

FOR YOUR INFORMATION



2024 LEGISLATIVE SESSION

TO VIEW THE COMPLETE BILLS AND ANALYSES OF THE BILLS:
FOR FLORIDA HOUSE BILLS GO TO [HTTPS://WWW.MYFLORIDAHOUSE.GOV/](https://www.myfloridahouse.gov/)
FOR FLORIDA SENATE BILLS GO TO [HTTPS://WWW.FLSENATE.GOV/](https://www.flsenate.gov/)

THE FOLLOWING SUMMARIES ARE PROVIDED FOR YOUR INFORMATION. THE ALLIANCE ENCOURAGES ITS MEMBERS TO USE THE ABOVE WEBSITES TO FOLLOW THE BILLS THROUGH THE SESSION. CHANGES OCCUR DAILY. THIS IS A "SNAPSHOT" IN THE 2024 LEGISLATIVE SESSION. YOU HAVE BEEN PROVIDED WITH OUR PALM BEACH COUNTY LEGISLATIVE DELEGATION CONTACT INFORMATION SO THAT YOUR ASSOCIATION CAN DIRECTLY COMMUNICATE WITH YOUR REPRESENTATIVES. GOOD LUCK TO US ALL.

CS/SB 278: Estoppel Certificates: Estoppel Certificates; Prohibiting agreements that indemnify a community association manager or community association management firm for errors or omissions relating to the provision or preparation of an estoppel certificate; revising acts that constitute grounds for which certain disciplinary actions may be taken to include specified actions relating to estoppel certificates; revising the time in which a community association must provide an estoppel certificate to a requestor, etc. House related Bill 979.

*******FEBRUARY 4, 2024 UPDATE ON CS/SB 278:** It has been amended to allow a management company or a self-managed association to charge a buyer or a seller for the time to prepare an estoppel certificate in advance of any real property sale. The association or manager may also charge an additional \$150.00 if there are delinquencies to report in the estoppel certificate. CS/SB 278 would eliminate the add-on processing fees that were not expressly prohibited by current law. The following is a list of some new provisions within CS/SB 278: First, CS/SB 278 would reduce the estoppel fee, from \$299.00 to \$250.00, and eliminate the gradual increase in estoppel fees established under existing law. CS/SB 278 would eliminate the \$100.00 rush order fee for an expedited estoppel certificate. CS/SB 278 would also lower the number of days to prepare an estoppel, from 10 business days to 5 business days. This tight timeframe means that there will always need to be backup in the management office to address estoppel requests. In addition, CS/SB 278 requires payment of an estoppel fee from the sale proceeds at closing, whereas fees are presently collectible in advance of closing. As presently drafted, under CS/SB 278 an association would not be paid for estoppel preparation work performed if the sale did not close. CS/SB 278 would also prohibit an association from indemnifying a management firm for errors or omissions relating to the preparation or provision of an estoppel certificate. See the bill text for additional information.

HB 1021: Community Associations: Provides requirements & penalties for community association managers & management firms relating to conflicts of interest; revises & provides provisions relating to condominium & cooperative associations, including reporting requirements, financial reports, unit owner & board meetings, director education, criminal activity & penalties, legal actions, notices, & auditing; requires Division of Florida Condominiums, Time Shares, & Mobile Homes to submit report to Governor & Legislature.

*******FEBRUARY 5, 2024 Update: STRIKE-ALL AMENDMENT TO HB 1021**

Representative Lopez's HB 1021 just passed the Regulatory Reform & Economic Development Subcommittee with a strike-all amendment without objection and will be heard next in the State Administration & Technology Appropriations Subcommittee. The Senate counterpart to this bill, Senator Bradley's SB 1178, does not currently match up.

The strike-all amendment to this bill impacts Chapters 468, 718, and 719 of the Florida Statutes. The following are some of the highlights of this new version of the bill. For the full bill text please click here.

- Provides that an association may not use common funds to pursue a defamation, libel, slander, or tortious interference claim against a unit owner if the owner has acted in good faith when making public statements that are critical of the operation or management of the association.

