

## Question

What are the key provisions and regulations in the Florida Administrative Code that govern Homeowners Associations (HOAs)?

## Answer (Florida)

### Short response

The Florida Administrative Code establishes detailed procedural and reporting requirements for Homeowners Associations (HOAs), particularly in the areas of dispute resolution, board recalls, election procedures, and statutory reporting. These regulations work in tandem with the Florida Statutes to ensure transparency, due process, and compliance in the governance of HOAs.

### Summary

Florida's regulatory framework for HOAs is anchored in Chapter 720 of the Florida Statutes, but the Florida Administrative Code (FAC) provides essential procedural rules and administrative requirements that directly affect how HOAs operate. The FAC addresses the processes for arbitration of election and recall disputes, the mechanics of recalling board members, and the mandatory reporting obligations for associations, ensuring that HOAs function with transparency and accountability.

The FAC rules, particularly those promulgated by the Department of Business and Professional Regulation (DBPR), set forth the steps HOAs must follow in handling internal disputes, conducting board recalls, and submitting required information to the state. These administrative regulations are designed to supplement statutory provisions, providing clarity and enforceable procedures that protect the rights of association members and promote good governance within Florida's residential communities.

### Background and Relevant Law

#### Legislative and Regulatory Framework

While the primary statutory authority for HOAs in Florida is found in Chapter 720 of the Florida Statutes, the Florida Administrative Code (FAC) contains several chapters and rules that implement, interpret, and enforce these statutory provisions. The FAC rules are promulgated by the Division of Florida Condominiums, Timeshares, and Mobile Homes within the Department of Business and Professional Regulation (DBPR), which is charged with certain oversight and dispute resolution functions for HOAs.

The most significant FAC provisions governing HOAs include:

#### Arbitration of Election and Recall Disputes (Ch. 61B-80, FAC):

- Scope and Applicability:** Rule 61B-80.101 establishes that this chapter governs the arbitration of election and recall disputes in HOAs subject to Chapter 720, Florida Statutes. It applies to all such disputes arising on or after October 1, 2004, and incorporates by reference certain procedures from other FAC chapters to the extent they are consistent with these rules. The rules define "homeowners" as members or parcel owners with voting rights, as set out in the statutory definitions ([Fla. Admin. Code Ann. R. 61B-80.101](#)).
- Filing for Recall Dispute Arbitration:** Rule 61B-80.102 details the process for initiating arbitration when there is a dispute over the recall of one or more directors. If homeowners attempt a recall and the board does not certify it, the board must file a petition for arbitration within five business days. If the board fails to do so, the homeowners may file the petition themselves. This ensures a prompt and structured process for resolving recall disputes ([Fla. Admin. Code Ann. R. 61B-80.102](#)).

#### Recall of Board Directors (Ch. 61B-33, FAC):

- Recall at Member Meetings:** Rule 61B-33.002 provides the procedures for recalling one or more directors at a member meeting. It specifies how a recall meeting is called (by at least 10% of voting interests), the process for electing replacements if a majority of the board is recalled, and the steps to be taken if the board does not certify the recall. The rule also addresses the consequences if the board fails to hold a required meeting to consider the recall within the specified timeframe ([Fla. Admin. Code Ann. R. 61B-33.002](#)).
- Recall by Written Agreement:** Rule 61B-33.003 (supplementary) outlines the requirements for written agreements used to recall directors, including the necessary content, signature requirements, and procedures for tallying votes and serving notice on the board. This rule is particularly relevant for HOAs created under Section 723.075, Florida Statutes, which pertains to mobile home parks ([Fla. Admin. Code Ann. R. 61B-33.003](#)).

#### Statutory Reporting Requirements (Ch. 61B-85, FAC):

- Annual Reporting:** Rule 61B-85.001 mandates that HOAs, through their community association manager, management firm, or directly if no manager is retained, must complete and submit the DBPR Form HOA 6000-1 (Homeowner Association Reporting) to comply with the reporting requirements of Section 720.303, Florida Statutes. The form must be submitted online via the DBPR's designated portal. This reporting obligation is designed to ensure that the state maintains up-to-date records on the existence and basic information of all HOAs in Florida ([Fla. Admin. Code Ann. R. 61B-85.001](#)).

#### Transition from Developer Control (Ch. 61B-23, FAC):

- Transition Procedures:** Rule 61B-23.003 addresses the process for transitioning control of the association from the developer to the unit owners in associations operating more than one condominium. It specifies the thresholds for when non-developer owners are entitled to elect board members and the circumstances under which the developer retains certain rights. While this rule is more directly applicable to condominium associations, it is relevant to HOAs that operate multiple communities or have similar governance structures ([Fla. Admin. Code Ann. R. 61B-23.003](#)).

## Case Law

The case law provided does not directly interpret the Florida Administrative Code provisions but does confirm the importance of the statutory and regulatory framework in ensuring fair governance and protecting the rights of association members. For example, in [Avatar Props. v. Gundel](#) (Fla. App. 2023), the court recognized the statutory purpose of Chapter 720 to provide procedures for operating HOAs and to protect members' rights, with the FAC rules serving as the procedural backbone for implementing these statutory mandates.

## Analysis

### Arbitration and Dispute Resolution

The FAC rules on arbitration (Ch. 61B-80) are critical for ensuring that disputes over board elections and recalls are resolved efficiently and fairly. These rules provide a clear, step-by-step process for initiating arbitration, set strict timelines for board action, and allow homeowners to seek redress if the board fails to act. This procedural clarity is essential for maintaining trust in the governance of HOAs and for preventing protracted or unfair disputes.

The rules also incorporate by reference other procedural chapters (61B-45 and 61B-50) to the extent they are consistent, ensuring that the arbitration process is comprehensive and harmonized with broader administrative procedures. The focus on election and recall disputes reflects the legislature's intent, as seen in the statutes, to provide expedited and alternative dispute resolution mechanisms for HOAs ([Fla. Stat. § 720.311](#)).

