Florida Statutes 720.306 (Grandfathering on Lease Restriction Governing Documents or Amendments)

Effective July 1, 2021, a declaration or other governing document of a homeowners’ association that has more than 15 parcel owners, or an amendment to a declaration or other governing document of such a homeowners’ association, that contains a prohibition or regulation as to rental agreements, *“*applies only to a parcel owner who acquires title to the parcel after the effective date of the governing document or amendment, or to a parcel owner who consents, individually or through a representative, to the governing document or amendment*”.*

*This new statutory provision will be reflected in a new subsection “(h)”, to be added to Section 720.306* of the Florida Statutes.

The new section “(h)” added to Section 720.306 of the Florida Statutes will also clarify that a rental prohibition or regulation that does not apply to a current title holder (because that owner did not consent to the amendment) also will not apply to a subsequent title holder following certain “ownership changes”. In particular, the rental prohibition or regulation will not apply to an heir who acquires the title as a result of the prior owner’s death or where title is transferred from the prior owner to an entity affiliated with a prior owner. Instead, the prohibition or regulation will only apply once the heir or affiliated entity transfers title to another party.