- Clarifies that community association managers and management firms may retain records for up to 20 days after their contract is terminated in order to complete an ending financial statement or report.
 - Creates a rebuttable presumption of a conflict of interest for certain management activity and requires management disclosures of potential conflicts of interest
 - Requires 90 days advance notice before a delinquent owner's voting rights may be suspended.
 - Provides that association records must be maintained in an orderly manner and if there are missing, lost, destroyed, or otherwise unavailable records, an association must make a good faith effort to recreate those records.
 - Provides that a condominium association may satisfy a request for access to records by making the records available for download on the association website or through an application on a mobile device.
 - Removes the requirement that the checklist made in response to a records request be accompanied by a sworn affidavit.
 - Provides a first-degree misdemeanor for knowingly or intentionally defacing or destroying required accounting records or knowingly and intentionally failing to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members.
 - Provides that officers and directors charged with a specified criminal violation are deemed removed from office and a vacancy declared.
 - Requires that meetings of the board of an association with more than 10 units must be at least once each quarter instead of four times a year.
 - Removes the requirement that a special assessment must be recorded in the public records.
 - Changes the retention period for an officer or director's educational certificate to 7 years, instead of 5 years.
 - Implements mandatory educational training for board members and creates criteria for that educational curriculum to: Clarifies that a majority of the members may vote to temporarily stop contributing to the reserves if there is a determination that the building is uninhabitable due to a natural emergency. Requires reserve contributions to immediately resume when the building is determined to be habitable.
 - Require 4 hours of initial instruction.
 - Requires specific instruction to include milestone inspections, structural integrity reserve studies, record-keeping, financial literacy and transparency, levying fines, and notice and meeting requirements.
 - Requires a director to annually complete one hour of continuing education regarding the recent changes in the past year.
 - Removes the prior provisions which would have allowed the association to use a line of credit to fund reserves.
 - Clarifies jurisdiction of the Division after turnover from developer control occurs to include investigation of complaints alleging violations of the Condominium Act and other relevant rules or orders.
 - Provides that the Secretary of the Division, instead of the Governor, must appoint the ombudsman and that the ombudsman no longer is required to be an attorney.
 - Removes the term "planned" maintenance previously found in HB 1021 and changes it back to current the current term found in Chapter 718: "deferred" maintenance.
- SB 280 CS/SB 280:** Vacation Rentals; Requiring advertising platforms to collect and remit specified taxes for certain vacation rental transactions; defining the term "advertising platform"; adding licensing to the regulated activities of public lodging establishments and public food service establishments which are preempted to the state; requiring advertising platforms to require that persons placing advertisements or listings for vacation rentals include certain information in the advertisements or listings and attest to certain information; authorizing the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances, etc.
- SB 426: Community Associations** Community Associations; Creating the Condominium Fraud Investigation Pilot Program within the Department of Legal Affairs in the Office of the Attorney General; authorizing the department to contract with a private entity to achieve the program's purpose; requiring that the pilot program be funded from the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund; creating the Office of the Homeowners' Association Ombudsman within the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, etc.
- HB 59 Provision Of Homeowners' Association Rules and Covenants:** Requires association to provide copies of association's rules & covenants to every member before specified date, & every new member thereafter; requires association to provide members with copy of updated rules & covenants; authorizes association to adopt rules relating to standards & manner in which such copies are distributed; authorizes association to post complete copy of association's rules & covenants, or direct link thereto, on homepage of association's website; requires association to provide specified notice to its members.
- HB 173 Not-for-profit Corporations that Operate Residential Homeowners' Associations:** Provides requirements for not-for-profit corporations that operate residential homeowners' associations.
- HB 293 Hurricane Protections for Homeowners' Associations:** Requires board or committee of homeowners' association to adopt hurricane protection specifications; requires such specifications conform to applicable building codes; prohibits board or committee of association from denying application for installation, enhancement, or replacement of certain hurricane protection; authorizes requirement to adhere to certain guidelines regarding external appearance of structure or improvement on parcel.

HB 431 Fines Levied by Homeowners' Associations: Prohibits fines imposed by homeowners' associations from exceeding \$500 in aggregate.

HB 595 Homeowners' Associations Database: Requires DBPR to establish searchable database by specified date which contains specified information regarding each homeowners' association in state; requires homeowners' association to notify department of any changes to information listed in database.

HB 627 Disclosure Requirements for Prospective Purchasers: Requires prospective purchasers of parcel subject to association membership to be provided with certain documents, in addition to disclosure summary, before executing contract; authorizes prospective purchasers to cancel their contract within specified timeframe; specifies that 3-day cancellation period does not include Saturdays, Sundays, or legal holidays.