### Board Recalls

The FAC provides detailed guidance on both recall by member meeting and recall by written agreement. The rules ensure that a minority of members cannot unilaterally remove directors without due process, while also preventing boards from stonewalling legitimate recall efforts. The requirement for prompt board action (five business days) and the ability of homeowners to initiate arbitration if the board fails to act are key safeguards. These rules are particularly important in the context of mobile home park HOAs, but the principles are broadly applicable to all HOAs governed by Chapter 720.

### Reporting Requirements

The annual reporting requirement in Rule 61B-85.001 is a cornerstone of administrative oversight. By mandating that HOAs submit up-to-date information to the DBPR, the rule ensures that the state can monitor the existence and status of associations, which is vital for policy planning, enforcement, and public transparency. The use of a standardized online form (DBPR Form HOA 6000-1) streamlines compliance and facilitates data collection.

### Transition from Developer Control

While the primary statutory provisions for transition of control are found in Chapter 720, the FAC rule (61B-23.003) provides additional detail for associations operating multiple condominiums. It sets out the thresholds for owner control and the rights retained by developers, ensuring a fair and orderly transition. This is particularly relevant for large or phased developments where the timing and process of transition can be complex.

### Exceptions and Caveats

- **Applicability to Mobile Home Parks:** Some FAC rules, particularly those in Chapter 61B-33, are specifically tailored to HOAs created under Section 723.075, Florida Statutes, which governs mobile home parks. While the recall procedures and principles are similar, practitioners should verify the applicability of each rule to the specific type of HOA involved.
- **Overlap with Statutory Provisions:** The FAC rules are designed to supplement, not supplant, the statutory requirements of Chapter 720. In the event of a conflict, the statutory provisions will control. The FAC rules often incorporate or reference statutory definitions and procedures to ensure consistency.
- **Condominium vs. HOA Distinctions:** Some rules, such as those in Chapter 61B-23, are more directly applicable to condominium associations but may be relevant to HOAs with similar governance structures. Practitioners should carefully distinguish between rules that apply to condominiums and those that apply to HOAs under Chapter 720.

## Conclusion

The Florida Administrative Code plays a vital role in the governance of Homeowners Associations by establishing clear, enforceable procedures for dispute resolution, board recalls, and statutory reporting. These administrative regulations, developed by the DBPR, ensure that HOAs operate transparently, resolve internal disputes efficiently, and comply with state oversight requirements. While the FAC rules are closely tied to the statutory framework of Chapter 720, they provide the procedural detail necessary for effective and fair association governance, protecting the rights of both boards and members in Florida's residential communities.

## Legal Authorities

[Valencia Reserve Homeowners Ass'n, Inc. v. Boynton Beach Assocs., XIX, LLLP, 278 So.3d 714 \(Fla. App. 2019\)](#)

### Florida District Court of Appeals

#### Extract

"The purposes of [the HOA Act] are to give statutory recognition to corporations not for profit that operate residential communities in this state, to provide procedures for operating homeowners' associations, and to protect the rights of association members without unduly impairing the ability of such associations to perform their functions." § 720.302(1), Fla. Stat. (2018). To this end, Section 720.309(1), Florida Statutes (2018), states: Any grant or reservation made by any document, and any contract that has a term greater than 10 years, that is made by an association before control of the association is turned over to the members other than the developer, and that provides for the operation, maintenance, or management of the association or common areas, must be fair and reasonable.

## **Summary**

The passage provides insight into the statutory framework governing homeowners' associations in Florida. It highlights the purpose of the HOA Act, which is to recognize and regulate not-for-profit corporations operating residential communities, establish procedures for their operation, and protect the rights of association members. Additionally, it specifies that any long-term contracts made by an association before control is transferred to members must be fair and reasonable. This information is relevant to understanding the key provisions and regulations governing HOAs in Florida.

[Romero v. Shadywood Villas Homeowners Ass'n, Inc., 657 So.2d 1193 \(Fla. App. 1995\)](#)

### **Florida District Court of Appeals**

#### **Extract**

*The present appeal centers around the interpretation of two statutory provisions contained within the Florida Not For Profit Corporation Act; Florida Statutes, Section 617.1605 and Section 617.303(4). The issue is whether one or both of these sections control the reporting obligations of homeowners' associations organized to do business under Chapter 617. Romero contends that the trial court erred in dismissing the Amended Complaint because Shadywood, as a non-profit corporation organized to do business under Chapter 617, is subject to the reporting and delivery requirements of both Section 617.1605 and Section 617.303(4). Shadywood, on the other hand, maintains that since it is a homeowners' association, it is only required to comport with the reporting requirements set out in Section 617.303(4)(i). For the reasons which follow, we hold that homeowners' associations must comply with the reporting requirements set out in both Section 617.1605 and Section 617.303(4). Within the confines of Chapter 617, are Sections 617.301 through 617.306, which specifically and exclusively regulate homeowner associations organized as non-profit corporations under Chapter 617. Within these specific sections is Florida Statute, Section 617.303(4) which delineates the record maintenance and inspection obligations for homeowners' associations. Section 617.303(4), which was enacted in 1992, provides, in pertinent part, as follows: (4) The association shall maintain each of the following items, when applicable, which shall constitute the official records of the association: .... (i) Accounting records for the homeowners' association and separate accounting records for each parcel, ... The accounting records shall be open to inspection by parcel owners or their authorized representatives at reasonable times. The accounting records shall include, but are not limited to: .... 1. Accurate, itemized and detailed records of all receipts and expenditures ... 3. All audits, reviews, accounting statements, and financial reports of the homeowners' association. Sec. 617.303(4), (4)(i), Fla. Stat. (1993) (emphasis added). One year after the Legislature enacted Section 617.303(4), it enacted Section 617.1605, which specifies that non-profit corporations organized under Chapter 617 must deliver to each of its members a complete financial report within a certain time frame. See Ch. 92-49, Sec. 617.303(4), Laws of Fla.; Ch. 93-281, Sec. 617.1605, Laws of Fla.*

## **Summary**

The passage provides insight into the reporting obligations of homeowners' associations under Florida law, specifically under the Florida Not For Profit Corporation Act. It clarifies that such associations must comply with both Section 617.1605 and Section 617.303(4), which outline the requirements for maintaining and inspecting records and delivering financial reports to members.

