

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

JESSE CRANE,

Petitioner,

vs.

Case No. 26-1415

THREE RIVERS ESTATES PROPERTY
OWNERS, INC.,

Respondent.

_____/

BONNIE BLACKWELL, SCOTT AND
CANDIS KAY, ET AL.,

Petitioners,

vs.

Case No. 26-1416

THREE RIVERS ESTATES PROPERTY
OWNERS, INC.,

Respondent.

_____/

RECOMMENDED ORDER

On May 14, 2026, Administrative Law Judge Robert J. Telfer III, of the Florida Division of Administrative Hearings (DOAH), conducted an evidentiary hearing for these consolidated matters pursuant to section 120.57(1), Florida Statutes (2025), in Tallahassee, Florida, via Zoom web-conference.

APPEARANCES

For Petitioner Jesse Crane:

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Justin Givens, Esquire
Anderson, Givens, & Fredericks, P.A.
1689 Mahan Center Boulevard, Suite B
Tallahassee, Florida 32308

For Petitioners Bonnie Blackwell, Scott and Candis Kay, et al.:

Christine M. Ertl, Esquire
Fisher, Tousey, Leas & Ball, P.A.
504 Riverside Avenue, Suite 700
Jacksonville, Florida 32205

For Respondent:

Peter C. Focks, Esquire
McCarty Focks, PLLC
2630-A Northwest 41st Street
Gainesville, Florida 32606

STATEMENT OF THE ISSUE

In these consolidated matters, whether Respondent, Three Rivers Estates Property Owners, Inc. (TREPO), properly revived its expired Declaration of Covenants and Restrictions in accordance with sections 720.403 through 720.407, Florida Statutes (2025).

PRELIMINARY STATEMENT

On January 28, 2026, the Department of Commerce (Department) issued Determination Number 26002-A, which approved the revitalization of TREPO's "Declaration of Covenants, Conditions, and Restrictions" and "other governing documents" for a portion of the Three Rivers Estates residential subdivision, which spans Suwanee and Columbia Counties in Florida.

On February 15, 2026, Petitioner Crane filed a Petition for Formal Administrative Proceedings, and, on March 16, 2026, the Department forwarded this Petition to DOAH, which assigned the undersigned ALJ (DOAH Case No. 26-1415). On March 3, 2026, Petitioners Blackwell, Kay, et al., filed a Petition for Administrative Proceeding, and on March 16, 2026, the Department forwarded the Amended Petition to DOAH, which assigned it to the undersigned ALJ to conduct the final hearing (DOAH Case No. 26-1416). On March 31, 2026, after receiving responses to an Order to Show Cause, the undersigned entered an Order of Consolidation, which consolidated DOAH Case Nos. 26-1415 and 26-1416 pursuant to Florida Administrative Code Rule 28-106.108.

On March 31, 2026, the undersigned noticed the final hearing for April 24, 2026. After receiving a Joint Stipulation to Continue Final Hearing, the undersigned thereafter issued Order Granting Continuance and Rescheduling Hearing by Zoom Conference, for May 14, 2026. On May 5, 2026, the parties filed a Pre-hearing Stipulation.

The undersigned conducted the final hearing on May 14, 2026, by Zoom web-conference. In accordance with the Parties' Pre-hearing Stipulation, the undersigned admitted into evidence Petitioners' Exhibits P1 through 11 (including sub- and sub-sub parts). The parties called no witnesses, and offered argument on the issues and exhibits identified in the Pre-hearing Stipulation.¹

¹ Additionally, at the beginning of the final hearing, the undersigned considered correspondence from a non-party, Leanne Custer, which was received on May 6, 2026, and which was considered as a motion for leave to intervene. The undersigned considered the position of the parties to the proceeding (all parties opposed intervention), and determined that the request to intervene was untimely and without good cause. *See* Fla. Admin. R. 28-106.205.

At the conclusion of the final hearing, the parties agreed that the date for submission of proposed recommended orders would be July 10, 2026, unless the transcript for the final hearing was filed less than ten days prior to July 10, 2026. The one-volume Transcript of the final hearing was filed with DOAH on June 22, 2026. On July 8, 2026, the parties filed a Joint Motion for Extension of Time to File Proposed Recommended Orders in Light of On-Going Settlement Discussions; on that same date, the undersigned entered an Order Granting Joint Motion for Extension of Time to File Proposed Recommended Orders, setting the deadline for the submission of proposed recommended orders for July 24, 2026. The parties timely submitted Proposed Recommended Orders on July 24, 2026, which the undersigned has considered in the preparation of this Recommended Order.²

All statutory references are to the 2025 codification of the Florida Statutes, unless otherwise indicated.

FINDINGS OF FACT

Based on the Pre-hearing Stipulation and Exhibits received into evidence at the final hearing, the undersigned makes the following findings of fact:

1. Petitioners are parcel owners within the Three Rivers Estates residential subdivision in Columbia and Suwannee Counties, Florida. The Three Rivers Estates residential subdivision contains approximately 2114 parcels in Columbia County, and 1111 parcels in Suwannee County.³

² Petitioner Crane also filed a Motion for Attorney's Fees and Costs on July 24, 2026, which the undersigned will address in this Recommended Order.