SB 7046 Homeowners' Associations: Providing criminal penalties for directors or members of the board or association who fail to maintain and make available specified records; providing criminal penalties for persons who knowingly and intentionally deface, destroy, or fail to maintain specified accounting records; prohibiting an association or any architectural, construction improvement, or other such similar committee of an association from enforcing or adopting certain covenants, rules, or guidelines; prohibiting a homeowners' association from restricting residents from installing certain vegetable gardens and clotheslines under certain circumstances, etc.

HB 1203 Homeowners' Associations: Revises provisions relating to homeowners' associations including standards for officers, directors, or managers of HOA; detailed accountings; the provision of HOA's rules & covenants to members; fines and suspensions; attorney fees and costs; priority of payments; liens; appeals of certain decisions; prohibited clauses in association documents; & assessments.

HB 1203, sponsored by Representative Esposito, proposes impactful changes to homeowners' association law which would inhibit association collections efforts for homeowners' associations throughout the state. The bill would require an affirmative vote from 75% of the membership of a community before the association could lien a property to collect past due assessments valued at less than 1% of a home's value. Those owners who live in community associations or who work with community associations know that a 75% participation rate is nearly impossible to obtain. As such, associations would be forced to carry the burden of large assessment arrearages before the Association could proceed with collections efforts. HB 1203 goes even further to undermine association finances by capping assessment increases and capping special assessments as well. The maximum increase caps can be overcome, again by an affirmative vote from 75% of the membership of a community. As such, HB 1203 would significantly undermine association finances and seems to ignore entirely the fact that association budgets have increased due to skyrocketing insurance premiums. This bill seems to overlook the fact that healthy, safe communities require adequate budgets. HB 1203 would also allow an owner of a pickup truck or a work vehicle to park in the driveway of a home in a community regardless of any restriction requiring such vehicles to be parked in the garage. The bill also prohibits fines for trash can infractions and Christmas light infractions. The bill would also allow an owner in a townhouse or rowhouse governed by a homeowner's association to remove load bearing walls without the interference of any architectural review committee. It also requires all homeowners' associations to allow the installation of metal roofs.

Hb 1243 Homeowners' Associations: Provides requirements for certain community association managers & firms; provides & revises requirements for association's official records; requires association to assist in law enforcement investigation as allowed by law; requires that certain associations use independent certified public accountant to prepare its annual budget; requires certain associations to retain attorney for certain purposes; revises requirements for director education; provides criminal penalties for certain actions by officer, director, or manager of association; requires certain standards be applied & enforced reasonably & equitably; requires certain written notice to parcel owners.

INSURANCE BILLS

As has been the case for the past several years, a myriad bills have been proposed to help alleviate the insurance crisis in the state.

- HB 0565 and SB 604 are similar, and they both apply to Citizens Property Insurance. These bills would revise eligibility for coverage by the Citizens in certain counties to include personal lines in certain residential structures. The bills would also require Citizens to annually implement a rate increase, excluding increases associated with coverage changes and surcharges.
- SB 102 and HB 1017 would create the Property Insurance Commission, provide for the election of the Commissioner of Insurance Regulation, and prohibit property insurers from claiming insolvency under specified circumstances.
- HB 625 would remove provisions relating to ineligibility of commercial lines for residential condominiums for wind-only coverage by Citizens. The bill also requires authorized inspectors to use specified inspection forms for roof inspections and increases property loss assessment coverages under condominium unit owners' residential property policies.
- HB 889 and SB 1106 also apply to coverage by Citizens. See also related insurance bills HB 1015 and SB 1622. HB 889 and SB 1106 revise certain minimum replacement costs as risk amounts ineligible for coverage by Citizens for personal lines residential structures. The bill also provides exceptions to limits on rate increases on single policies issued by Citizens.
- HB 893 and SB 1428 also pertain to Citizens coverage. These bills revise requirements for areas that are eligible for personal residential and commercial residential and commercial nonresidential policy coverages by Citizens. These bills also would authorize Citizens to amend wind-eligible areas and to consider factors in developing new eligibility criteria and rates for policies that provide wind-only coverage.

- HB 989, HB 1143, HB 1263, SB 1098, and SB 1208 all relate to the My Safe Florida Home Program. These bills address home inspections, mitigation inspections and flood certifications. They would revise requirements for My Safe Florida Home Program mitigation grants and revise maximum amounts that department retains from funds of unclaimed property.

