

GELFAND & ARPE, P.A.

ATTORNEYS AT LAW

Post Office Box 3686
West Palm Beach, FL 33402-3686

Telephone (561) 655-6224

Facsimile (561) 655-1361

www.gelfandarpe.com

MICHAEL J. GELFAND*
MARY C. ARPE

TANIQUE G. LEE
ILISA L. CARLTON
OF COUNSEL

*BOARD CERTIFIED IN REAL ESTATE LAW
& CONDOMINIUM AND PLANNED DEVELOPMENT LAW

GELFAND & ARPE, P.A.'s ANNUAL FLORIDA LEGISLATIVE UPDATE - 2024 FOR COMMUNITY ASSOCIATIONS

The 2024 Florida Legislative Session arrived with high expectations. Those expectations appear to have been dashed like a wave hitting a harbor's breakwater.

This Update has been held awaiting whether the Governor would veto or sign the 154-page House Bill 1021 on "Community Associations." He did so last Friday afternoon. No press conference! In silence!

The major concern for communities, whether condominium, homeowners' or cooperative was insurance, especially casualty coverage. Unfortunately, the Legislative session adjourned without taking action. For condominium associations, the Legislature ignored concerns over funding for mandatory reserves, refusing to consider the funding suggestions by the Surfside Task Force. For homeowners' associations, new laws will increase burdens on communities without providing relief.

As has been the firm's tradition, what follows are quick bullet point initial summaries of selected new laws. Of course, there are disclaimers. These reviews are before the new laws are tested or interpreted by the courts or regulators, and this first glance will invariably lead to reconsiderations and new conclusions. There are many other laws that will impact communities, from the budget to road construction authorizations and otherwise.

For ease of reading, Internet click links are provided for laws that are online. What order should the new laws be listed? There are many logical approaches, and seemingly the order changes day by day. To use a method that is time tested and easy to access, the new laws are stated in chronological order by the date they were signed into law, followed by bills designated with an asterisk (*) pending the Governor's veto or signature by bill number. Most provisions are effective July 1, 2024.

Quick Notes: **Matters that are initially anticipated to have a more immediate impact upon Florida communities are highlighted.** Condominium associations may want to start with House Bill 1021, awaiting a chapter number, Chp. 2024-244. Homeowners' associations may want to start with Chp. 2024-221. Then double back and review the rest!

- **Chp. 2024-002. SB 0074. REVISOR'S BILL.** HOA Enforcement Expenses. 720.305(1). Deletes a cross reference to a non-existent provision in (2)(e).
- **Chp. 2024-006. SB 0082. REVISOR'S BILL** 720.406. Revitalization of Documents. The Department of Commerce, not the Department of Economic Opportunity, reviews proposed revived homeowners' community documents extinguished by the Marketable Record Title Act.
- **Chp. 2024-044, CS/HB 0621, PROPERTY RIGHTS.**
 - o 82.036 Removal of Persons Unlawfully Occupying Residential Real Property.
 - Property owner or its agent may request the sheriff to remove unauthorized persons occupying a residential dwelling, who have unlawfully entered and remain, and who are not:
 - Current or former tenants;
 - Immediately family members; or,
 - In pending litigation related to the real property.
 - Method: File a Verified Complaint to the Sheriff in substantially the same form as required in the statute.
 - Sheriff:
 - Serves or posts the notice.
 - May arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.
 - Wrongful Removal. A person wrongfully removed may file a cause of action for wrongful removal.
 - Relief.
 - o Restored possession of property;
 - o Actual costs and damages incurred;
 - o Statutory damages equal to triple the fair market rent of the dwelling; and,
 - o Court costs and reasonable attorney's fees.
 - o Criminal Penalties Regarding Real Estate Occupancy and Sales.
 - 806.13(4). Unlawful detaining, occupying or trespassing of residential dwelling who intentionally causes damage of \$1,000 or more, is a felony.
 - 817.03(2). Knowingly and willfully presenting to another with false documents intended to be a valid lease, deed, or instrument conveying real property rights, is a misdemeanor.

