

2021 Proposed Community Legislation Bills

On March 2, 2021 the Regular Session of the Florida Legislature will begin. House Bill (HB) 867 and Senate Bill (SB) 630 were filed and bring proposed community legislation. Among concerns are the removal of subrogation rights. The ability of an owner to pursue his or her rights when negligence has been the primary or contributing source of his or her property damage might be threatened.

Further, the bills propose *“during a state of emergency declared by executive order or proclamation of the Governor...an association may not prohibit...ingress to and egress from the unit and when access is necessary in connection with the sale, lease, or other transfer of title of a unit...”* This language is of concern because vulnerable communities may decide that they should be able to decide habitability for themselves and not have to wait for official directives.

The bills also propose a notice required *“must be mailed or delivered to the address identified as the parcel owner’s mailing address in the official records of the association”* and removes the requirement that notices be sent to the owners’ addresses as listed on the property appraiser’s website. This is of concern because the Property Appraiser has been the standard for governmental notices and appears to be the most official and accurate way that notices could be sent.

The Vacation Rentals bills for this year include HB 219 and SB 522: The Alliance has been following this closely. The following wording appears to protect our associations regarding short term rentals: *“The application of this act does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes, cooperative document adopted pursuant to chapter 719, Florida Statutes, or declaration or declaration of covenants adopted pursuant to chapter 720, Florida Statutes”*.