- HB 1213 and SB 1716 also address Citizens windstorm coverage. These bills would remove provisions relating to the windstorm risk apportionment plan agreements among property insurers. They would require Citizens to make windstorm coverage available to homeowners for any residential structures and commercial lines residential structures.

OTHER RELATED BILLS TO BE WATCHED:

Several additional bills have been filed addressing real estate seller disclosures, home hardening, home building, association fines, and hurricane protection. Note, new bills will be filed until the sessions opens, so a bill that does not have a companion bill as of this writing may have one by the start of session on Tuesday, January 9, 2024.

- SB 50 and HB 59 are identical. Both require homeowners' associations to provide copies of the association's Rules and Regulations and the Declaration of Covenants to all of their members by a specific date. Currently, that deadline is set for October 1, 2024, but that may change during the legislative session. Versions of these bills have been proposed every year for the past several years, but we will let you know if these bills move forward this year.

- HB 293 and SB 600 both concern Hurricane Protections for homeowners' associations, and they contain a mandate from the Legislature, for all boards of homeowners' associations to adopt hurricane protection specifications. The bills also prohibit any board or committee of an association from denying application for installation of a metal roof.

- HB 329 and SB 860 are identical. They would create a Homeowners' Assistance Fund within the Department of Commerce to provide expenses for those who qualify for assistance. The bills also provide deadlines for assistance requests.

- HB 429 and SB 756 are identical and would regulate Timeshare Properties. These bills would broaden powers of certain boards with respect to timeshare plans and provide rights and remedies to managers and managing entities as operators of certain timeshare establishments.

- HB 431 and SB 826 would limit fines levied by homeowners' associations to \$500 total in the aggregate unless the governing documents provide for higher amounts.

- HB 481 and SB 612 are identical. In proceedings regarding the interpretation of the Florida Building Code or the Florida Accessibility Code for Building Construction, these bills would allow the prevailing party to collect prevailing party attorney fees. The bills also prohibit HVAC manufacturer's warranties from being conditioned upon product registration.

- HB 595 and SB 942 are identical. They would create Section 720.309, F.S. requiring the DBPR to implement a searchable database of homeowners association information including the most recent budget and any reserve studies.

- HB 655 and SB 802 are identical. They require the Office of Insurance Regulation (OIR) to establish a Condominium Windstorm Pilot Program. The bills also require a majority vote of the total voting interests of a condominium association to participate in the program. The bills provide requirements for participation in the program.

- HB 173 (also known as the Tithing Bill) would amend Section 720.303, F.S. to require charitable contributions or donations of fifteen percent (15%) of the budget by every Florida homeowner's association. CALL YOUR LEGISLATORS to discuss this forced donation bill.

- SB 280 pertains to vacation rentals. It would obligate advertising platforms to collect and remit certain taxes for vacation rental transactions.

- SB 426 would create the Condominium Fraud Investigation Pilot Program within the Department of Legal Affairs in the Office of the Attorney General and then authorizes the department to create the Office of the Homeowners' Association Ombudsman within the DBPR. This bill is designed to give more "teeth" to enforcement actions. It is interesting to note that the Office of the Condominium Ombudsman has been vacant for almost a year.

- HB 613 and SB 1140 pertain to mobile home park tenancies and give the DBPR additional oversight responsibilities.

- HB 1029 would create a My Safe Florida Condo pilot program. SB 1366 is the companion bill. The pilot program would be established within the Department of Financial Services and the bill provides requirements for the program.

- HB 627 and SB 1234 address disclosure requirements for prospective purchasers. These bills require prospective purchasers to be provided with the association's governing documents, and other pertinent association records in addition to the disclosure summary, before executing a contract. The bills also authorize cancellation of a contract for sale within 3 days of receipt of the association documents.

- SB 1068 and HB 1229 both address a marketable record title act issue pertaining to an affordable housing project constructed on a lake.

- HB 1257 would move the Department of Condominium and Timeshares from the DBPR to the Division of Law Enforcement. SB 1378 is its companion bill. Again, this is seen as a move towards more "law and order" in the community association context.

- HB 1249 and SB 1706 create new definitions and a new statute specifically addressing condominiums created and existing within a portion of multi parcel building.