³ Petitioners Jesse Crane, Bonnie Blackwell, Pamela Thomas, April Cirrincione, Jodie Pacariem, Charlene Brown, Denise O'Connor, Joseph and Wendy Hale, Jimmy and Brenda Williams, Greg and Lisa Anderson, David and Shannon Benton, Clinton and Teresa Simmons, Jerome and Patricia Squadrito, Michael Smith, Joseph and Taralee Surento, Leigh Odom, Dave and Linda Malstonm, Dennis and Dorothy Sandlin, Jeffrey and Kimberly Koycar, Deborah Chadwick, Erick and Lorrie Sweetapple, Larry and Cindy Fulford, Diana

2. Respondent is a Florida not-for-profit corporation, formed in 1980, under chapter 617, Florida Statutes, and governed by chapter 720.

Membership in Respondent is not mandatory for any person or parcel owner.

3. The Department is the state agency responsible for reviewing and approving submissions from associations seeking to revive declarations of covenants that have expired or otherwise have lapsed. Chapter 720, part III, contains the requirements for revitalization and also contains the specific responsibilities of the Department.

Restrictive Covenants and Other Governing Documents

4. In May 1962, “3 Rivers Estates” recorded a document entitled “Restrictions” in the public records of Columbia County, Florida (1962 Restrictions). The document entered into evidence at the final hearing—the 1962 Restrictions—consisted of only one page, and did not contain any legal descriptions of land, signatures, or subscribing witnesses, and was not notarized. Additionally, this one-page document made no mention of mandatory membership, a mandatory homeowners association, or Respondent.

5. In October 1990, TREPO recorded a “Statement of Restrictions and Protective Covenants for Three Rivers Estates” in the public records of Columbia County, Florida (1990 Restrictions) (collectively with the 1962 Restrictions, the Restrictive Covenants). The 1990 Restrictions were signed

Suarez, Larry Cryier, Mary Brallier, and Elizabeth Baillie own parcels within the Columbia County portion of Three Rivers Estates. Petitioners Heidi Shubert, Larry and Linda Sapp, Jared and Amanda Buttram, David and Mary Peat, David McNamara, Cheryl Sutherland, John and Rose Dallimonti, Joseph Grande, Ryan and Kelly Dunn, Steve and Andrea Lacey, Thomas Moore, Donald and Dawn Chandler, Gerald and Kathryn Danaher, Ronald Harvey, Ronald Blattenberger, Jr., Leroy and Eva Tenney, George Woods III, Homer and Ruth Ann Summerall, Earl and Mary Leavins, Marily Gorman, Richard Jolley and Susan Jolley-Shannen, William and Terry Bramhall, Keith and Charlene Austin, Randal Vaughn and Sindy August, Danny and Katherine Bousquet, Dawn Tuomi, Alan and Angela Regan, Ladoris and William Sherrel, Ladoris Driggers, Thomas and Lenorea Leggett, Jerry and Jennie Brantley, Jeffrey and Laura Long, and Scott and Candis Kay own parcels within the Suwanee County portion of Three Rivers Estates.

by two officers of TREPO, and their signatures were notarized. There are no witness signatures to these signatures of the TREPO officers.

6. The Articles of Incorporation for the TREPO were recorded on October 30, 1980. TREPO executed its “By Laws of Three Rivers Estates Property Owners, Inc.” on October 8, 1994. TREPO did not exist in 1962, when the 1962 Restrictions were recorded.

7. The 1962 Restrictions did not provide for the right to collect assessments or any right to lien for any assessments. The 1990 Restrictions did not provide for the right to lien for unpaid assessments.

8. The 1994 By Laws provide that the “Association” “shall have a lien on each lot for any unpaid assessments.”

9. By operation of the Marketable Record Title Act (MRTA), chapter 712, Florida Statutes, the Restrictive Covenants expired 30 years from their initial recording.

Revitalization Process

10. In 2025, in an effort to revitalize the expired Restrictive Covenants and other governing documents, TREPO formed an Organizing Committee, which was comprised of ten members.

11. On October 30, 2025, the Organizing Committee prepared and mailed, or hand-delivered, a packet of documents that contained the following documents (Owners Packet) to *certain* parcel owners in the Three Rivers Estates subdivision:

a. Cover letter with instructions to homeowners from Respondent’s counsel and the members of the Organizing Committee;

b. A draft document entitled “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates,” which references, *inter alia*, the Restrictive Covenants, Articles of Incorporation, and By Laws, and which includes, attached, a “Schedule A Legal Description,” which states “The real property subject to this declaration is described as follows[,]” and

which lists 20 “unit numbers” in Columbia County, which describes 1937 parcels, and eight “unit numbers” in Suwannee County, which describes 1111 parcels;

c. Exhibit A – “Existing Declaration of Covenants, Conditions and Restrictions,” which contains the Restrictive Covenants;

d. Exhibit B – 1980 TREPO Articles of Incorporation;

e. Exhibit C – 1994 TREPO By Laws;

f. Exhibit D – “Graphic Depiction of the property governed by the declaration,” which describes 2114 parcels in Columbia County, and which describes 1111 parcels in Suwannee County; and

g. Exhibit E – “List of owners and legal descriptions of parcels subject to declaration[,]” which for Columbia County, lists approximately 100 parcels, and for Suwannee County, lists 18 parcels.

