quorum.—An amendment to the articles of
 1772 incorporation or the bylaws which adds, changes, or deletes a
 1773 greater or lesser quorum or voting requirement must meet the
 1774 same quorum or voting requirement and be adopted by the same
 1775 vote and voting groups required to take action under the quorum

1776 and voting requirements then in effect or proposed to be
1777 adopted, whichever is greater. This section does not apply to
1778 any corporation that is an association, as defined in s.
1779 720.301(10) ~~s. 720.301(9)~~, or any corporation regulated under
1780 chapter 718 or chapter 719.

1781 **Section 28. Subsection (3) of section 617.0808, Florida**
1782 **Statutes, is amended to read:**

1783 617.0808 Removal of directors.—

1784 (3) This section does not apply to any corporation that is
1785 an association, as defined in s. 720.301(10) ~~s. 720.301~~, or a
1786 corporation regulated under chapter 718 or chapter 719.

1787 **Section 29. Section 617.1606, Florida Statutes, is amended**
1788 **to read:**

1789 617.1606 Access to records.—Sections 617.1601-617.1605 do
1790 not apply to a corporation that is an association, as defined in
1791 s. 720.301(10) ~~s. 720.301~~, or a corporation regulated under
1792 chapter 718 or chapter 719.

1793 **Section 30. Paragraph (b) of subsection (1) of section**
1794 **718.116, Florida Statutes, is amended to read:**

1795 718.116 Assessments; liability; lien and priority;
1796 interest; collection.—

1797 (1)

1798 (b)1. The liability of a first mortgagee or its successor
1799 or assignees who acquire title to a unit by foreclosure or by
1800 deed in lieu of foreclosure for the unpaid assessments that

1801 became due before the mortgagee's acquisition of title is
 1802 limited to the lesser of:

1803 a. The unit's unpaid common expenses and regular periodic
 1804 assessments which accrued or came due during the 12 months
 1805 immediately preceding the acquisition of title and for which
 1806 payment in full has not been received by the association; or

1807 b. One percent of the original mortgage debt. The
 1808 provisions of this paragraph apply only if the first mortgagee
 1809 joined the association as a defendant in the foreclosure action.
 1810 Joinder of the association is not required if, on the date the
 1811 complaint is filed, the association was dissolved or did not
 1812 maintain an office or agent for service of process at a location
 1813 which was known to or reasonably discoverable by the mortgagee.

1814 2. An association, or its successor or assignee, that
 1815 acquires title to a unit through the foreclosure of its lien for
 1816 assessments is not liable for any unpaid assessments, late fees,
 1817 interest, or reasonable attorney's fees and costs that came due
 1818 before the association's acquisition of title in favor of any
 1819 other association, as defined in s. 718.103 or s. 720.301(10) ~~s.~~
 1820 ~~720.301(9)~~, which holds a superior lien interest on the unit.

1821 This subparagraph is intended to clarify existing law.

1822 **Section 31. Paragraph (d) of subsection (1) and paragraph**
 1823 **(e) of subsection (2) of section 718.503, Florida Statutes, are**
 1824 **amended to read:**

1825 718.503 Developer disclosure prior to sale; nondeveloper

1826 unit owner disclosure prior to sale; voidability.—
1827 (1) DEVELOPER DISCLOSURE.—
1828 (d) Milestone inspection, turnover inspection report, or
1829 structural integrity reserve study.—If the association is
1830 required to have completed a milestone inspection as described
1831 in s. 553.899, a turnover inspection report for a turnover
1832 inspection performed on or after July 1, 2023, or a structural
1833 integrity reserve study, and the association has not completed
1834 the milestone inspection, the turnover inspection report, or the
1835 structural integrity reserve study, each contract entered into
1836 after December 31, 2024, for the sale of a residential unit
1837 shall contain in conspicuous type a statement indicating that
1838 the association is required to have a milestone inspection, a
1839 turnover inspection report, or a structural integrity reserve
1840 study and has not completed such inspection, report, or study,
1841 as appropriate. If the association is not required to have a
1842 milestone inspection as described in s. 553.899 or a structural
1843 integrity reserve study, each contract entered into after
1844 December 31, 2024, for the sale of a residential unit shall
1845 contain in conspicuous type a statement indicating that the
1846 association is not required to have a milestone inspection or a
1847 structural integrity reserve study, as appropriate. If the
1848 association has completed a milestone inspection as described in
1849 s. 553.899, a turnover inspection report for a turnover
1850 inspection performed on or after July 1, 2023, or a structural

1851 integrity reserve study, each contract entered into after
 1852 December 31, 2024, for the sale of a residential unit shall
 1853 contain in conspicuous type:

1854 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 1855 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 1856 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 1857 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 1858 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 1859 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 1860 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 1861 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(29) ~~718.103(26)~~ AND
 1862 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
 1863 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 1864 EXECUTION OF THIS CONTRACT; and

1865 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 1866 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 1867 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 1868 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 1869 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 1870 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 1871 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 1872 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 1873 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 1874 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 1875 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(29) ~~718.103(26)~~ AND

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

1889
1890 A contract that does not conform to the requirements of this
1891 paragraph is voidable at the option of the purchaser before
1892 closing.

1893 (2) NONDEVELOPER DISCLOSURE.—

1894 (e) If the association is required to have completed a
1895 milestone inspection as described in s. 553.899, a turnover
1896 inspection report for a turnover inspection performed on or
1897 after July 1, 2023, or a structural integrity reserve study, and
1898 the association has not completed the milestone inspection, the
1899 turnover inspection report, or the structural integrity reserve
1900 study, each contract entered into after December 31, 2024, for

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

1918 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
1919 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
1920 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
1921 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
1922 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
1923 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
1924 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
1925 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(29) ~~718.103(26)~~ AND

1926 718.112 (2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7
 1927 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 1928 EXECUTION OF THIS CONTRACT; and

1929 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 1930 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 1931 CANCEL WITHIN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 1932 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 1933 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 1934 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 1935 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 1936 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 1937 718.301 (4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 1938 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 1939 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 (29) ~~718.103 (26)~~ AND
 1940 718.112 (2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 1941 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 1942 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
 1943 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 1944 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 1945 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 1946 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 1947 INSPECTION REPORT DESCRIBED IN SECTION 718.301 (4) (p) AND (q),
 1948 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 1949 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 1950 718.103 (29) ~~718.103 (26)~~ AND 718.112 (2) (g), FLORIDA STATUTES, IF

1951 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
 1952 TERMINATE AT CLOSING.

1953
 1954 A contract that does not conform to the requirements of this
 1955 paragraph is voidable at the option of the purchaser before
 1956 closing.

1957 **Section 32. Paragraph (d) of subsection (1) and paragraph**
 1958 **(d) of subsection (2) of section 719.503, Florida Statutes, are**
 1959 **amended to read:**

1960 719.503 Disclosure prior to sale.—

1961 (1) DEVELOPER DISCLOSURE.—

1962 (d) Milestone inspection, turnover inspection report, or
 1963 structural integrity reserve study.—If the association is
 1964 required to have completed a milestone inspection as described
 1965 in s. 553.899, a turnover inspection report for a turnover
 1966 inspection performed on or after July 1, 2023, or a structural
 1967 integrity reserve study, and the association has not completed
 1968 the milestone inspection, the turnover inspection report, or the
 1969 structural integrity reserve study, each contract entered into
 1970 after December 31, 2024, for the sale of a residential unit
 1971 shall contain in conspicuous type a statement indicating that
 1972 the association is required to have a milestone inspection, a
 1973 turnover inspection report, or a structural integrity reserve
 1974 study and has not completed such inspection, report, or study,
 1975 as appropriate. If the association is not required to have a

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

1988 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 1989 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 1990 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 1991 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 1992 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 1993 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 1994 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 1995 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND
 1996 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
 1997 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 1998 EXECUTION OF THIS CONTRACT; and

1999 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2000 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO

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

2023
 2024 A contract that does not conform to the requirements of this
 2025 paragraph is voidable at the option of the purchaser before

2026 closing.

