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Client Alert: Florida Statute, 720.3045, Installation, Display and Storage of Items

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Numerous homeowner associations have declarations, covenants, conditions, and restrictions for the storage items on their property, regardless of where the items are stored and whether such items are visible to third parties. Such storage items may include boats, trailers, sheds, construction equipment, and junk.

The Florida Legislature recently amended Florida Statute, Chapter 720, through House Bill 437 and added Florida Statute 720.3045, which states as follows:

Regardless of any covenants, restrictions, bylaws, rules, or requirements of an association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel's frontage or an adjacent parcel, including, but not limited to, artificial turf, boats, flags, and recreational vehicles.

The statute became effective on July 1, 2023.

Pursuant to the above statute, regardless of information contained in the governing documents or rules and regulations, associations can no longer restrict the storage of items that are not visible from the parcel owner's frontage or adjacent parcel. This statute will now allow the storage of boats, RVs, sheds, and other items on an owner's property so long as the items are not visible from the frontage or an adjacent parcel. Associations' board of directors, property managers, and counsel will need to consider Florida Statute 720.3045 when enforcing potential violations regarding display and storage of items that are not in view.

It is clear that the statute is effective as to any covenants, conditions, or restrictions filed subsequent to July 1, 2023. However, arguments exist that the statute should not apply retroactively or invalidate covenants, conditions, and restrictions in existence prior to the statute's effective date, barring specific language in existing covenants, conditions, or restrictions which incorporates subsequent statutory amendments.

Contact Jonathan Ellis with questions about the recently amended Florida Statute, Chapter 720, through House Bill 437 and the added Florida Statute 720.3045