12. The cover letter with instructions to homeowners, contained in the Owners Packet, contained the names, addresses, and phone numbers of all ten of the Organizing Committee members.

13. The Organizing Committee did not send the Owners Packet to all of the parcel owners in the Three Rivers Estates residential subdivision; rather, the Organizing Committee only sent the Owners Packet to the parcels listed in Exhibit E of the Owners Packet (*i.e.*, approximately 100 parcels in Columbia County and 18 parcels in Suwannee County).

14. *None* of the Petitioners in these consolidated matters received the Owners Packet. And, *none* of the Petitioners in these consolidated matters are listed in the document identified in paragraph 11(g) as Exhibit E – “List of owners and legal descriptions of parcels subject to declaration.” However, Petitioners’ parcels (and all parcels in Three Rivers Estates subdivision) are listed in the document identified in paragraph 11(f) as Exhibit D—“Graphic Depiction of the property governed by the declaration.”

15. Petitioners note that TREPO omitted the following documents from the Owners Packet:

- a. 2008 Amendment to Articles of Incorporation of TREPO, which substituted the Treasurer of TREPO;
- b. 2020 “Notice of Three Rivers Property Owners, Inc. under s. 720.3032, Florida Statutes, and notice to preserve and protect covenants and restrictions from extinguishment under the Marketable Record Title Act, chapter 712, Florida Statutes,” recorded in Columbia County;
- c. 1986 Warranty Deed between Three Rivers Estates, Inc., as Grantor, and TREPO, as Grantee, that transferred properties from Three Rivers Estates, Inc. to TREPO; and
- d. as indicated in “Article Thirteen – Amendments” in the 1994 By Laws, a reference that the By Laws were approved in 1987, and amended in 1994.

16. On November 17, 2025, Respondent’s attorney mailed to the Department a packet of documents that sought approval of the revitalization of the Restrictive Covenants (Department Packet). The cover letter to the Department Packet states, in part:

This firm represents Three Rivers Estates Property Owner’s, Inc. (the “Association”) in connection to the proposed revitalization of the governing documents of the Association pursuant to Part III, Ch. 720, Florida Statutes.

This revitalization concerns a single Association, which is identified above. The real property that was subject to the original declaration is located in Suwannee and Columbia Counties, Florida. The proposed revitalization would govern some, but not all, of the parcels in both of those counties.

The Organizing Committee caused to be prepared separate materials for the owners of the parcels in the two counties. A copy of the packet that was provided to the owners in Columbia County, Florida is enclosed as Exhibit B-1. A copy of the packet that was provided to the owners in Suwannee County, Florida is enclosed as Exhibit B-2.

Parcels to be subject to revived declaration

The legal description of the property to be subject to the revitalized governing documents is attached hereto as Schedule A, one for each county.

Summary of changes to governing documents

No changes were made to the governing documents.

The following are enclosed:

1. Legal description of the property subject to the revitalized declaration attached hereto as Schedule A, one for each county.
2. Text of the proposed Revived Declaration, including the Articles of Incorporation and By-laws. Note there are two proposed Revived Declarations, one for Columbia County enclosed as Exhibit C-1 and another for Suwannee County enclosed as Exhibit C-2.
3. Affidavit verifying copies of previous governing documents, Copies of the previous governing documents are attached, one for Columbia County enclosed as Exhibit D-1 and another for Suwannee County enclosed as Exhibit D-2.
4. Legal description of each parcel and the name of the owner of record in the subdivision to be subject to the revived declaration and other governing documents. One for Columbia County enclosed as Exhibit E-1 and another for Suwannee County enclosed as Exhibit E-2.
5. Graphic description of the affected properties in the subdivision; one for Columbia County enclosed as Exhibit F-1 and another for Suwannee County enclosed as Exhibit F-2.
6. Affidavit verifying written Consents from a majority of the owners of the affected parcels approving the revitalization of the governing documents. Copies of the written Consents are attached to the Affidavit. One set for Columbia

County enclosed as Exhibit G-1 and another for Suwannee County enclosed as Exhibit G-2.

7. Affidavit verifying compliance with Ch. 720, Florida Statute.

17. Exhibit A to the Department Packet is similar to the “Schedule A Legal Description,” that accompanied the draft document entitled “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates” from the Owners Packet. Exhibit A states “The real property subject to this declaration is described as follows,” and lists 20 “unit numbers” in Columbia County, which describes 1937 parcels, and eight “unit numbers” in Suwannee County, which describes 1111 parcels.

