By Senator McClain

9-00419B-25 20251118__

A bill to be entitled

An act relating to land use and development regulations; amending s. 163.3162, F.S.; revising a statement of legislative purpose; deleting language authorizing the owner of an agricultural enclave to apply for a comprehensive plan amendment; authorizing such owner to instead apply for administrative approval of a development regardless of future land use designations or comprehensive plan conflicts under certain circumstances; deleting a certain presumption of urban sprawl; requiring that an authorized development be treated as a conforming use; prohibiting a local government from enacting or enforcing certain regulations or laws; requiring administrative approval of such development if it complies with certain requirements; conforming provisions to changes made by the act; amending s. 163.3164, F.S.; revising the definition of the terms "agricultural enclave" and "compatibility"; defining the terms "infill residential development" and "contiguous"; amending s. 163.3177, F.S.; prohibiting a comprehensive plan from making a certain mandate; prohibiting optional elements of a local comprehensive plan from containing certain policies; requiring the use of certain consistent data, where relevant, unless an applicant can make a certain justification; amending s. 163.31801, F.S.; defining the term "extraordinary circumstance"; amending s. 163.3184, F.S.; requiring a supermajority vote for the adoption

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

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

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

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

163.3162 Agricultural lands and practices.—

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

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

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

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

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

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

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

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

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

1. The Wekiva Study Area, as described in s. 369.316; or

2. The Everglades Protection Area, as defined in s. 373.4592(2).

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

163.3164 Community Planning Act; definitions.—As used in

this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) PUBLIC HEARINGS.—

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

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

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

procedures under s. 70.51.

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

163.3202 Land development regulations.—

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

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

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

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

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

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

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

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

construction of recreational facilities or amenities.

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

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

(11)~~(8)~~ "Governing documents" means~~:~~

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

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

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

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

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

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

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

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

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

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

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

(b) The commercial or industrial parcels, including amenity

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

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

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

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

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

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

720.319 Parcels subject to a recreational covenant.—

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

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

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

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

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

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

include any combination of the amenity expenses or amenity fees.

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE SUMMARY

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

BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(29) "Zoning category" means the designation under the land development regulations or other similar ordinance enacted to regulate the use of land as provided in s. 163.3202(2)(c) ~~s. 163.3202(2)(b)~~, which designation sets forth the allowable uses, restrictions, and limitations on use applicable to properties within the category.

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

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

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

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

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

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

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

(1)

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

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

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

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

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

720.3085 Payment for assessments; lien claims.—

(2)

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

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

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