- 817.0311. Listing or advertising residential real property for sale with knowledge the seller does not have legal title, or rents or leases residential property with knowledge does not have lawful ownership is a felony.
- **Chp. 2024-108. HB 1029. MY SAFE FLORIDA COMDOMINIUM PROGRAM.** 215.5587. To apply for inspection or a grant the association must receive approval from a majority of the board or a majority vote of the total voting interest of the association to participate in the pilot program.
 - o Before the vote of the unit owners, the association must provide to the unit owners clear disclosure of the pilot program on a form created by the division.
 - o The division shall contract with wind certification entities to provide hurricane mitigation inspections to determine mitigation measures that are needed, the insurance premiums that may be available to the association and the improvements needed to reduce vulnerability to hurricane damage.
 - o Mitigation grants for associations to make improvements recommended.
 - o Maximum grant may not exceed \$175,000 per association.
- **Chp 2024-136. HB 7013. SPECIAL DISTRICTS.** Provides additional procedures for special districts.
- **Chp. 2024-147. HB 7020. DELIVERY OF NOTICES.** 1.01(11) Creates a new retroactive and remedial definition for “registered mail” which includes certified mail with return receipt requested, and any delivery service by the United States Postal Service or a private delivery service that is regularly engaged in the delivery of documents which provides proof of mailing or shipping and proof of delivery.
- **Chp. 2024-186, HB 1645 720.3075 ENERGY RESOURCES.** Homeowners’ association governing documents may not preclude:
 - o Types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers within the association:
 - A public utility or electric utility;
 - Entity formed that generated, sells, or transmits electrical energy;
 - A natural gas utility;
 - A natural gas transmission company;
 - A Category I liquefied petroleum gas dealer, Category II liquefied petroleum gas dispenser, or Category III liquefied petroleum gas cylinder exchange operator; or,
 - The use of an appliance, including a stove or grill, using fuel source specified in the statute.
- **Chp. 2024-202. HB 0059. 720.303(13) HOA RULES AND COVENANTS.** Before October 1, 2024, a homeowners’ association shall provide a physical or digital copy of the

association's rules and covenants to every member and new member of the association, and if amended, an updated copy. Delivery may be met by posting on association's homepage, and notice to owners of intent to utilize website for such purpose.

- **Chp. 2024-205, CS/HB 0293. HURRICANE PROTECTION FOR H.O.A.'s (Effective May 28, 2024) 720.3035.** Requires Homeowners' Associations to adopt hurricane protection specifications.
 - o Specifications may include:
 - Color and style; and,
 - Must comply with applicable building code.
 - o Hurricane Protection includes:
 - Roof systems recognized by the Florida Building Code which meet ASCE 7-22 standards;
 - Permanent storm shutters;
 - Roll-down track storm shutters;
 - Impact-resistant windows and doors;
 - Polycarbonate panels;
 - Reinforced garage doors;
 - Erosion controls;
 - Exterior fixed generators;
 - Fuel storage tanks; and,
 - Other hurricane protection products.
 - o Associations may not deny an alteration application conforming to adopted specifications.
 - o Rulemaking may require adherence to the existing unified building scheme regarding the external appearances of the structure or other improvements on the parcel.

- **Chp. 2024-215, HB 1049 689.302 FLOOD RISK DISCLOSURE.** A residential seller must complete and provide a flood disclosure to a purchaser at or before the signing of a sales contract.

- **Chp. 2024-221, HB 1203. HOMEOWNERS' ASSOCIATIONS.**
 - o 468.4334. Community Association Managers or Firms contracted to provide management services to a homeowners' association shall:
 - Annually attend in person at least one members' meeting or board meeting;
 - Provide members and the association shall post on the association's website or application, and updated within 14 days of a change, the managers': name, contact information, hours, summary of duties.
 - Provide a copy of the contract upon a member's request, and place it with official records.
 - o 468.4337. Manager's continuing education. Must annually include 5 hours relating to homeowners' associations, and 3 hours relating to recordkeeping.

- o 720.303(1). Officers and directors are subject to 617.0830, creating additional duties.
- o 720.303(4) Official Records.
 - Official Records that must be kept for at least 7 years, unless the Governing Documents provide a longer period.
 - By January 1, 2025, homeowners' associations of 100 or more parcels must post records on a website or a downloading application.
 - The documents to be provided include:
 - o Articles of incorporation and each amendment.
 - o Recorded bylaws and each amendment.
 - o Declaration of covenants and each amendment.
 - o Current rules.
 - o List of all current executory contracts or documents to which the association is a party or under which the association or the parcel owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year.
 - o The annual budget required by subsection (6) and any proposed budget to be considered at the annual meeting.
 - o The financial report required by subsection (7) and any monthly income or expense statement to be considered at a meeting.
 - o Current insurance policies.
 - o Certification of each director as required by s. 720.3033(1)(a).
 - o All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated homeowners' association or any other entity in which a director of an association is also a director or an officer and has a financial interest.
 - o Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.436(2)(b)6. and 720.3033(2).
 - o Notice of any scheduled meeting of members and the agenda for the meeting, as required by s. 720.306, at least 14 days before such meeting. The notice must be posted in plain view on the homepage of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the homepage. The association shall also post on its website or application any document to be considered and voted on by the members during the meeting or any document listed

on the meeting agenda at least 7 days before the meeting at which such document or information within the document will be considered.