18. Exhibits E-1 and E-2 to the Department Packet are similar to the “Exhibit E” that accompanied the Owners Packet. Both exhibits listed the owners and legal descriptions of the parcels subject to the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates.” For Columbia County, Exhibit E-1 to the Department Packet lists approximately 100 parcels, and for Suwannee County, E-2 lists 18 parcels.

19. Exhibit E to the Owners Packet, and Exhibits E-1 and E-2 to the Department Packet, do not list all of the owners listed in Exhibits F-1 and F-2, or all of the record owners of the parcels identified on the “Schedule A Legal Description” that accompanied the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates.”

20. Again, *none* of the Petitioners in these consolidated matters are listed in the document identified in the Department Packet as Exhibit E-1 or E-2—“List of owners and legal descriptions subject to declaration.”

21. However, all Petitioners’ parcels (and all parcels in Three Rivers Estates subdivision) are listed in the documents as Exhibits F-1 and F-2 in the Department Packet—Graphic Depiction for each county (Columbia and Suwannee).

22. Exhibits G-1 and G-2 contain executed documents entitled “Consent of Owner to Proposed Revived Declaration and Other Governing Documents” (Consents). For Columbia County, the Department Packet included 55 Consents. For Suwannee County, the Department Packet included 14 Consents. *None* of the Petitioners in these consolidated matters signed or executed Consents (indeed, none of them received these documents).⁴

23. In a letter dated January 28, 2026, the Department approved the proposed revitalization of the Restrictive Covenants.

24. On February 9, 2026, the Organizing Committee recorded the Revived Declaration of Covenants, Conditions and Restrictions for Three Rivers Estates, including exhibits, with the Columbia County Clerk.

Issues Raised by Petitioners

25. Petitioners contend that they are all “affected parcel owners,” as that term is used in chapter 720, part III, Florida Statutes, because: (a) they own property identified in “Schedule A Legal Description,” to the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates,” which states “The real property subject to this declaration is described as follows[,]” and which lists 20 “unit numbers” in Columbia County, which describes 1937 parcels, and eight “unit numbers” in Suwannee County, which describes 1111 parcels; and (b) they own properties identified in the graphic description of property recorded in the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates,” as found

⁴ As noted in the Pre-hearing Stipulation, 46 of the consents for Columbia County are dated before November 13, 2025, and 22 of the consents for Columbia County are dated before November 10, 2025. 11 of the consents for Suwannee County are dated before November 13, 2025, and seven of the consents are dated before November 10, 2025.

in Exhibit D to the Owners Packet, and Exhibits F-1 and F-2 to the Department Packet.⁵

26. Because they purport to be “affected parcel owners,” Petitioners contend that the revitalization process ran afoul of the procedures for revitalization, primarily found in section 720.405—and most notably, the requirements that the organizing committee provide all Petitioners with a complete text of the proposed revised declaration of covenants, that they have the opportunity to vote on whether to revitalize, and that a majority of the affected parcel owners must agree to the revitalization in writing—none of which, according to Petitioners, occurred in this proposed revitalization.

27. Petitioners also take issue with the 1962 Restrictions, noting that they do not contain any signatures, do not include two subscribing witnesses, were not notarized, do not mention a homeowners’ association or any corporate entity, and do not mention Respondent.

28. With respect to the 1962 Restrictions, Petitioners also contend that Respondent presented no evidence to establish that Respondent was authorized to amend or enforce the 1962 Restrictions, or that Respondent had an assignment of rights pertaining to the 1962 Restrictions. Additionally, Petitioners note that the 1962 Restrictions do not describe any real property.

29. With respect to the 1990 Restrictions, Petitioners contend that Respondent presented no evidence that it had the authority to amend the 1962 Restrictions, or that any owner of any parcel described in the 1990 Restrictions authorized Respondent to encumber their real property with the 1990 Restrictions.

30. Because of the infirmities with the 1962 and 1990 Restrictions, Petitioners contend that the revitalization effort violates section 720.404(3) and 720.405(4)(d), which require that a revived declaration not contain

⁵ Petitioners also introduced a recent “Owner and Encumbrance Property Information Report” for property that the Blackwell Petitioners own that reflects, *inter alia*, the revitalized Restrictive Covenants apply to their properties.

covenants that are more restrictive on parcel owners than covenants contained in a previous declaration. According to Petitioners, because the 1962 and 1990 Restrictions are not valid, *any* restrictions contained in the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates” would be more restrictive than any previous declaration.

31. Petitioners also take issue with the 1994 By Laws, and specifically, a provision that allows Respondent to collect assessments and lien for unpaid assessments. According to Petitioners, such rights did not exist in either the 1962 or 1990 Restrictions, and, therefore, are more restrictive than any previous declaration.

