

30-year

MRTA also provides a specific process for HOAs to renew and preserve their covenants and restrictions to keep them in place after the 30-year term. property is located prior to the expiration of the 30-year period, Sect. 712.05, Fla. Stat. Feb 8, 2023

30-year

In Florida, homeowners' associations (HOAs) can last for 30 years or longer, depending on how the HOA covenants are renewed and preserved:

Expiration

The Marketable Record Title Act (MRTA) requires that HOA covenants are recorded for 30 years from the date they are recorded. After 30 years, the covenants expire unless the HOA takes steps to renew them.

Renewal

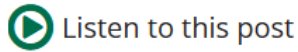
To renew covenants, the HOA must:

- File a "Notice to Preserve" in the public records of the county where the property is located before the 30-year period expires
- Get the board of directors to approve the notice
- Form an organizing committee
- Notify all homeowners
- Submit approved documents to the Florida Department of Economic Opportunity (FDEO) for approval [🔗](#)

HOA's: Your Restrictions Have an Expiration Date

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With the turnover of volunteer homeowner's association ("HOA") board members over time, it is not surprising that certain important long-term issues may be overlooked. There is one very important law, however, which board members may not be aware of that can eliminate an HOA's ability to enforce its restrictions.

I am often contacted by an HOA board at the last minute before their restrictions "expire" under this law and even sometimes *after* they expire. Below is a breakdown of the two different processes an HOA must follow to preserve the restrictions before they expire or, if the deadline has been missed, to revitalize the restrictions.

What is the law and why?

The [Marketable Records Title Act](#) ("MRTA") is a Florida law designed to eliminate "stale" recorded claims that affect the title to real property, such as old recorded leases for which the beneficiaries have long departed or dissolved. Without MRTA, all of these documents still have to be shown on title commitments and policies even though they may have long since become irrelevant and unused. Unfortunately, there isn't an exemption to save old (and still active) association covenants unless the affirmative steps are taken to preserve them.

What does it mean to HOA's?

The simplified explanation is that the recorded covenants governing a community must be preserved before the end of a 30 year period beginning on the date they were recorded. The Florida statute lays out the process that an association must go through to preserve the effectiveness of the recorded covenants if the 30 years has not yet expired. The preservation process will mean that the covenants are effective under MRTA for another 30 years. HOA's must still look at the Declaration to determine if the covenants expire under their own terms at another date without an automatic renewal.

Merely amending or restating the covenants does not restart the 30-year clock. The statutory process must be followed. For preservation, the Statement of Marketable Title Action provided in [Section 712.06, Florida Statutes](#) must be sent to all homeowners seven (7) days in advance of the board meeting to consider preserving the covenants. The Board must approve the preservation by at least 2/3 vote of the Board, and then a Notice of Marketable Title Action is recorded in the public records.

The 2024 Florida Statutes

[Title XL](#)
REAL AND PERSONAL
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[Chapter 712](#)
MARKETABLE RECORD TITLES TO REAL
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712.05 Effect of filing notice.—

(1) A person claiming an interest in land or other right subject to extinguishment under this chapter may preserve and protect such interest or right from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title, a written notice in accordance with s. [712.06](#).

(2) A property owners' association may preserve and protect a community covenant or restriction from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title:

(a) A written notice in accordance with s. [712.06](#); or

(b) A summary notice in substantial form and content as required under s. [720.3032\(2\)](#); or an amendment to a community covenant or restriction that is indexed under the legal name of the property owners' association and references the recording information of the covenant or restriction to be preserved. Failure of a summary notice or amendment to be indexed to the current owners of the affected property does not affect the validity of the notice or vitiate the effect of the filing of such notice.

(3) A notice under subsection (1) or subsection (2) preserves an interest in land or other right subject to extinguishment under this chapter, or a covenant or restriction or portion of such covenant or restriction, for not less than 30 years after filing the notice unless the notice is filed again as required in this chapter. A person's disability or lack of knowledge of any kind may not delay the commencement of or suspend the running of the 30-year period. Such notice may be filed for record by the claimant or by any other person acting on behalf of a claimant who is:

(a) Under a disability;

(b) Unable to assert a claim on his or her behalf; or

(c) One of a class, but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

The property owners' association or clerk of the circuit court is not required to provide additional notice pursuant to s. [712.06\(3\)](#) for a notice filed under subsection (2). The preceding sentence is intended to clarify existing law.

(4) It is not necessary for the owner of the marketable record title, as described in s. [712.02](#), to file a notice to protect his or her marketable record title.

History.—s. 5, ch. 63-133; s. 798, ch. 97-102; s. 3, ch. 97-202; s. 1, ch. 2003-79; s. 7, ch. 2014-133; s. 3, ch. 2018-55.

The 2024 Florida Statutes

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¹**712.06** Contents of notice; recording and indexing.—

(1) To be effective, the notice referred to in s. [712.05](#), other than the summary notice and the amendment referred to in s. [712.05\(2\)\(b\)](#), must contain:

(a) The name or description and mailing address of the claimant or the property owners' association desiring to preserve any covenant or restriction.