- Notice of any board meeting, the agenda, and any other document required for such meeting as required by subsection (3), which must be posted on the website or application no later than the date required for notice under subsection (3).
- The website is to be accessible through the Internet and have protected access area for members and association employees.
 - The association shall provide upon a member's request a username and password for protected areas for official documents.
 - The association shall ensure that documents with protected information restricted from owner access are not posted or are redacted if included in documents required to be posted.
- **The association shall adopt written rules governing the method or policy to retain official records and the time period.**
- (5) Criminal Penalties Regarding Records.
 - Any director, member of board or association or manager knowingly, willfully and repeatedly (two or more violations in a 12-month period) violates (5)(a) maintaining records and availability for owner to inspect and copy within 10 business days.
 - Any person who knowingly and intentionally defaces or destroys accounting records with the intent to cause harm.
 - Any person willfully and knowingly refuses to release association record with intent to avoid or escape detection, arrest, trial, or punishment for commission of a crime or assist another person with avoidance or escape.
 - If an association receives a law enforcement subpoena, access to records must be provided within 5 business days of receipt, and assist law enforcement with its investigation to the extent permissible by law.
- **720.303(7) Financial Reporting.**
 - **An association with at least 1,000 parcels shall prepare audited financial statements.**
 - **An association may not prepare a limited financial statement for consecutive years.**
- 720.303(13) Debit Cards.
 - An association and its officers, directors, employees, and agents may not use a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expenses.
 - A debit card use for other than any expense that is the lawful obligation of the association is theft.

- A “lawful obligation” must be properly preapproved by the board and reflected in meeting minutes or written budget.
- o 720.303(14) Request For Accounting. Upon a parcel owner’s written request for a written request to the board for a detailed accounting of any amounts he or she owes to the association related to the parcel, the board shall provide such information within 15 business days after receipt of the written request.
 - After a parcel owner makes such written request to the board, he or she may not request another detailed accounting for at least 90 calendar days.
 - Failure by the board to respond within 15 business days to a written request for a detailed accounting constitutes a complete waiver of any outstanding fines of the person who requested such accounting which are more than 30 days past due and for which the association has not given prior written notice of the imposition of the fines.
- o 720.3033 Officers and Directors.
 - Within 90 days of election or appointment a director must submit a certificate of completing educational curriculum administered by a department-approved education provider. The certificate is valid for 4 years.
 - The education requirement must be completed every 4 years.
 - A director of an association of fewer than 2,500 parcels must complete 4 hours of continuing education annually.
 - A director of an association of 2,500 or more parcels must complete 8 hours of continuing education annually.
 - A kickback triggers felony punishment.
 - Any criminal violation of Chapter 720 requires removal from office and a vacancy declared.
- o 720.3035. Architectural Control Covenants.
 - An association must reasonably and equitably apply and enforce on all parcels the architectural and construction improvement standards authorized by the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.
 - An association may not adopt or enforce a covenant, rule or guideline that:
 - Limits or places requirements on the interior of a structure not visible off the lot; or,
 - Requires review and approvals for plans and specifications for central a/c, refrigeration, heating, or ventilation if 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.
 - If a request is denied for construction of a structure or other improvement on a parcel, the association must provide written notice with specificity of

rule or covenant, and specific part of proposed improvement that does not conform.

o 720.3045. Installation, Display, and Storage of Items. Exceptions to an associations authority not to regulate items not visible do not include items visible from adjacent common area or a community golf course, including vegetable gardens and clotheslines.

o 720.305. Fines.

▪ There shall be 14 days' written notice of the parcel owner's right to a hearing.

▪ Hearing to be held within 90 days after issuance of notice.

▪ Hearing may be by telephone or other electronic means.

▪ Written notice to owner of findings is to be provided within 7 days after the hearing.

▪ If the violation is cured before hearing or in manner specified in notice, then no fine or suspension shall be levied.

▪ If the violation is not cured, the committee must set date for fine to be paid, at least 30 days after notice to owner of findings.

