

By Senator Martin

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1 A bill to be entitled
2 An act relating to roofing material restrictions for
3 homeowners' associations; amending s. 720.3035, F.S.;
4 revising the prohibition on the adoption of certain
5 covenants, rules, or guidelines by a homeowners'
6 association or a specified committee of an association
7 to include a prohibition on requiring specific types
8 of materials for the building or rebuilding of a roof
9 if the built or rebuilt roof meets certain criteria
10 and standards; amending s. 720.3075, F.S.; revising
11 the prohibited clauses in homeowners' association
12 documents to include a requirement that a property
13 owner may not be precluded from using any type of
14 building material to build or rebuild his or her roof
15 if the built or rebuilt roof meets certain criteria
16 and standards; amending s. 720.303, F.S.; conforming a
17 provision to changes made by the act; reenacting s.
18 617.0825(9), F.S., relating to board committees and
19 advisory committees, to incorporate the amendment made
20 to s. 720.3035, F.S., in a reference thereto;
21 providing an effective date.
22

23 Be It Enacted by the Legislature of the State of Florida:
24

25 Section 1. Paragraph (b) of subsection (1) of section
26 720.3035, Florida Statutes, is amended to read:

27 720.3035 Architectural control covenants; parcel owner
28 improvements; rights and privileges.—

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(b) An association or any architectural, construction improvement, or other such similar committee of an association may not enforce or adopt a covenant, rule, or guideline that:

1. Limits or places requirements on the interior of a structure that is not visible from the parcel's frontage or an adjacent parcel, an adjacent common area, or a community golf course.

2. Requires the review and approval of plans and specifications for a central air-conditioning, refrigeration, heating, or ventilating system by the association or any architectural, construction improvement, or other such similar committee of an association, if such system is not visible from the parcel's frontage, an adjacent parcel, an adjacent common area, or a community golf course and is substantially similar to a system that is approved or recommended by the association or a committee thereof.

3. Requires that a specific type of material be used on the building or rebuilding of a roof, provided the built or rebuilt roof appears to be substantially identical in shape and color with the roofing requirements created by the association or any architectural, construction improvement, or other such similar committee of the association, and that such roofing materials adhere to the roof systems recognized by the Florida Building Code which meet ASCE 7-22 standards pursuant to paragraph (6) (c).

Section 2. Paragraph (g) is added to subsection (3) of section 720.3075, Florida Statutes, to read:

720.3075 Prohibited clauses in association documents.—

(3) Homeowners' association documents, including

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declarations of covenants, articles of incorporation, or bylaws, may not preclude:

(g) A property owner from using any type of building material to build or rebuild his or her roof, provided the built or rebuilt roof appears to be substantially identical in shape and color with the roofing requirements created by the association or any architectural, construction improvement, or other such similar committee of the association, and that such roofing materials adhere to the roof systems recognized by the Florida Building Code which meet ASCE 7-22 standards pursuant to s. 720.3035(6)(c).

Section 3. Subsection (1) of section 720.303, Florida Statutes, is amended to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(1) 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. After control of the association is obtained by members other

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88 than the developer, the association may institute, maintain,
89 settle, or appeal actions or hearings in its name on behalf of
90 all members concerning matters of common interest to the
91 members, including, but not limited to, the common areas; ~~roof~~
92 ~~or~~ structural components of a building, or other improvements
93 for which the association is responsible; mechanical,
94 electrical, or plumbing elements serving an improvement or
95 building for which the association is responsible;
96 representations of the developer pertaining to any existing or
97 proposed commonly used facility; and protest of ad valorem taxes
98 on commonly used facilities. The association may defend actions
99 in eminent domain or bring inverse condemnation actions. Before
100 commencing litigation against any party in the name of the
101 association involving amounts in controversy in excess of
102 \$100,000, the association must obtain the affirmative approval
103 of a majority of the voting interests at a meeting of the
104 membership at which a quorum has been attained. This subsection
105 does not limit any statutory or common-law right of any
106 individual member or class of members to bring any action
107 without participation by the association. A member does not have
108 authority to act for the association by virtue of being a
109 member. An association may have more than one class of members
110 and may issue membership certificates. An association of 15 or
111 fewer parcel owners may enforce only the requirements of those
112 deed restrictions established prior to the purchase of each
113 parcel upon an affected parcel owner or owners.

114 Section 4. For the purpose of incorporating the amendment
115 made by this act to section 720.3035, Florida Statutes, in a
116 reference thereto, subsection (9) of section 617.0825, Florida

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117 Statutes, is reenacted to read:

118 617.0825 Board committees and advisory committees.—

119 (9) This section does not apply to a committee established
120 under chapter 718, chapter 719, or chapter 720 to perform the
121 functions set forth in s. 718.303(3), s. 719.303(3), s.

122 720.3035(1), s. 720.305(2), or s. 720.405, respectively.

123 Section 5. This act shall take effect July 1, 2026.