32. Petitioners take further issue with the revitalization process. They claim that the date on the cover letter of the Owners Packet is October 30, 2025, that an affidavit from the organizing committee contends that it commenced the hand delivery of the Revitalization Packet on October 27, 2025, and that a number of the consents were returned before November 10 and November 13, 2025, which, Petitioners contend, violates 720.405(6).

33. Petitioners also contend that the Department Packet either omitted certain documents—including a 2008 deed that transferred properties from Three Rivers Estates, Inc., to Respondent; a 1986 Warranty Deed; and a copy of Respondent’s 1987 By Laws—or included unnecessary documents, including Respondent’s By Laws and Articles of Incorporation.

CONCLUSIONS OF LAW

34. DOAH has jurisdiction over the subject matter and the parties to this proceeding in accordance with sections 120.569 and 120.57(1).

35. Petitioners have the burden of proving their claims by a preponderance of the evidence. *Fla. Dep’t of Transp. v. J.W.C., Inc.*, 396 So. 2d 778 (Fla. 1st DCA 1981); *Stephen J. Byers and Erich Nikorowicz v. Antiquers Aerodome, Inc.*, Case No. 18-1732 (Fla. DOAH June 19, 2019; Fla. DEO Sept. 16, 2019); *Matthew Aldridge and Billiejo Aldridge v. Plum Tree*

Homeowners Ass’n, Inc., Case No. 21-3834 (Fla. DOAH Aug. 11, 2022; Fla. DEO Nov. 9, 2022); *Warren Cavanaugh v. Melrose Area Property Owners’ Ass’n, Inc.*, Case No. 21-3618 (Fla. DOAH May 2, 2022; Fla. DEO June 6, 2022).

36. The Florida Legislature enacted MRTA in 1963 to simplify and facilitate land transactions. *Blanton v. City of Pinellas Park*, 887 So. 2d 1224, 1227 (Fla. 2004). Under MRTA, restrictive covenants cease to be effective as to land parcels governed by the restrictive covenants 30 years after the restrictive covenants have been referenced in a deed that burdens each lot. § 712.02, Fla. Stat.

37. The parties concede that the Restrictive Covenants expired by operation of MRTA.

38. When MRTA extinguishes a community’s restrictive covenants, an association can utilize the procedures set forth in chapter 720, part III (sections 720.403-.407), to revive the expired restrictive covenants.

39. Section 720.403 provides as follows:

720.403 Preservation of communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the Community Planning Act, property owners are encouraged to preserve existing residential and other communities, promote available and affordable housing, protect structural and aesthetic elements of their community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

(2) In order to preserve a community and the associated infrastructure and common areas for the purposes described in this section, *the parcel owners in a community that was previously subject to a declaration of covenants that has ceased to govern one or more parcels in the community may revive the declaration and the association for the community upon approval by the parcel owners to be governed thereby as provided in this act*, and upon approval of the declaration and the other governing documents for the association by the Department of Commerce in a manner consistent with this act.

(3) This part is intended to provide mechanisms for the revitalization of covenants or restrictions for all types of communities and property associations and is not limited to residential communities.

(Emphasis added).

40. Section 720.404 describes the required procedures for revitalization, and states:

720.404 Eligible communities; requirements for revival of declaration.—Parcel owners in a community are eligible to seek approval from the Department of Commerce to revive a declaration of covenants under this act if all of the following requirements are met:

(1) All parcels to be governed by the revived declaration must have been once governed by a previous declaration that has ceased to govern some or all of the parcels in the community.

(2) The revived declaration must be approved in the manner provided in 720.405(6); and

(3) The revived declaration may not contain covenants that are more restrictive on the parcel owners than the covenants contained in the previous declaration, *except that the declaration may:*

- (a) Have an effective term of longer duration than the term of the previous declaration;
- (b) Omit restrictions contained in the previous declaration;
- (c) *Govern fewer than all of the parcels governed by the previous declaration;*
- (d) Provide for amendments to the declaration and other governing documents; and
- (e) Contain provisions required by this chapter for new declarations that were not contained in the previous declaration.

(Emphasis added).

41. Section 720.405 describes the procedure and documents required to be provided to the parcel owners in order to obtain parcel owner approval with respect to the revival of expired restrictive covenants. Section 720.405 provides as follows:

720.405 Organizing Committee; parcel owners approval.—

(1) The proposal to revive a declaration of covenants and an association for a community under the terms of this act shall be initiated by an organizing committee consisting of not less than three parcel owners located in the community that is proposed to be governed by the revived declaration. The name, address, and telephone number of each member of the organizing committee must be included in any notice or other document provided by the committee to parcel owners to be affected by the proposed revived declaration.

(2) The organizing committee shall prepare or cause to be prepared the complete text of the proposed revised declaration of covenants to be submitted to the parcel owners for approval. *The proposed revived documents must identify each parcel that is to be*

subject to the governing documents by its legal description, and by the name of the parcel owner or the person in whose name the parcel is assessed on the last completed tax assessment roll of the county at the time when the proposed revised declaration is submitted for approval by the parcel owners.

(3) The organizing committee shall prepare the full text of the proposed articles of incorporation and bylaws of the revived association to be submitted to the parcel owners for approval, unless the association is then an existing corporation, in which case the organizing committee shall prepare the existing articles of incorporation and bylaws to be submitted to the parcel owners.

(4) The proposed revised declaration and other governing documents for the community shall:

(a) Provide that the voting interest of each parcel owner shall be the same as the voting interest of the parcel owner under the previous governing documents;

(b) Provide that the proportional-assessment obligations of each parcel owner shall be the same as proportional-assessment obligations of the parcel owner under the previous governing documents;

(c) Contain the same respective amendment provisions as the previous governing documents or, if there were no amendment provisions in the previous governing document, amendment provisions that require approval of not less than two-thirds of the affected parcel owners;

(d) Contain no covenants that are more restrictive on the affected parcel owners than the covenants contained in the previous governing documents, except as permitted under s. 720.404(3); and

(e) Comply with the other requirements for a declaration of covenants and other governing documents as specified in this chapter.

(5) A copy of the complete text of the proposed revised declaration of covenants, the proposed new or existing articles of incorporation and bylaws of the association, and a graphic depiction of the property to be governed by the revived declaration *shall be presented to all of the affected parcel owners by mail not less than 14 days before the time that the consent of the affected parcel owners to the proposed governing documents is sought by the organizing committee.*

(6) *A majority of the affected parcel owners must agree in writing to the revived declaration of covenants and governing documents of the association or approve the revived declaration and governing documents by a vote at a meeting of the affected parcel owners noticed and conducted in the manner prescribed by s. 720.306.* Proof of notice of the meeting to all affected owners of the meeting and the minutes of the meeting recording the votes of the property owners shall be certified by a court reporter or an attorney licensed to practice in the state.

(Emphasis added).

42. Section 720.406 describes the procedure and documents required to be submitted to the Department in order to revive expired covenants. Section 720.406 provides as follows:

720.406. Department of Economic Opportunity; submission; review and determination.—

(1) No later than 60 days after the proposed revived declaration and other governing documents are approved by the parcel owners, the organizing committee or its designee must submit the proposed revived governing documents and supporting materials to the Department of Economic Opportunity to review and determine whether to approve or disapprove of the proposal to preserve the residential community. The submission to the department must include:

(a) The full text of the proposed revived declaration of covenants and articles of incorporation and bylaws of the homeowners' association;

(b) A verified copy of the previous declaration of covenants and other previous governing documents for the community, including any amendments thereto;

(c) *The legal description of each parcel to be subject to the revived declaration and other governing documents and a plat or other graphic depiction of the affected properties in the community;*

(d) *A verified copy of the written consents of the requisite number of the affected parcel owners approving the revived declaration and other governing documents or, if approval was obtained by a vote at a meeting of affected parcel owners, verified copies of the notice of the meeting, attendance, and voting results;*

(e) An affidavit by a current or former officer of the association or by a member of the organizing committee verifying that the requirements for the revived declaration set forth in s. 720.404 have been satisfied; and

(f) Such other documentation that the organizing committee believes is supportive of the policy of preserving the residential community and operating, managing, and maintaining the infrastructure, aesthetic character, and common areas serving the residential community.

(2) No later than 60 days after receiving the submission, the department must determine whether the proposed revived declaration of covenants and other governing documents comply with the requirements of this act.

(a) If the department determines that the proposed revived declaration and other governing documents comply with the act and have been approved by the

parcel owners as required by this act, the department shall notify the organizing committee in writing of its approval.

(b) If the department determines that the proposed revived declaration and other governing documents do not comply with this act or have not been approved as required by this act, the department shall notify the organizing committee in writing that it does not approve the governing documents and shall state the reasons for the disapproval.

(Emphasis added).

43. Petitioners contend that the Association did not comply with the requirements of the revitalization procedure set forth in sections 720.403 through 720.406. The undersigned addresses each alleged violation below.

44. Petitioners first contend that TREPO does not meet the definition of a “homeowners association,” and is, therefore, as a matter of law, unable to avail itself of the revitalization procedures set forth above, because membership in TREPO is not a mandatory condition of parcel ownership in Three Rivers Estates.

45. Section 720.301(9) defines “homeowners association” or “association” as follows:

[A] Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term “homeowners’ association” does not include a community development district or other similar special taxing district created pursuant to statute.

46. Section 712.12(2)(a), contained within the statutory chapter pertaining to the MRTA, states, “[t]he parcel owners of a community not subject to a

homeowner's association may use the procedures set forth in ss. 720.403-720.407 to revive covenants or restrictions that have lapsed under the terms of this chapter."