▪ Attorney's fees and costs may be awarded after date of notice for payment, but may not be awarded against the parcel owner based on actions taken by the board before the date set for the fine to be paid.

▪ Fine/Suspension not permitted for:

• Garbage receptacles at curb or end of driveway within 24 hours before or after pickup; or,

• Holiday lights and decorations left longer than permitted by the governing documents, unless left more than 1 week after association provides written notice of violation.

o 720.3065. Fraudulent voting activities are a misdemeanor.

o 720.3075. An association may not preclude:

▪ Parking a personal vehicle including pickup truck on a driveway.

▪ A property owner's relationship with contractor who does not have professional or occupational license, or to require proof of professional or occupational license.

▪ Operating other noncommercial motor vehicles on public roads or rights-of-ways or the owner's property.

o 720.3085(3). Compound interest must not be used for an assessment.

o 720.318. An association may not prohibit the parking of a first responder's vehicle where the parcel owner or tenant otherwise has a right to park including public roads and rights of way.

- **Chp. 2024-232. SB 0702. ATTORNEY'S FEES AND COSTS.** 57.106 Recovery of attorney fees and costs in certain disputes regarding property rights. For the purposes of this section, the term "property rights" includes, but is not limited to, use rights, ingress and egress rights, and those rights incident to land bordering upon navigable waters as

described in s. 253.141. In a civil action brought against the owner of a parcel of real property to resolve a dispute concerning property rights, the court must award reasonable attorney fees and costs to the prevailing defendant if the improvements made to the property by the defendant property owner were made in substantial compliance with, or in reliance on, environmental or regulatory approvals or permits issued by a political subdivision of the state or a state agency.

- **Chp. 2024-234. HB 1420 720.406. REVITALIZATION.** Within 60 days after obtaining valid written consent from a majority of the affected parcel owners, or within 60 days after the date the proposed revived declaration and other governing documents are approved by the affected parcel owners by vote at a meeting the materials must be sent to the Department of Commerce.

- **Chp. 2024-244. CS/HB 1021. COMMUNITY ASSOCIATIONS.**
 - Community Association Managers.
 - §468.4334(3). Records and Termination.
 - A manager must return all of an association’s official records within 20 days after:
 - Termination; or,
 - Receipt of written request.
 - But may retain for up to 20 days records necessary to complete an ending financial statement or report.
 - A manager failing to timely return official records may be penalized:
 - Suspension of license; and,
 - Civil penalty of \$1,000 per day for up to 10 business days, beginning the 21st day after termination, or request for return of records.
 - Notice of termination of a management agreement:
 - Must be sent by certified mail, return receipt requested; or,
 - As stated in the agreement.
 - §468.4335. Conflicts of Interest. An association’s manager, management firm, directors, officers, or other persons with financial interest in a community association management firm, or a relative of such persons must disclose to the board any activity that may be reasonably construed to be a conflict of interest.
 - Rebuttable presumption of a conflict of interest if they:
 - Contract for goods or services with the association.
 - Holds an interest in or receives compensation or anything of value from business that conducts business with the association or proposed to enter a contract or transact business with the association.
 - If a proposed contract involves a conflict:

- The proposed activity must be listed on the contract and attached documents must be attached to the meeting notice for the next board meeting.
 - Approval requires vote of 2/3rd of directors present.
 - Disclosure must be stated in the meeting minutes and disclosed at the next members' meeting.
- Cancellation of Management Agreement involving a conflict.
 - If the manager or the management firm violates this conflict of interest provision, the association may cancel the contract, and be liable only for the reasonable management services provided up to the time of cancellation.
 - If the conflict of interest was not properly disclosed, the agreement terminates upon the association filing a written notice terminating the contract with its board of directors which contains the consent of at least 20 percent of the voting interests of the association.
- 468.436 Violation by a manager constitutes grounds for disciplinary proceedings includes failing to disclose any conflict of interest required by s. 468.4335.
- 553.899(4). Mandatory Structural Inspections. Requirements do not apply to a single-family, two-family, three-family, or four-family dwelling with three or fewer habitable stories above ground.
- 718.103. Condominium Act Definitions.
 - (14) "Condominium property" is extended to include easements and rights appurtenant thereto, regardless of whether contiguous, which are subjected to condominium ownership. This amendment is intended to clarify existing law and shall apply retroactively. However, this amendment does not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.
 - (19) "Hurricane protection" is created to mean hurricane shutters, impact glass, code-compliant windows or doors, and other code-compliant hurricane protection products used to preserve and protect the condominium property or association property.
 - (20) "Kickback" is created to mean anything or service of value, for which consideration has not been provided, for an officer's, a director's, or a manager's own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association.
- 718.104(4). Creation of Condominiums, Contents of Declaration.
 - If a condominium is created within a portion of a building or within a multiple parcel building the declaration must include the name by which the condominium is to be identified and be followed by "a condominium within a portion of a building or within a multiple parcel building."