2027 (2) NONDEVELOPER DISCLOSURE.—

2028 (d) If the association is required to have completed a

2029 milestone inspection as described in s. 553.899, a turnover

2030 inspection report for a turnover inspection performed on or

2031 after July 1, 2023, or a structural integrity reserve study, and

2032 the association has not completed the milestone inspection, the

2033 turnover inspection report, or the structural integrity reserve

2034 study, each contract entered into after December 31, 2024, for

2035 the sale of a residential unit shall contain in conspicuous type

2036 a statement indicating that the association is required to have

2037 a milestone inspection, a turnover inspection report, or a

2038 structural integrity reserve study and has not completed such

2039 inspection, report, or study, as appropriate. If the association

2040 is not required to have a milestone inspection as described in

2041 s. 553.899 or a structural integrity reserve study, each

2042 contract entered into after December 31, 2024, for the sale of a

2043 residential unit shall contain in conspicuous type a statement

2044 indicating that the association is not required to have a

2045 milestone inspection or a structural integrity reserve study, as

2046 appropriate. If the association has completed a milestone

2047 inspection as described in s. 553.899, a turnover inspection

2048 report for a turnover inspection performed on or after July 1,

2049 2023, or a structural integrity reserve study, each contract

2050 entered into after December 31, 2024, for the resale of a

2051 residential unit shall contain in conspicuous type:

2052 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES

2053 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-

2054 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED

2055 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

2056 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

2057 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A

2058 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

2059 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND

2060 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7

2061 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE

2062 EXECUTION OF THIS CONTRACT; and

2063 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY

2064 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO

2065 CANCEL WITHIN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL

2066 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE

2067 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-

2068 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED

2069 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

2070 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

2071 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A

2072 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

2073 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND

2074 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED

2075 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER

2076 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
 2077 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2078 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 2079 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 2080 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 2081 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q),
 2082 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 2083 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 2084 719.103(25) ~~719.103(24)~~ AND 719.106(1) (k), FLORIDA STATUTES, IF
 2085 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
 2086 TERMINATE AT CLOSING.

2087
 2088 A contract that does not conform to the requirements of this
 2089 paragraph is voidable at the option of the purchaser before
 2090 closing.

2091 **Section 33. Paragraph (d) of subsection (2) of section**
 2092 **720.3085, Florida Statutes, is amended to read:**

2093 720.3085 Payment for assessments; lien claims.—

2094 (2)

2095 (d) An association, or its successor or assignee, that
 2096 acquires title to a parcel through the foreclosure of its lien
 2097 for assessments is not liable for any unpaid assessments, late
 2098 fees, interest, or reasonable attorney's fees and costs that
 2099 came due before the association's acquisition of title in favor
 2100 of any other association, as defined in s. 718.103 or s.

2101 720.301(10) ~~s. 720.301(9)~~, which holds a superior lien interest
 2102 on the parcel. This paragraph is intended to clarify existing
 2103 law.

2104 **Section 34. For the purpose of incorporating the amendment**
 2105 **made by this act to section 720.3035, Florida Statutes, in a**
 2106 **reference thereto, subsection (9) of section 617.0825, Florida**
 2107 **Statutes, is reenacted to read:**

2108 617.0825 Board committees and advisory committees.—

2109 (9) This section does not apply to a committee established
 2110 under chapter 718, chapter 719, or chapter 720 to perform the
 2111 functions set forth in s. 718.303(3), s. 719.303(3), s.
 2112 720.3035(1), s. 720.305(2), or s. 720.405, respectively.

2113 **Section 35.** This act shall take effect July 1, 2026.
 2114