[Avatar Props. v. Gundel](#)

### **Florida District Court of Appeals**

#### **Extract**

*Before any parcels were sold, Avatar recorded the documents necessary to create a homeowner's association under the Florida Homeowners' Association Act, chapter 720, Florida Statutes. The purpose of that Act is to 'to provide procedures for operating homeowners' associations, and to protect the rights of association members without unduly impairing the ability of such associations to perform their functions.' § 720.302(1), Fla. Stat. (2017). The Act provides benefits and imposes responsibilities on the developer, residents, and homeowner's association. One of the statutory powers granted to an association is the power to make financial assessments, requiring the residents to share in expenses incurred by the association for maintaining common areas and otherwise maintaining the community as the association sees fit. § 720.308, Fla. Stat. (2017). When the statutory requirements are met, section 720.3085, Florida Statutes (2017), establishes a lien on the property for the failure to pay an assessment, which permits the association to foreclose on the property for payment of unpaid dues or other assessments.*

## **Summary**

The passage provides specific references to the Florida Homeowners' Association Act, chapter 720, Florida Statutes, which outlines the procedures for operating homeowners' associations, the rights of association members, and the responsibilities of developers, residents, and the association itself. It highlights the statutory powers of associations, such as making financial assessments and establishing liens for unpaid dues, which are key provisions governing HOAs.

[Klinow v. Island Court At Boca West Prop. Owners' Ass'n Inc., 64 So.3d 177 \(Fla. App. 2011\)](#)

### **Florida District Court of Appeals**

#### **Extract**

*Chapter 720 of the Florida Statutes is meant 'to provide procedures for operating homeowners' associations, and to protect the rights of association members without unduly impairing the ability of such associations to perform their functions.' § 720.302(1), Fla. Stat. (2010). The voting rights of Florida homeowners'*

associations are found under section 720.306(1)(b), which states that '[u]nless otherwise provided in the governing documents or required by law ... any governing document of an association may be amended by the affirmative vote of two-thirds of the voting interests of the association.' § 720.306(1)(b), Fla. Stat. (2010).

## **Summary**

The passage provides specific information about Chapter 720 of the Florida Statutes, which governs the operation of homeowners' associations in Florida. It highlights the purpose of the chapter, which is to provide procedures for operating these associations and to protect the rights of association members. Additionally, it specifies the voting rights and amendment procedures for governing documents of associations, requiring a two-thirds affirmative vote unless otherwise stated in the governing documents or required by law.

[Lennar Homes, LLC v. Mart. At the Oasis Neighborhood Ass'n, Inc., 332 So.3d 1054 \(Fla. App. 2021\)](#)

## **Florida District Court of Appeals**

### **Extract**

*Florida law provides that homeowner associations may maintain lawsuits on behalf of their members against the developer 'concerning matters of common interest to the members,' e.g., 'the common areas,' 'structural components of a building,' or 'other improvements for which the association is responsible.' § 720.303(1). See also Fla. R. Civ. P. 1.221 (providing that a homeowners association, 'after control of such association is obtained by homeowners or unit owners other than the developer, may institute ... actions ... in its name on behalf of all association members concerning matters of common interest to the members, including, but not limited to: [ ] the common property, area, or elements ... structural components of a building or other improvements ... for which the association is responsible'). 'The sole requirement for the bundling of a class is that the members of the association have a common interest regarding the common elements of the property.'*

## **Summary**

Florida law, specifically § 720.303(1) and Fla. R. Civ. P. 1.221, provides homeowners associations with the authority to maintain lawsuits on behalf of their members concerning matters of common interest. This includes issues related to common areas, structural components, or other improvements for which the association is responsible. The passage highlights the legal framework that allows associations to act collectively in legal matters once control is obtained by homeowners or unit owners other than the developer.

[Jallali v. Knightsbridge Vill. Homeowners Ass'n, Inc., 211 So.3d 216 \(Fla. App. 2017\)](#)

## **Florida District Court of Appeals**

### **Extract**

*The provisions of the Declaration of Covenants recorded by the Association operate as section 720.3085(1), Florida Statutes, contemplates. The Declaration provides for the assessment of fees by the Association for maintenance of the Association and its properties. It provides that when a lien is imposed for any unpaid fees, it relates back to the recording of the Declaration, except that the lien is subordinate to the lien of an institutional mortgage recorded prior to the time a notice of lien is recorded.*

## **Summary**

The passage provides insight into how the Declaration of Covenants operates in conjunction with section 720.3085(1) of the Florida Statutes. It explains the process for assessing fees and imposing liens for unpaid fees, and the priority of such liens in relation to institutional mortgages. This is relevant to understanding the financial and legal mechanisms available to HOAs under Florida law.

[Seaside Town Council, Inc. v. Seaside Crnty. Dev. Corp., 347 So.3d 89 \(Fla. App. 2021\)](#)

## **Florida District Court of Appeals**

### **Extract**

*In June 2018, SCDC moved for summary judgment. The gist of SCDC's motion was that STC lacked standing to sue under chapter 720, Florida Statutes, because it is not authorized to represent the nine neighborhood associations, it is not an association, and even if it were an association it failed to comply with the requirements of chapter 720 to file the action. Further, as an alternative, SCDC argued that chapter 720 did not apply to commercial parcels in the community consisting of the Town Center and the Lyceum and that the declarations governing Seaside were not subject to the prohibition of certain clauses in association documents as contained in section 720.3075 because the declarations predated the statute by decades. Finally, SCDC argued that STC's authority is limited to the provisions of the declarations of each of the nine associations it purportedly represents, and STC has no power to act beyond the provisions as adopted by each of those associations.*

## **Summary**

The passage provides insight into the applicability of Chapter 720, Florida Statutes, which governs homeowners associations in Florida. It highlights that Chapter 720 may not apply to commercial parcels and that certain declarations predating the statute may not be subject to its prohibitions. This is relevant to understanding the scope and limitations of Chapter 720 in governing HOAs.