- In residential and mixed-use condominiums there must be a statement that specifies whether the unit owner or the association is responsible for the installation, maintenance, repair, or replacement of hurricane protection that is for the preservation and protection of the condominium property and association property.
- o **718.111. The Condominium Association.**
 - (1)(a) Kickbacks. As newly defined, constitute a third degree felony and requires removal from office and vacancy declared.
 - (11) Insurance. If a complaint is received for the association's failure to maintain insurance or fidelity bonding of all persons who control or disburse association funds, the division shall monitor the association and may issue fines and penalties for failure to maintain.
 - **(12)(a) Official Records. Include:**
 - **Personal Information.** Email addresses and facsimile numbers, except:
 - o Accessible in response to a request to access records only if the owner whose information is sought:
 - Consented to receive notice by electronic transmission; or,
 - Expressly authorized personal information may be shared and has not opted out of dissemination to other owners.
 - o Cannot be sold or shared with outside third parties.
 - If personal information in documents is released to third parties, then the association must redact personal information.
 - The association is not liable for inadvertent disclosure, unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.
 - **Accounting Records.** Must include in addition to accurate, itemized, and detailed records of all receipts and expenditures, all invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.
 - **Building permits.**
 - All satisfactorily completed board member educational certificates.
 - (12)(b) Inspection of Records.
 - **Duty to Maintain Official Records.**
 - o In an organized manner that facilitates inspection.
 - o A good faith obligation to obtain and recover records lost, destroyed, or otherwise unavailable.
 - Website. Documents posted on an association website or which are available for download on a mobile device may fulfill a record's

request by directing the owner to the website or the download application.

- Checklist. With the response to a request to inspect records, the association must provide a checklist identifying: records made available for copying and inspection; and, records not made available. The checklist must be maintained by the association for 7 years.
- Criminalization.
 - Failing twice or more to provide access to official records constitutes a misdemeanor and removal from office.
 - Knowing or intentionally destroying official records, or with intent to cause harm to the association or a member failing to create or maintain official records, constitutes a misdemeanor, triggers a civil penalty and removal from office.
 - Willfully and knowingly refusing to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, is a felony of the third degree, requiring removal from office.
- (12)(g) Website. Concerning the mandatory website for records:
 - Must add copies of all building permits issued for ongoing or planned construction.
 - As of January 1, 2026, the website requirement is extended to associations managing a condominium with 25 or more units, not a timeshare.
- (13) Financial Reporting.
 - An association must notify each owner that a copy of the most recent financial report will be mailed or hand delivered, not just providing notice that the report is available. Notice must be hand delivered or by United States Mail or personal delivery at each owner's: mailing address; property address; e-mail address; or, facsimile.
 - An association may not waive financial reporting for consecutive years.
- (15) Debit Cards. Use for not a lawful obligation of the association is theft and person must be removed from the office.
- 718.112(2)(c). Board Meeting Requirements for Residential Condominium Associations of More Than 10 Units.
 - Meet at least once a quarter, and at least four times each year.
 - Agenda must include opportunity for owners to ask questions relating to:
 - Reports on status of construction or repair projects;
 - Status of revenues and expenditures; and,

