

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 617 — Covenants and Restrictions

by Rep. Edwards-Walpole, and others (CS/SB 266 by Rules Committee and Senator Passidomo)

A covenant or restriction is an agreement or limitation that subjects a parcel to any use restriction. Covenants or restrictions are contained in a document recorded in the public records of the county in which a parcel is located, and these covenants may be enforced by a homeowners' association. Homeowners' associations may also be authorized to impose a charge or assessment against the parcel or the owner of the parcel. Florida law allows for the preservation and revitalization of covenants by a homeowners' association, but not other community associations. The bill addresses the covenants and restrictions of property owners' associations and makes the following changes:

- Extends statutes authorizing the preservation and revival of covenants and restrictions to a broader range of associations, notably commercial property owners' associations;
- Allows a homeowners' association to file a form notice with the clerk of court which preserves the association's covenants and restrictions;
- Repeals language that requires a two-thirds vote of the members of the board of directors to preserve existing covenants and restrictions;
- Authorizes parcel owners who were subject to covenants and restrictions, but who do not have a homeowners' association, to use the same mechanisms as a homeowners' association to revitalize extinguished covenants and restrictions; and
- Requires a homeowners' association to annually consider preservation of the covenants and restrictions and requires that the association file a summary preservation every 5 years.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 36-0; House 114-0