#### [Fla. Admin. Code Ann. R. 61B-85.001 Fla. Admin. Code Ann. R. 61B-85.001 Filing Reporting Information](#)

##### **Extract**

*In order to comply with reporting requirements set forth in Section 720.303, F.S., the community association manager or management firm, or the association when there is no community association manager or management firm, shall complete form DBPR Form HOA 6000-1, Homeowner Association Reporting, effective 11-13-13, incorporated herein by reference. Reporting shall be completed at <http://www.myfloridalicense.com/hoa> via the online form DBPR Form HOA 6000-1, Homeowner Association Reporting, which may be found at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03276>.*

##### **Summary**

The passage provides specific information about the reporting requirements for Homeowners Associations in Florida. It mandates that the community association manager, management firm, or the association itself (if there is no manager or firm) must complete a specific form (DBPR Form HOA 6000-1) to comply with Section 720.303, F.S. This requirement is applicable to all HOAs in Florida, making it a key provision in the Florida Administrative Code governing HOAs.

#### [Fla. Stat. § 720.3075 Fla. Stat. § 720.3075 \[Effective 60th Day After Adjournment Sine Die\] Prohibited Clauses In Association Documents](#)

##### **Extract**

*It is declared that the public policy of this state prohibits the inclusion or enforcement of certain types of clauses in homeowners' association documents, including declaration of covenants, articles of incorporation, bylaws, or any other document of the association which binds members of the association, which either have the effect of or provide that: (a) A developer has the unilateral ability and right to make changes to the homeowners' association documents after the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred. (b) A homeowners' association is prohibited or restricted from filing a lawsuit against the developer, or the homeowners' association is otherwise effectively prohibited or restricted from bringing a lawsuit against the developer. (c) After the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred, a developer is entitled to cast votes in an amount that exceeds one vote per residential lot. Such clauses are declared null and void as against the public policy of this state.*

##### **Summary**

The Florida Statutes explicitly prohibit certain clauses in HOA documents that would allow developers to unilaterally amend documents post-transition, restrict HOAs from suing developers, or allow developers excessive voting rights post-transition. These provisions are part of the public policy to ensure fair governance within HOAs.

#### [Fla. Admin. Code Ann. R. 61B-80.101 Fla. Admin. Code Ann. R. 61B-80.101 Scope, Organization, Procedure, Forms, and Title](#)

##### **Extract**

*This chapter shall be entitled 'The Arbitration Rules of Procedure Governing Recall and Election Disputes in Homeowners' Associations' and shall govern the arbitration of election disputes and recall disputes arising in a homeowners' associations governed by Chapter 720, F.S. For purposes of these rules 'homeowners' means 'members' and 'parcel owners' who are voting members of the association as those terms are defined by Section 720.301, F.S. This chapter applies to all recall and election arbitration proceedings held pursuant to Section 720.303, 720.306, or 720.311, F.S.; these provisions shall only apply to election and recall disputes that exist on or after October 1, 2004. The provisions of Chapters 61B-45 and 61B-50, F.A.C., are incorporated herein by reference to the extent those chapters are consistent with these rules. These rules also apply to all arbitration proceedings referred to the division and conducted after mediation pursuant to Section 720.311(b), F.S.*

##### **Summary**

The passage provides specific information about the arbitration rules of procedure for handling election and recall disputes in homeowners' associations in Florida. It specifies that these rules apply to disputes arising under Chapter 720, F.S., and outlines the applicability of these rules to proceedings held after October 1, 2004. It also mentions the incorporation of provisions from Chapters 61B-45 and 61B-50, F.A.C., to the extent they are consistent with these rules. This information is directly relevant to understanding the regulatory framework governing HOAs in Florida, particularly in the context of dispute resolution.

#### [Fla. Stat. § 720.307 Fla. Stat. § 720.307 Transition of Association Control In a Community](#)

##### **Extract**

*With respect to homeowners' associations: Members other than the developer are entitled to elect at least a majority of the members of the board of directors of the homeowners' association when the earlier of the following events occurs: (a) Three months after 90 percent of the parcels in all phases of the community that*

*will ultimately be operated by the homeowners' association have been conveyed to members other than the developer; (b) Such other percentage of the parcels has been conveyed to members, or such other date or event has occurred, as is set forth in the governing documents in order to comply with the requirements of any governmentally chartered entity with regard to the mortgage financing of parcels; (c) Upon the developer abandoning or deserting its responsibility to maintain and complete the amenities or infrastructure as disclosed in the governing documents. There is a rebuttable presumption that the developer has abandoned and deserted the property if the developer has unpaid assessments or guaranteed amounts under s. 720.308 for a period of more than 2 years; (d) Upon the developer filing a petition seeking protection under chapter 7 of the federal Bankruptcy Code; (e) Upon the developer losing title to the property through a foreclosure action or the transfer of a deed in lieu of foreclosure, unless the successor owner has accepted an assignment of developer rights and responsibilities first arising after the date of such assignment; or (f) Upon a receiver for the developer being appointed by a circuit court and not being discharged within 30 days after such appointment, unless the court determines within 30 days after such appointment that transfer of control would be detrimental to the association or its members. For purposes of this section, the term 'members other than the developer' shall not include builders, contractors, or others who purchase a parcel for the purpose of constructing improvements thereon for resale.*

## **Summary**

The passage outlines the conditions under which members other than the developer can elect a majority of the board of directors in a homeowners' association. These conditions include the conveyance of a certain percentage of parcels, abandonment by the developer, bankruptcy, foreclosure, and other specific events. This is a key provision in the governance of HOAs as it dictates the transition of control from developers to homeowners.

### [Fla. Admin. Code Ann. R. 61B-80.102 Fla. Admin. Code Ann. R. 61B-80.102 Filing For Recall Dispute Arbitration](#)

## **Extract**

*Where the homeowners attempt to recall one or more directors of a board of a homeowners' association by written agreement, ballot, or vote taken at a meeting, the board of directors shall initiate a recall arbitration by filing a petition for recall arbitration with the division as provided by this rule. Where the homeowners attempt to recall one or more directors of a board at a homeowners meeting or by an agreement in writing or written ballot, and the board does not certify the recall, the board shall file a petition for arbitration with the division within five full business days after adjournment of the board meeting at which the board determined not to certify the recall. Where the board fails to file a petition for recall arbitration as required by these rules and Chapter 720, F.S., the homeowners seeking to challenge the board's decision not to certify the recall, or not to file for recall arbitration, may file a petition for arbitration pursuant to these rules.*

## **Summary**

The Florida Administrative Code provides specific procedures for the recall of board directors in homeowners' associations. It mandates that the board of directors must initiate recall arbitration if homeowners attempt a recall and the board does not certify it. The board has a strict timeline of five business days to file for arbitration after a meeting where the recall was not certified. If the board fails to comply, homeowners can challenge the decision by filing a petition for arbitration. This rule ensures a structured process for handling disputes related to the recall of board directors in HOAs.