(b) The name and mailing address of an owner, or the name and mailing address of the person in whose name the property is assessed on the last completed tax assessment roll of the county at the time of filing, who, for purpose of such notice, shall be deemed to be an owner; however, if a property owners' association is filing the notice, the requirements of this paragraph may be satisfied by attaching to and recording with the notice an affidavit executed by the appropriate member of the board of directors of the property owners' association affirming that the board of directors of the property owners' association caused a statement in substantially the following form to be mailed or hand delivered to the members of that property owners' association:

STATEMENT OF MARKETABLE TITLE ACTION

The (name of property owners' association) (the "Association") has taken action to ensure that the (name of declaration, covenant, or restriction), recorded in Official Records Book , Page , of the public records of

County, Florida, as may be amended from time to time, currently burdening the property of each and every member of the Association, retains its status with regard to the affected real property. To this end, the Association shall cause the notice required by chapter 712, Florida Statutes, to be recorded in the public records of County, Florida. Copies of this notice and its attachments are available through the Association pursuant to the Association's governing documents regarding official records of the Association.

(c) A full and complete description of all land affected by such notice, which description shall be set forth in particular terms and not by general reference, but if said claim is founded upon a recorded instrument or a covenant or a restriction, the description in such notice may be the same as that contained in such recorded instrument or covenant or restriction, provided the same shall be sufficient to identify the property.

(d) A statement of the claim showing the nature, description, and extent of such claim or other right subject to extinguishment under this chapter or, in the case of a covenant or restriction, a copy of the covenant or restriction or a reference to the book and page or instrument number in which the same is recorded, except that it is not necessary to show the amount of any claim for money or the terms of payment.

(e) If such claim or other right subject to extinguishment under this chapter is based upon an instrument of record or a recorded covenant or restriction, such instrument of record or recorded covenant or restriction shall be deemed sufficiently described to identify the same if the notice includes a reference to the book and page in which the same is recorded.

(f) Such notice shall be acknowledged in the same manner as deeds are acknowledged for record.

(2) Such notice shall be filed with the clerk of the circuit court of the county or counties where the land described therein is situated, together with a true copy thereof. The clerk shall enter, record, and index said notice in the same manner that deeds are entered, recorded, and indexed, as though the claimant were the grantee in the deed and the purported owner were the grantor in a deed, and the clerk shall charge the same fees for recording thereof as are charged for recording deeds. In those counties where the circuit court clerk maintains a tract index, such notice shall also be indexed therein.

(3) The person providing the notice referred to in s. 712.05, other than a notice for preservation of a community covenant or restriction, shall:

(a) Cause the clerk of the circuit court to mail by registered or certified mail to the purported owner of said property, as stated in such notice, a copy thereof and shall enter on the original, before recording the same, a certificate showing such mailing. For preparing the certificate, the claimant shall pay to the clerk the service charge as prescribed in s. 28.24(9) and the necessary costs of mailing, in addition to the recording charges as prescribed in s. 28.24(13). If the notice names purported owners having more than one address, the person filing the same shall furnish a true copy for each of the several addresses stated, and the clerk shall send one such copy to the purported owners named at each respective address. Such certificate shall be sufficient if the same reads substantially as follows:

I hereby certify that I did on this , mail by registered (or certified) mail a copy of the foregoing notice to each of the following at the address stated:

(Clerk of the circuit court)
of County, Florida,
By (Deputy clerk)

The clerk of the circuit court is not required to mail to the purported owner of such property any such notice that pertains solely to the preserving of any covenant or restriction or any portion of a covenant or restriction; or

(b) Publish once a week, for 2 consecutive weeks, the notice referred to in s. 712.05, with the official record book and page number in which such notice was recorded, in a newspaper as defined in chapter 50 in the county in which the property is located.

(4) Failure of any purported owner to receive the mailed notice shall not affect the validity of the notice or vitiate the effect of the filing of such notice.

History.—s. 6, ch. 63-133; s. 5, ch. 77-354; s. 7, ch. 82-205; s. 57, ch. 95-211; s. 4, ch. 97-202; s. 2, ch. 2003-79; s. 110, ch. 2003-402; s. 3, ch. 2010-104; s. 4, ch. 2018-55; s. 25, ch. 2021-116.

¹**Note.**—Section 6, ch. 2022-171, provides that “[a] person with an interest in land which may potentially be extinguished by this act, and whose interest has not been extinguished before July 1, 2022, must file a notice pursuant to s. 712.06, Florida Statutes, by July 1, 2023, to preserve such interest. Any county as defined in s. 125.011(1), Florida Statutes, with an interest in land which may potentially be extinguished by this act, and whose interest has not been extinguished before July 1, 2022, must file a notice pursuant to s. 712.06, Florida Statutes, by July 1, 2025, to preserve such interest.”

The 2024 Florida Statutes

[Title XL](#)

[Chapter 720](#)

[View Entire Chapter](#)

REAL AND PERSONAL PROPERTY HOMEOWNERS' ASSOCIATIONS

720.3032 Notice of association information; preservation from Marketable Record Title Act.—

(1) 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.

(2) Recording a document in substantially the following form satisfies the notice obligation and constitutes a summary notice as specified in s. [712.05\(2\)\(b\)](#) sufficient to preserve and protect the referenced covenants and restrictions from extinguishment under the Marketable Record Title Act, chapter 712.

Notice of (Name of association) under s. [720.3032](#), Florida Statutes, and notice to preserve and protect covenants and restrictions from extinguishment under the Marketable Record Title Act, chapter 712, Florida Statutes.

Instructions to recorder: Please index both the legal name of the association and the names shown in item 3.

1. Legal name of association:

