

By Senator Rodrigues

27-00764A-21

2021872\_\_

1                   A bill to be entitled  
2           An act relating to homeowners' associations; amending  
3           s. 720.306, F.S.; providing applicability for  
4           governing documents and amendments relating to leasing  
5           which are enacted after a specified date; providing an  
6           exception; providing applicability; specifying when a  
7           change of ownership does or does not occur for certain  
8           purposes; defining the term "affiliated entity";  
9           providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Paragraph (h) is added to subsection (1) of  
14           section 720.306, Florida Statutes, to read:

15           720.306 Meetings of members; voting and election  
16           procedures; amendments.—

17           (1) QUORUM; AMENDMENTS.—

18           (h)1. Except as otherwise provided in this paragraph, any  
19           governing document, or amendment to a governing document, that  
20           is enacted after July 1, 2021, and that prohibits or regulates  
21           leasing applies only to a parcel owner who acquires title to the  
22           parcel after the effective date of the governing document or  
23           amendment, or to a parcel owner who consents, individually or  
24           through a representative, to the governing document or  
25           amendment.

26           2. Notwithstanding subparagraph 1., an association may  
27           amend its governing documents to prohibit or regulate rentals  
28           for a term of less than 6 months and to prohibit rentals more  
29           than three times in a calendar year, and such amendments shall

27-00764A-21

2021872\_\_

30 apply to all parcel owners.

31 3. This paragraph does not affect the amendment  
32 restrictions for associations of 15 or fewer parcel owners under  
33 s. 720.303(1).

34 4. For purposes of this paragraph, a change of ownership  
35 does not occur when a parcel owner conveys the parcel to an  
36 affiliated entity or when beneficial ownership of the parcel  
37 does not change. For purposes of this subparagraph, the term  
38 "affiliated entity" means an entity that controls, is controlled  
39 by, or is under common control with the parcel owner or that  
40 becomes a parent or successor entity by reason of transfer,  
41 merger, consolidation, public offering, reorganization,  
42 dissolution or sale of stock, or transfer of membership  
43 partnership interests. For a conveyance to be recognized as one  
44 made to an affiliated entity, the entity must furnish to the  
45 association a document certifying that this paragraph applies  
46 and provide any organizational documents for the parcel owner  
47 and the affiliated entity which support the representations in  
48 the certificate, as requested by the association.

49 5. For purposes of this paragraph, a change of ownership  
50 does occur when, with respect to a parcel owner that is a  
51 business entity, each person that owned an interest in the  
52 entity at the time of the enactment of the amendment or rule  
53 conveys its interest in the business entity to an unaffiliated  
54 party.

55 Section 2. This act shall take effect July 1, 2021.