### [Fla. Stat. § 720.3075 Fla. Stat. § 720.3075 \[Effective Until 60th Day After Adjournment Sine Die\] Prohibited Clauses In Association Documents](#)

## **Extract**

*It is declared that the public policy of this state prohibits the inclusion or enforcement of certain types of clauses in homeowners' association documents, including declaration of covenants, articles of incorporation, bylaws, or any other document of the association which binds members of the association, which either have the effect of or provide that: (a) A developer has the unilateral ability and right to make changes to the homeowners' association documents after the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred. (b) A homeowners' association is prohibited or restricted from filing a lawsuit against the developer, or the homeowners' association is otherwise effectively prohibited or restricted from bringing a lawsuit against the developer. (c) After the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred, a developer is entitled to cast votes in an amount that exceeds one vote per residential lot. Such clauses are declared null and void as against the public policy of this state.*

## **Summary**

The Florida Statutes explicitly prohibit certain clauses in homeowners' association documents. These include clauses that allow developers to unilaterally amend documents after control has transitioned to nondeveloper members, restrict the association's ability to sue developers, or allow developers to have disproportionate voting power. These provisions are part of the public policy to ensure fair governance within homeowners' associations.

### [Fla. Admin. Code Ann. R. 61B-33.002 Fla. Admin. Code Ann. R. 61B-33.002 Recall of One Or More Directors of a Board of Administration At a Member Meeting; Board Certification; Filling Vacancies](#)

## **Extract**

*Calling a Recall Meeting. Ten percent of the voting interests of a homeowners' association created pursuant to Section 723.075, F.S., may call a meeting of the members to recall one or more directors of the association's board by giving notice as specified in subsection below. ... Recall Meeting; Electing Replacements. ... If a majority or more of the existing board is recalled at the meeting, an election shall be conducted at the recall meeting to fill vacancies on the board occurring as a result of recall. ... Certified Recall. If the recall of one or more directors by vote at a members' meeting is certified by the board, the recall shall be effective upon certification, and the following provisions apply: ... Non-certification of Recall by the Board. If the board votes for any reason not to certify the recall of one or more*

*directors at a meeting of the members, the following provisions apply: ... Failure to Duly Notice and Hold a Board Meeting. If the board fails to duly notice and hold a meeting to determine whether to certify the recall within five full business days of the adjournment of the members' recall meeting, the following shall apply: ...*

## **Summary**

The document provides detailed procedures for the recall of directors in a homeowners' association. It outlines the requirements for calling a recall meeting, the process for electing replacement directors, and the steps to be taken if the board does not certify the recall. This is specifically applicable to homeowners' associations created under Section 723.075, F.S., and provides a structured approach to managing board recalls.

### [Fla. Admin. Code Ann. R. 61B-33.003 Fla. Admin. Code Ann. R. 61B-33.003 Recall By Written Agreement of the Voting Interests; Board Certification; Filling Vacancies](#)

## **Extract**

*Form of Written Agreement. All written agreements used for the purpose of recalling one or more directors of a homeowners' association created pursuant to Section 723.075, F.S., shall: (a) List by name each director sought to be recalled; (b) Provide spaces by the name of each director sought to be recalled so that the person executing the agreement may indicate whether that individual director should be recalled or retained; (c) List, in the form of a ballot, at least as many eligible persons who are willing to be candidates for replacement directors as there are directors subject to recall, in those cases where a majority or more of the board is sought to be recalled. Candidates for replacement directors shall not be listed when a minority of the board is sought to be recalled, as the remaining board may appoint replacements. A space shall be provided by the name of each candidate so that the person executing the agreement may vote for as many replacement candidates as there are directors sought to be recalled. A space shall be provided and designated for write-in votes. The failure to comply with the requirements of this subsection shall not effect the validity of the recall of a director or directors; (d) Provide a space for the person signing the written agreement to state his or her name, identify his mobile home lot number, and indicate the date the written agreement is signed; (e) Provide a signature line for the person executing the written agreement to affirm that he or she is authorized in the manner required by the governing documents to cast the vote for that mobile home lot; and, (f) Designate a representative who shall open the written agreements, tally the votes, serve copies on the board and, in the event the board does not certify the recall by written agreement and files a petition for arbitration, receive pleadings (e.g., copies of a petition for recall arbitration, motions), notices, or other papers on behalf of the persons executing the written agreement.*

## **Summary**

The passage provides detailed procedures and requirements for the recall of directors in homeowners' associations, specifically those related to mobile home parks. It outlines the form and content of written agreements for recall, the process for certifying a recall, and the steps to be taken if a recall is not certified. This is relevant to understanding the governance and regulatory framework for HOAs in Florida, particularly in the context of director recalls.

### [Fla. Stat. § 720.304 Fla. Stat. § 720.304 Right of Owners to Peaceably Assemble; Display of Flags; Slapp Suits Prohibited](#)

## **Extract**

*All common areas and recreational facilities serving any homeowners' association shall be available to parcel owners in the homeowners' association served thereby and their invited guests for the use intended for such common areas and recreational facilities. The entity or entities responsible for the operation of the common areas and recreational facilities may adopt reasonable rules and regulations pertaining to the use of such common areas and recreational facilities. No entity or entities shall unreasonably restrict any parcel owner's right to peaceably assemble or right to invite public officers or candidates for public office to appear and speak in common areas and recreational facilities.*

## **Summary**

The passage provides specific regulations regarding the use of common areas and recreational facilities within homeowners' associations, emphasizing the rights of parcel owners to assemble and invite public figures. It also outlines the ability of the responsible entities to adopt reasonable rules, provided they do not unreasonably restrict these rights.

