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A bill to be entitled
An act relating to the marketable record title act;
amending s. 712.01, F.S.; providing a definition;
amending s. 712.03, F.S.; adding an exception to the
marketable record title act relating to certain
associations; amending s. 712.05, F.S.; adding that
certain associations may file a notice to extend a
covenant or restriction; amending s. 712.11, F.S.;
extending provision regarding revitalization of
covenants to include restrictions and to include
certain associations; providing an effective date.

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

Section 1. Subsection (7) is added to section 712.01,
Florida Statutes, to read:

712.01 Definitions.—As used in this law:

(7) The term "mandatory property owners association" means
a Florida corporation responsible for the operation of property
in which the voting membership is made up of the owners of
property or their agents, or a combination thereof, and in which
membership is a mandatory condition of property ownership, and
which is authorized to impose assessments that, if unpaid, may
become a lien on the property. The term does not include a
community development district or similar special taxing
district created by law.

27 Section 2. Subsection (10) is added to section 712.03,
 28 Florida Statutes, to read:

29 712.03 Exceptions to marketability.—Such marketable record
 30 title shall not affect or extinguish the following rights:

31 (10) Any covenant or restriction of a homeowners
 32 association or a mandatory property owners association.

33 Section 3. Subsection (1) of section 712.05, Florida
 34 Statutes, is amended to read:

35 712.05 Effect of filing notice.—

36 (1) A person claiming an interest in land, a mandatory
 37 property owners association, or a homeowners' association that
 38 is desiring to preserve a covenant or restriction may preserve
 39 and protect the same from extinguishment by the operation of
 40 this act or by operation of the covenant or restriction by
 41 filing for record, during the 30-year period immediately
 42 following the effective date of the root of title, a written
 43 notice in accordance with this chapter. Such notice preserves
 44 such claim of right or such covenant or restriction or portion
 45 of such covenant or restriction for up to 30 years after filing
 46 the notice unless the notice is filed again as required in this
 47 chapter. A person's disability or lack of knowledge of any kind
 48 may not delay the commencement of or suspend the running of the
 49 30-year period. Such notice may be filed for record by the
 50 claimant or by any other person acting on behalf of a claimant
 51 who is:

52 (a) Under a disability;

53 (b) Unable to assert a claim on his or her behalf; or
 54 (c) One of a class, but whose identity cannot be
 55 established or is uncertain at the time of filing such notice of
 56 claim for record.

57
 58 Such notice may be filed by a homeowners' association or
 59 mandatory property owners association only if the preservation
 60 of such covenant or restriction or portion of such covenant or
 61 restriction is approved by at least two-thirds of the members of
 62 the board of directors of an incorporated ~~homeowners'~~
 63 association at a meeting for which a notice, stating the
 64 meeting's time and place and containing the statement of
 65 marketable title action described in s. 712.06(1)(b), was mailed
 66 or hand delivered to members of the ~~homeowners'~~ association at
 67 least 7 days before such meeting. The ~~homeowners'~~ association or
 68 clerk of the circuit court is not required to provide additional
 69 notice pursuant to s. 712.06(3). The preceding sentence is
 70 intended to clarify existing law.

71 Section 4. Section 712.11, Florida Statutes, is amended to
 72 read:

73 712.11 Covenant and restriction revitalization.—A
 74 homeowners' association or a property owners association not
 75 otherwise subject to chapter 720 may use the procedures set
 76 forth in ss. 720.403–720.407 to revive covenants and
 77 restrictions that have lapsed under the terms of this chapter.

78 Section 5. This act shall take effect July 1, 2016.