



## CAI-FLA Summer 2024 Legislative Update

The Community Associations Institute Florida Legislative Alliance (CAI-FLA) had a busy year advocating in Tallahassee on behalf of the approximately 9,524,000 Floridians living in 3,884,000 homes in more than 49,800 community associations across the Sunshine State! Much of the legislation we saw introduced was in response to the situation with a South Florida community where board members were arrested on allegations of fraud and theft. CAI-FLA knew the original drafts of the bills were incredibly detrimental for associations, and legislators made it clear to us that the bills were going to be passed in some form. In response, CAI-FLA worked hard to make these bills a little more bearable. While we still have many concerns about the negative effects the bills may have on community associations, the result was a marked improvement from what was originally anticipated. CAI-FLA is planning on addressing lingering concerns in the upcoming legislative session and will continue to advocate for Florida's community associations, their members and business partners.

With that said, we wanted to take a moment highlight what was passed in 2024:

### SB 50 / HB 59 HOA Rules and Covenants

What's new for HOAs?

- Distribute rules/covenants by 10/1/24 to all owners
- Furnish new owners with rules/covenants
- May upload documents to website –with notice of posting sent electronically or via mail

### CS/CS/HB 1021 Community Associations

Changes applicable to Managers-

- Return all official records within 20 business days
- Disclose all conflicts of interest and include conflict disclosures on all contracts, meeting agenda & minutes

Changes applicable to Department of Business and Professional Regulation-

- Adds power to investigate conflicts of interest; failure to respond to written inquiries & to remove officers or directors for accepting kickbacks, use of debit cards for personal expenses, abandonment of office or when charged with a crime.

Changes applicable to official records-



- Association obligated to make good faith effort to obtain and/or recover records absent from inventory
- Association must furnish checklist of records made available for inspection- Checklist must identify any requested records not made available during inspection; Checklist must be retained for 7 years
- Enhanced penalties for willful / repeated violations
- Websites are required for condos with 25 units or more

#### Changes for association operations-

- Must hold board meetings at least quarterly and allow members to ask questions about- Status of construction projects; Revenues and expenses for current fiscal year
- Requires all directors to attend education sessions- Initial session is 4 hours; Yearly 1 hour updates required; Certificate valid for 7 years of continuous service; Must certify annually that all directors complied

#### HB 1029/ SB 1366 My Safe Florida Condominium Pilot Program-

##### Program website- <https://msflh.com/condos/>

- The program covers condominiums located within 15 miles inward of a coastline.
- Grants must be matched by associations. For roof-related projects, the maximum grant award is \$1,000 per unit, and for opening protection-related projects, it's a maximum of \$1,500 per unit. The total grant award per association cannot exceed \$175,000.
- The program is intended to provide licensed inspectors to perform inspections for and grants to eligible associations, as funding allows.
- Associations must receive approval by a majority vote of the board of administration or total voting interests to apply for inspections or grants. Unit owners can participate through association-awarded grants but not individually.
- Associations must provide detailed applications, including information on contractors and commitments to complete mitigation improvements. Applications must be notarized and signed by the board of administration.

#### CS/CS/HB 1203 Homeowner Associations-

##### HOAs Must-

- Post official records on a website (communities with 100 or more parcels) by Jan. 1, 2025
- Furnish documents or provide access to law enforcement within 5 business days of receipt of a subpoena
- Obtain an annual audit (communities with 1,000 or more parcels regardless of income)



- Stop use of any HOA debit cards

#### Officers and Directors Must-

- Complete mandatory education covering financial operations/transparency, recordkeeping, fining process and meeting notice requirements- 4 hours of education annually for directors from communities with less than 2,500 parcels; 8 hours of education annually for directors from communities with more than 2,500 parcels
- Leave office if charged with criminal offenses concerning the HOA

#### Changes to parking/vehicle regulations-

- Cannot prohibit parking personal vehicle (including pick-up truck) in driveway or other parking area
- Cannot prohibit owners, tenants, guests or invitees from bringing or parking work vehicles in the community

#### Changes to fining-

- HOA cannot levy fines for- Leaving garbage receptacles out less than 24 hours before or after the designated garbage day; Leaving holiday decorations or lights up, unless they have not been removed after 1 week after the association provides written notice.
- New procedures for fines- Hearing must be held within 90 days of notice; Cannot collect fine if violation remedied within time frame in notice or before hearing; Cannot require payment less than 30 days from notice that fine approved; Must furnish person sought to be fined with written committee finding within 7 days of hearing; Must furnish instructions for payment of fine or compliance with suspension of use rights

### SB 600/HB 293 HOA Hurricane Protection

Amends Section 720.3035 as follows:

- HOAs must adopt hurricane protection specifications
- HOA can require owner to adhere to existing unified exterior building scheme
- HOAs cannot prevent an owner from installing hurricane protection that conform to the specifications adopted by the HOA
- Defines “hurricane protection” to include roof systems recognized by the Florida Building Code, storm shutters, impact resistant windows/doors, reinforced garage doors, erosion controls, generators, and fuel storage tanks



Thank you for your support this year during an eventful legislative session! Please keep an eye out for future advocacy opportunities as we get closer to the next legislative session, and please reach out to [ejennings@caionline.org](mailto:ejennings@caionline.org) with any questions.

### **CAI Florida Contact Information**

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