### [Fla. Stat. § 720.302 Fla. Stat. § 720.302 Purposes, Scope, and Application](#)

## **Extract**

*The purposes of this chapter are to give statutory recognition to corporations not for profit that operate residential communities in this state, to provide procedures for operating homeowners' associations, and to protect the rights of association members without unduly impairing the ability of such associations to perform their functions. The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations. However, in accordance with s. 720.311, the Legislature finds that homeowners' associations and their individual members will benefit from an expedited alternative process for resolution of election and recall disputes and presuit mediation of other disputes involving covenant enforcement and authorizes the department to hear, administer, and determine these disputes as more fully set forth in this chapter.*

## **Summary**

The chapter provides statutory recognition to non-profit corporations operating residential communities, outlines procedures for operating HOAs, and aims to protect the rights of association members. It also establishes an expedited process for resolving disputes related to elections, recalls, and covenant enforcement, without imposing a state regulatory agency on HOAs. This information is generally applicable to all HOAs in Florida.

#### [Fla. Stat. § 720.301 Fla. Stat. § 720.301 Definitions](#)

##### **Extract**

*As used in this chapter, the term: 'Assessment' or 'amenity fee' means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel. 'Common area' means all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members, including, regardless of whether title has been conveyed to the association: (a) Real property the use of which is dedicated to the association or its members by a recorded plat; or (b) Real property committed by a declaration of covenants to be leased or conveyed to the association. 'Community' means the real property that is or will be subject to a declaration of covenants which is recorded in the county where the property is located. The term 'community' includes all real property, including undeveloped phases, that is or was the subject of a development-of-regional-impact development order, together with any approved modification thereto. 'Declaration of covenants,' or 'declaration,' means a recorded written instrument or instruments in the nature of covenants running with the land which subject the land comprising the community to the jurisdiction and control of an association or associations in which the owners of the parcels, or their association representatives, must be members. 'Department' means the Department of Business and Professional Regulation. 'Developer' means a person or entity that: (a) Creates the community served by the association; or (b) Succeeds to the rights and liabilities of the person or entity that created the community served by the association, provided that such is evidenced in writing. 'Division' means the Division of Florida Condominiums, Timeshares, and Mobile Homes in the Department of Business and Professional Regulation. 'Governing documents' means: (a) The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and (b) The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto. 'Homeowners' association' or 'association' means 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. 'Member' means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment or amenity fee. 'Parcel' means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community, as described in the declaration: (a) Which is capable of separate conveyance; and (b) Of which the parcel owner, or an association in which the parcel owner must be a member, is obligated: 1. By the governing documents to be a member of an association that serves the community; and 2. To pay to the homeowners' association assessments that, if not paid, may result in a lien. 'Parcel owner' means the record owner of legal title to a parcel. 'Voting interest' means the voting rights distributed to the members of the homeowners' association, pursuant to the governing documents.*

##### **Summary**

The passage provides definitions for key terms related to Homeowners Associations (HOAs) in Florida, such as "assessment," "common area," "community," "declaration of covenants," "developer," "governing documents," "homeowners' association," "member," "parcel," "parcel owner," and "voting interest." These definitions are crucial for understanding the legal framework and operational guidelines for HOAs as outlined in Chapter 720 of the Florida Statutes.

#### [Fla. Stat. § 720.309 Fla. Stat. § 720.309 Agreements Entered Into By the Association](#)

##### **Extract**

*Any grant or reservation made by any document, and any contract that has a term greater than 10 years, that is made by an association before control of the association is turned over to the members other than the developer, and that provides for the operation, maintenance, or management of the association or common areas, must be fair and reasonable. If the governing documents provide for the cost of communications services as defined in s. 202.11, information services or Internet services obtained pursuant to a bulk contract shall be deemed an operating expense of the association. If the governing documents do not provide for such services, the board may contract for the services, and the cost shall be deemed an operating expense of the association but must be allocated on a per-parcel basis rather than a percentage basis, notwithstanding that the governing documents provide for other than an equal sharing of operating expenses. Any contract entered into before July 1, 2011, in which the cost of the service is not equally divided among all parcel owners may be changed by a majority of the voting interests present at a regular or special meeting of the association in order to allocate the cost equally among all parcels.*

##### **Summary**

The statute provides specific guidelines for contracts and agreements made by homeowners associations, especially those made before control is turned over to members other than the developer. It emphasizes fairness and reasonableness in such contracts, particularly those exceeding ten years. It also addresses how costs for communication services should be treated as operating expenses and how they should be allocated among parcel owners.

#### [Fla. Stat. § 720.306 Fla. Stat. § 720.306 Meetings of Members; Voting and Election Procedures; Amendments](#)

##### **Extract**

*QUORUM; AMENDMENTS.- (a) Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be 30 percent of the total voting interests. Unless otherwise provided in this chapter or in the articles of incorporation or bylaws, decisions*

*that require a vote of the members must be made by the concurrence of at least a majority of the voting interests present, in person or by proxy, at a meeting at which a quorum has been attained. A meeting of the members must be held at a location that is accessible to a physically handicapped person if requested by a physically handicapped person who has a right to attend the meeting.*

## **Summary**

The statute provides specific guidelines for the operation of homeowners' associations in Florida. It specifies the quorum requirements for meetings, the process for amending governing documents, and the accessibility requirements for meeting locations. These provisions are essential for the governance and operation of HOAs in Florida.

### [Fla. Stat. § 720.305 Fla. Stat. § 720.305 Obligations of Members; Remedies At Law Or In Equity; Levy of Fines and Suspension of Use Rights](#)

## **Extract**

*Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the association. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against: (a) The association; (b) A member; (c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and (d) Any tenants, guests, or invitees occupying a parcel or using the common areas. The prevailing party in any such litigation is entitled to recover reasonable attorney fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any person of any other available right or remedy.*

## **Summary**

Obligations of members and associations under Chapter 720 of the Florida Statutes, which governs Homeowners Associations (HOAs) in Florida. It specifies that all members, tenants, guests, invitees, and associations must comply with the chapter, governing documents, and association rules. It also details the legal actions that can be taken for non-compliance and the entitlement to recover attorney fees and costs. This is a key provision as it establishes the legal framework for compliance and enforcement within HOAs.