47. In the instant proceeding, it is only certain parcel owners in the Three Rivers Estates subdivision who wished to revitalize the Restrictive Covenants, which is in accordance with section 712.12(2)(a). Additionally, a review of the relevant provisions found in sections 720.403 through 720.407 refer to "property owners," "parcel owners," and an "organizing committee," and not a "homeowners association" or "association," as the entities that may seek a revitalization of covenants and restrictions. Additionally, section 712.12(2)(a) plainly allows for parcel owners of a community not subject to a "homeowners association" to seek revitalization of covenants and restrictions.

48. With respect to the first contention, the undersigned concludes that Petitioners have failed to present any persuasive evidence concerning this allegation, and the competent, substantial evidence presented at the final hearing established that certain parcel owners, and an organizing committee, sought revitalization of the Restrictive Covenants in accordance with the governing statutes.

49. Petitioners' next, and main, contention in this proceeding is that they are "affected parcel owners" who are subject to the revitalized Restrictive Covenants, but were not provided the opportunity to participate in the revitalization process. Petitioners primarily base this contention on their ownership of the property identified in "Schedule A Legal Description," to the "Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates," which states "The real property subject to this declaration is described as follows[,]" which lists 20 "unit numbers" in Columbia County, which describes 1937 parcels, and eight "unit numbers" in Suwannee County, which describes 1111 parcels, and on their ownership of the properties identified in the graphic description of property recorded in the "Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers

Estates,” as found in Exhibit D to the Owners Packet, and Exhibits F-1 and F-2 to the Department Packet. Petitioners contend that the organizing committee only sent Owners Packets to the owners of 100 parcels in Columbia County, and 18 parcels for Suwanee County, and received only 55 consents for Columbia County, and 14 consents for Suwanee County.

50. Essentially, Petitioners argue that their “affected parcels” are now subject to the Restrictive Covenants, even though they received no opportunity to participate in, or approve or disapprove of, the Restrictive Covenants, and that a majority of the “affected parcel owners,” *i.e.*, over fifty percent of the entirety of the parcel owners of Three Rivers Estates (which would be approximately 1,525 parcels) did not approve of the revitalization of the Restrictive Covenants, contrary to section 720.405(6).

51. When sections 720.403 through 720.407 are read *in pari materia*, the plain text of these statutes clearly allow for a revitalization effort that “governs fewer than all of the parcels governed by the previous declaration.” § 720.404(3)(c); *see also* §§ 720.403(2) (“the parcel owners ... may revive the declaration and the association for the community upon approval by the parcel owners *to be governed thereby*,”) 720.405(2) (“[t]he proposed revived documents must identify each parcel that is to be subject to the governing documents by its legal description, and by the name of the parcel owner[.]” 720.405(5) (“[a] copy of the complete text of the proposed revised declaration of covenants ... shall be presented to all of the affected property owners[.]” § 720.405(6) (“[a] majority of the affected parcel owners must agree in writing to the revived declaration of covenants); 720.406(1)(c) (requiring the organizing committee, after the revitalized declaration is approved by the affected parcel owners, to submit to the Department of Commerce, *inter alia*, “[t]he legal description of each parcel to be subject to the revived declaration and other governing documents”).

52. It is abundantly clear from the evidence presented at the final hearing that it was the intention of Respondent to limit the revitalization effort to

only the 100 parcels in Columbia County and 18 parcels in Suwannee County. Exhibit E to the Owners Packet, and Exhibits E-1 and E-2 to the Department Packet, provides the legal description for these select parcels in Columbia and Suwannee Counties, and states, at the top of each document, “List of owners and legal description of parcels subject to the declaration.” The cover letter accompanying the Department Packet also states “[t]he proposed revitalization would govern some, but not all, of the parcels in both of those counties.”

53. The inclusion of “Schedule A Legal Description,” to the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates,” which states “The real property subject to this declaration is described as follows[,]” and which lists 20 “unit numbers” in Columbia County, which describes 1937 parcels, and eight “unit numbers” in Suwannee County, which describes 1111 parcels, the graphic description of property recorded in the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates,” as found in Exhibit D to the Owners Packet, and Exhibits F-1 and F-2 to the Department Packet, does not transform Petitioners into “affected parcel owners.” Neither “Schedule A Legal Description,” nor the graphic description of the property, “identify each parcel that is to be subject to the governing documents by its legal description, and by the name of the parcel owner[,]” as required under section 720.405(2). Additionally, section 720.406(1)(a) requires that the submission to the Department must include, *inter alia*, “other previous governing documents for the community[,]” which could include *all* of the real property previously subject to the Restrictive Covenants, without making them subject to the revitalization.

54. Parcel owners are “affected” within the meaning of these statutes if a proposed revitalization seeks to impose any covenants or restrictions upon the parcel or to otherwise subject the parcel to the governing documents of a homeowners’ association. *See* § 720.405(6), Fla. Stat.; *see also The American*

Heritage Dictionary 28 (5th ed. 2011) (defining the term “affected” in relevant part as “[a]cted upon, influenced, or changed.”). The undersigned concludes that Petitioners have failed to present any persuasive evidence concerning this contention, and further concludes that the competent, substantial evidence presented at the final hearing established that the *only* affected parcel owners, within the meaning of sections 720.403 through 720.407, and the *only* parcels that are subject to the revitalized Restrictive Covenants, are those approximately 118 parcels that are listed on Exhibit E to the Owners Packet, and Exhibits E-1 and E-2 to the Department Packet, which state the “List of owners and legal description of parcels subject to the declaration.”