### [Fla. Stat. § 720.3085 Fla. Stat. § 720.3085 Payment For Assessments; Lien Claims](#)

## **Extract**

*When authorized by the governing documents, the association has a lien on each parcel to secure the payment of assessments and other amounts provided for by this section. Except as otherwise set forth in this section, the lien is effective from and shall relate back to the date on which the original declaration of the community was recorded. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the parcel is located. This subsection does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, including the lien for unpaid assessments created in this section, a priority that, by law, the lien, mortgage, or judgment did not have before July 1, 2008.*

## **Summary**

The statute provides specific guidelines on how homeowners' associations can secure payment for assessments through liens. It specifies the conditions under which a lien is effective and its priority relative to other claims. This is a key provision for HOAs as it directly impacts their ability to collect dues and manage financial obligations.

### [Fla. Stat. § 720.303 Fla. Stat. § 720.303 \[Effective Until 60th Day After Adjournment Sine Die\] Association Powers and Duties; Meetings of Board; Official Records; Budgets; Financial Reporting; Association Funds; Recalls](#)

## **Extract**

*POWERS AND DUTIES.-An association that operates a community as defined in s. 720.301 must be operated by an association that is a Florida corporation. After October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located. An association may operate more than one community. The officers and directors of an association are subject to s. 617.0830 and have a fiduciary relationship to the members who are served by the association. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents.*

## **Summary**

The Florida Statutes require homeowners' associations to be incorporated as Florida corporations and to have their governing documents recorded in the county's official records. The officers and directors have fiduciary duties to the members, and the association's powers and duties are defined by both the statutes and the governing documents. This is generally applicable to all HOAs in Florida.

## Extract

*Any property owners' association desiring to preserve covenants from potential termination after 30 years by operation of chapter 712 may record in the official records of each county in which the community is located a notice specifying: (a) The legal name of the association. (b) The mailing and physical addresses of the association. (c) The names of the affected subdivision plats and condominiums or, if not applicable, the common name of the community. (d) The name, address, and telephone number for the current community association management company or community association manager, if any. (e) Indication as to whether the association desires to preserve the covenants or restrictions affecting the community or association from extinguishment under the Marketable Record Title Act, chapter 712. (f) A listing by name and recording information of those covenants or restrictions affecting the community which the association desires to be preserved from extinguishment. (g) The legal description of the community affected by the covenants or restrictions, which may be satisfied by a reference to a recorded plat. (h) The signature of a duly authorized officer of the association, acknowledged in the same manner as deeds are acknowledged for record.*

## Summary

The statute provides a mechanism for homeowners' associations to preserve their covenants from being extinguished after 30 years. This involves recording specific information in the official records of the county where the community is located. The statute outlines the necessary information that must be included in the notice, such as the legal name of the association, addresses, names of affected subdivisions, and details of the covenants to be preserved. This is a key provision for HOAs in Florida as it helps maintain the enforceability of their covenants.

## [Fla. Stat. § 468.431 Fla. Stat. § 468.431 Definitions](#)

## Extract

*As used in this part: 'Community association' means a residential homeowners' association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel. 'Community association management' means any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, determining the number of days required for statutory notices, determining amounts due to the association, collecting amounts due to the association before the filing of a civil action, calculating the votes required for a quorum or to approve a proposition or amendment, completing forms related to the management of a community association that have been created by statute or by a state agency, drafting meeting notices and agendas, calculating and preparing certificates of assessment and estoppel certificates, responding to requests for certificates of assessment and estoppel certificates, negotiating monetary or performance terms of a contract subject to approval by an association, drafting prearbitration demands, coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of a community association, and complying with the association's governing documents and the requirements of law as necessary to perform such practices.*

## Summary

The passage provides definitions and outlines the scope of community association management, which includes homeowners' associations. It specifies the practices that require specialized knowledge and are regulated under this statute, such as financial management, meeting coordination, and compliance with governing documents. This is relevant to understanding the regulatory framework for HOAs in Florida.

## [Fla. Admin. Code Ann. R. 61B-23.003 Fla. Admin. Code Ann. R. 61B-23.003 Transition From Developer Control](#)

## Extract

*When an association will operate more than one condominium, unit owners other than the developer are entitled to elect no less than one-third of the members of the board of administrators when they own fifteen percent of the units in any one condominium to be operated by the association. The basis upon which unit owners other than the developer are entitled to elect not less than a majority of the board of administrators is determined according to the percentage of units conveyed to purchasers in all condominiums that will be operated ultimately by the association. The developer is entitled to elect at least one member of the board of administrators as long as it holds for sale in the ordinary course of business the percentage of units provided by law in any one condominium operated by the association.*

## Summary

Process and conditions under which unit owners, other than the developer, can elect members to the board of administrators. It specifies the percentage of unit ownership required for unit owners to elect board members and the conditions under which the developer retains the right to elect board members. This is relevant to understanding the governance structure and transition of control in associations, which is a key aspect of HOA regulations.

## [Fla. Stat. § 720.303 Fla. Stat. § 720.303 \[Effective 60th Day After Adjournment Sine Die\] Association Powers and Duties; Meetings of Board; Official Records; Budgets; Financial Reporting; Association Funds; Recalls](#)

## Extract

**POWERS AND DUTIES.**-An association that operates a community as defined in s. 720.301 must be operated by an association that is a Florida corporation. After October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located. An association may operate more than one community. The officers and directors of an association are subject to s. 617.0830 and have a fiduciary relationship to the members who are served by the association. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents.

## **Summary**

The Florida Statutes require homeowners' associations to be incorporated as Florida corporations and to have their governing documents recorded in the county's official records. The officers and directors have fiduciary duties to the members, and the association's powers and duties are defined both by the statute and the governing documents. This is a fundamental provision applicable to all HOAs in Florida.