55. The undersigned concludes that the consent process, as to those 118 affected parcel owners, complied with the majority vote requirements of section 720.405(6).

56. To be clear, based on the competent, substantial evidence presented at the final hearing, *none* of the Petitioners in these consolidated proceedings, and more precisely, *none* of the parcel owners other than those listed in Exhibits E-1 and E-2 to the Department Packet, are subject to the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates.”

57. The undersigned is cognizant that in the parties’ Pre-hearing Stipulation, the parties stipulated that “Petitioners are all interested parties for the purpose of standing and standing only.” And, the undersigned is fully aware that a stipulation is binding on the parties that enter them and this tribunal, unless there is a showing of fraud, misrepresentation, or mistake. *See Gunn Plumbing, Inc. v. Dania Bank*, 252 So. 2d 1, 4 (Fla. 1971); *Rich v. Rich*, 337 So. 3d 138, 148 (Fla. 2d DCA 2022); *Delgado v. Agency for Health Care Admin.*, 237 So. 3d 432, 436 (Fla. 1st DCA 2018); *Seminole Elec. Co-op, Inc. v. Dep’t of Env’tl. Prot.*, 985 So. 2d 615, 621 (Fla. 5th DCA 2008).

58. However, standing is a threshold jurisdictional determination that cannot be conferred by consent, or where no standing actually exists. *See*

Grand Dunes, Ltd. v. Walton Cnty., 714 So. 2d 473 (Fla. 1st DCA 1998); *Pesta v. Dep't of Corr.*, 63 So. 3d 788, 791 (Fla. 1st DCA 2011) (“Like a judicial tribunal, an administrative tribunal has jurisdiction to determine its own jurisdiction.”); *see also State v. Smathers*, 264 So. 3d 256, 258 (Fla. 1st DCA 2019 (Wetherell, J., concurring) (“[T]here is no question that ALJs have the authority (if not the duty) to independently consider whether they have jurisdiction over a dispute[.]”); *Demming v. Demming*, 251 So. 3d 284, 286 (Fla. 1st DCA 2018) (“The parties cannot confer jurisdiction where none exists, and [the tribunal is] not limited to the parties’ arguments in determining the existence of jurisdiction.”).

59. Section 120.569(1) states that “[t]he provisions of this section apply in all proceedings in which the *substantial interests of a party* are determined by an agency, unless the parties are proceeding under §120.573 or §120.574.” (emphasis added). Section 120.52(12)(a) defines a “party” as “[s]pecifically named persons whose *substantial interests* are being determined in the proceeding.”

60. In *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981), the court held:

[B]efore one can be considered to have a substantial interest in the outcome of the proceeding he must show 1) that he will suffer injury in fact which is of sufficient immediacy to entitle him to a section 120.47 hearing, and 2) that his substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury.

61. Based on the conclusions of law set forth above, and namely, that Petitioners are not “affected parcel owners” because none of them are subject to the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates,” the undersigned further concludes that the Department’s decision does not affect their substantial interests pursuant to

section 120.569(1) and *Agrico*. Accordingly, the undersigned concludes that the Petitioners in these consolidated proceedings lack standing.⁶

62. Based on this conclusion, the undersigned declines to address any of the additional issues raised by Petitioners.

63. At the final hearing, Petitioners requested a final order that would be appropriate to record in the public records. The undersigned cannot recommend such relief, but the Department may wish to consider, in its final order, an appropriately-recordable document that reflects that none of the Petitioners, and none of the parcels in the Three Rivers Estates residential subdivision, save for the 118 parcels subject to the revitalization, are subject to the “Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates.”

64. Based on the foregoing, the undersigned further recommends that the Department deny Petitioner Crane’s request for attorney’s fees and costs pursuant to section 712.08.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby RECOMMENDS that the Department of Economic Opportunity dismiss the consolidated petitions for lack of standing, and enter a final order approving the revitalization of the Revived Declaration of Covenants, Conditions, and Restrictions for Three Rivers Estates, and governing documents.

⁶ The undersigned has considered the “Owner and Encumbrance Property Information Report” for property that the Blackwell Petitioners own that reflects, *inter alia*, the revitalized Restrictive Covenants apply to their properties. However, that document, prepared by a private entity (and which is incorrect), does not establish that the substantial interests of Petitioners have been determined in this proceeding.

DONE AND ENTERED this 9th day of September, 2026, in Tallahassee,
Leon County, Florida.

Robert J. Telfer III

ROBERT J. TELFER III
Administrative Law Judge
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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.