### [Fla. Stat. § 718.111 Fla. Stat. § 718.111 \[Effective 60th Day After Adjournment Sine Die\] \[Effective Until 1/1/2026\] the Association](#)

## **Extract**

*The operation of the condominium shall be by the association, which must be a Florida corporation for profit or a Florida corporation not for profit... The officers and directors of the association have a fiduciary relationship to the unit owners... An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback... The association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers... The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements or association property... The association has the irrevocable right of access to each unit during reasonable hours, when necessary for the maintenance, repair, or replacement of any common elements... The association shall maintain each of the following items, if applicable, which constitutes the official records of the association... The official records of the association are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times.*

## **Summary**

Governance structure, fiduciary responsibilities, and operational powers of condominium associations in Florida. These include the requirement for the association to be a corporation, the fiduciary duties of officers and directors, the prohibition of kickbacks, the power to manage property and engage in legal actions, the authority to make assessments, and the right of access to units for maintenance. Additionally, it mandates the maintenance and accessibility of official records. While the passage specifically addresses condominium associations, many of these provisions are relevant to HOAs as they share similar governance and operational frameworks.

### [Fla. Stat. § 720.308 Fla. Stat. § 720.308 Assessments and Charges](#)

## **Extract**

**ASSESSMENTS.**-For any community created after October 1, 1995, the governing documents must describe the manner in which expenses are shared and specify the member's proportional share thereof. (a) Assessments levied pursuant to the annual budget or special assessment must be in the member's proportional share of expenses as described in the governing document, which share may be different among classes of parcels based upon the state of development thereof, levels of services received by the applicable members, or other relevant factors. (b) While the developer is in control of the homeowners' association, it may be excused from payment of its share of the operating expenses and assessments related to its parcels for any period of time for which the developer has, in the declaration, obligated itself to pay any operating expenses incurred that exceed the assessments receivable from other members and other income of the association. (c) Assessments or contingent assessments may be levied by the board of directors of the association to secure the obligation of the homeowners' association for insurance acquired from a self-insurance fund authorized and operating pursuant to s. 624.462. (d) This section does not apply to an association, no matter when created, if the association is created in a community that is included in an effective development-of-regional-impact development order as of October 1, 1995, together with any approved modifications thereto.

## **Summary**

The passage provides detailed information on how assessments and charges are to be handled within homeowners' associations in Florida. It specifies the requirements for governing documents to describe expense sharing and member's proportional share, conditions under which developers may be excused from payments, and the ability of the board to levy assessments for insurance obligations. These provisions are crucial for understanding the financial obligations and governance of HOAs in Florida.

### [Fla. Stat. § 720.311 Fla. Stat. § 720.311 Dispute Resolution](#)

## **Extract**

*The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for arbitration or the serving of a demand for presuit mediation as provided for in this section shall toll the applicable statute of limitations. Any recall dispute filed with the department under s. 720.303 shall be conducted by the department in accordance with the provisions of ss. 718.112(l) and 718.1255 and the rules adopted by the division. In addition, the department shall conduct binding arbitration of election disputes between a member and an association in accordance with s. 718.1255 and rules adopted by the division. Election disputes and recall disputes are not eligible for presuit mediation; these disputes must be arbitrated by the department or filed in a court of competent jurisdiction. At the conclusion of an arbitration proceeding, the department shall charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding.*

*Initially, the petitioner shall remit a filing fee of at least \$200 to the department. The fees paid to the department shall become a recoverable cost in the arbitration proceeding, and the prevailing party in an arbitration proceeding shall recover its reasonable costs and attorney fees in an amount found reasonable by the arbitrator. The department shall adopt rules to effectuate the purposes of this section.*

## **Summary**

Procedures for alternative dispute resolution, including arbitration and presuit mediation, for disputes involving Homeowners Associations in Florida. It specifies that certain disputes, such as election and recall disputes, must be arbitrated and are not eligible for presuit mediation. The passage also details the costs associated with arbitration and the recovery of costs and attorney fees for the prevailing party. This information is crucial for understanding the dispute resolution processes that govern HOAs in Florida.

### Real estate

**Florida Legal Secretary - Volume 1 - James Publishing - Kathleen J. Hill - 2021-04-30**

## **Extract**

*The purposes of FS Ch. 720 are to give statutory recognition to not-for-profit corporations operating Florida residential communities and protecting the rights of association members without unduly impairing the ability of the associations to perform their functions by providing procedures for operation. The Legislature recognized that it is not in the best interest of homeowners' associations or its individual association members to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations.*

## **Summary**

The passage provides insight into the purpose and scope of Chapter 720 of the Florida Statutes, which governs homeowners' associations in Florida. It highlights the legislative intent to recognize not-for-profit corporations operating residential communities and to protect the rights of association members. It also emphasizes the avoidance of creating a state agency to regulate these associations, allowing them to function independently while following established procedures.

### Application of the Florida-Friendly Landscaping Statute to Homeowner Disputes Regarding Violation of Restrictive Covenants.

**Florida Bar Journal - Florida Bar - Van Treese, Jeffery W., II - 2020-11-01**

## **Extract**

*F.S. [section]720.3075(4) (a) (titled, 'Prohibited clauses in association documents') recites verbatim the 'compelling public interest' language used in F.S. [section]373.185(3)(a), further emphasizing the priority the Florida Legislature has placed on water conservation and environmental protection... F.S. [section]720.305 entitled, 'Obligations of members; remedies at law or in equity, levy of fines and suspension of use rights,' includes subsection (2), which provides that an association may levy a fine of up to \$100 per violation for failure to comply with any rules established by the association... F.A.C.R. 61E14-2.001, which governs the standards of professional conduct for licensed community association managers, contains no reference to Florida-friendly landscaping, and there is no language in that rule establishing liability and/or disciplinary action for a community association manager willfully disregarding the protections afforded to homeowners under F.S. [section]...*

## **Summary**

The passage highlights specific sections of the Florida Statutes and the Florida Administrative Code that are relevant to HOAs. F.S. [section]720.3075(4)(a) and F.S. [section]720.305 are key provisions that address prohibited clauses in association documents and the obligations and remedies available to HOA members, respectively. Additionally, F.A.C.R. 61E14-2.001 outlines the standards for community association managers but lacks specific references to Florida-friendly landscaping. These provisions collectively illustrate the regulatory framework governing HOAs, particularly in the context of environmental protection and landscaping.

This memo was compiled by Vincent AI based on vLex materials available as of May 03, 2025. [View full answer on vLex](#)