- Other issues affecting the condominium.
 - Contracts for goods and services must when approved be attached to the notice of meeting and available for inspection upon written request or available on website.
- o 718.112(d)4.b. Condominium Director Education.
- Each director's certification must be submitted one year before or 90 days after election or appointment, except if elected or appointed before July 1, 2024, the deadline is June 30, 2025. Self-certification is rescinded.
 - The educational curriculum must be at least 4 hours long and include instruction on:
 - Milestone inspections;
 - Structural Integrity Reserve Studies;
 - Elections;
 - Recordkeeping;
 - Financial Literacy and Transparency;
 - Levying of Fines; and,
 - Notice and Meeting Requirements.
 - A certificate is valid only for 7 years if uninterrupted service.
 - Annually, must provide certification of at least one hour continuing education related to recent changes in the statute or administrative rules.
- o 718.112(2)(f)2.a. Condominium Association Annual Budget / Reserves. If the local building official determines an entire building is uninhabitable due to a natural disaster, the board upon majority approval of its members may pause contribution to or reduce reserve funding.
- o 718.112(2)(g)9. Condominium Structural Integrity Reserve Study. Within 45 days after receiving structural reserve study the association must:
- Distribute to each unit owner a copy or notice that the completed study is available for inspection and copying.
 - Provide to the Division of Condominiums on a form posted on the division's website a statement indicating that the study was completed and the association provided notice to the owner.
- o 718.112(2)(q) Condominium Association Director or Officer Offences. If charged with any of the following offences, the director or officer must be removed from office and unless there is a court order not to have access to the association's official records:
- Forgery of a ballot envelope or voting certificate;
 - Theft or embezzlement of association's funds or property;
 - Destruction of, or refusal to allow inspection or copying of an official record which is accessible to unit owners in furtherance of a crime; or,
 - Obstruction of justice.
- o 718.112(2)(r) Fraudulent Voting Activities Relating to Condominium Association Elections. The following constitute a first degree misdemeanor:

- Willfully and falsely swearing to or affirming an oath or affirmation;
 - Willfully procuring another person to falsely swear or affirm an oath or affirmation, in connection to or arising out of voting activities;
 - Perpetrating or attempting to perpetrate or aid in fraud in connection with a vote cast, to be cast, or attempted to be cast;
 - Preventing a member from voting by fraudulently changing or attempting to change a ballot, ballot envelope, vote or voting certificate;
 - Menacing, threatening, or using bribery or corruption to attempt to influence, deceive or better a member when voting;
 - Giving or promising anything of value with the intent to buy the vote, or corruptly influence, except for food served at an election rally or a meeting or any item of nominal value used as election advertisement, campaign message designed to be worn by a member;
 - Using or threatening to use force, violence, or intimidation or coercion to induce or compel a member to vote or refrain from voting;
 - Knowingly aiding, abetting, or advising a person in commission of a fraudulent voting activity related to association elections;
 - Agreeing, conspiring, combining, or confederating with at least one person to commit fraudulent activity related to association elections; and,
 - Having knowledge of a fraudulent voting activity related to association elections and giving aid to the offender to avoid or escape detection, arrest, trial, or punishment, except for licensed attorney giving legal advice to a client.
- o 718.113(5). Condominium Hurricane Protection. Applies to residential and mixed-use condominiums.
- Installation, maintenance, repair, replacement, and operation of hurricane protection in accordance with this section is not a material alteration.
 - The board may with the approval of a majority of voting interests install or require unit owner to install hurricane protection that complies with or exceeds the applicable building code.
 - A vote of owners to require hurricane protection must be set forth in a certificate attesting the vote, and date the hurricane protection must be installed. The certificate must be recorded and mailed or hand delivered to the unit owners; however, failure to do so does not affect the validity or enforceability.
 - A vote of unit owner is not required for hurricane protection installed pursuant to the declaration as originally recorded or amended:
 - The installation, maintenance, repair and replacement are the responsibility of the association; or,
 - The unit owners are required to install hurricane protection.
 - If hurricane protection complies with or exceed the current applicable building code has been previously installed, the board cannot install or require unit owners to install the same type, unless the hurricane protection:

- Reached its useful life; or
 - Is necessary to prevent damage to the common elements or to a unit.
- A board may require the unit owner to adhere to an existing unified building scheme regarding the external appearance of the condominium.
- Unit owners are not responsible for the cost of removal or installation of hurricane protection, exterior windows, doors, or other apertures, if removal is necessary for maintenance, replacement or other condominium property the association is responsible. Otherwise, the board shall determine if removal or reinstallation is to be completed by unit owner or association.
 - If by the Association: Costs may not be charged to the unit owner.
 - If by Unit Owner:
 - The association must reimburse the unit owner the cost or credit to future assessments.
 - If the unit owner is responsible, and the association performs, then charges against the unit owner, are considered to be an enforceable assessment.
- 718.115. Condominium Hurricane Protection; Common Expense.
 - Except as provided in 718.113(5)(d), if the installation of hurricane protection is the responsibility of the unit owners pursuant to the declaration or the vote of the unit owners, the cost of the installation is not a common expense and must be charged individually to the unit owner, and enforceable as an assessment.
 - If a unit has hurricane protection that complies with the current building code, the unit owner is excused from any assessment levied by the association or receive credit, IF, same type is installed by the association.
 - Credit.
 - Credit applicable if the installation of hurricane protection is for all other units that do not have hurricane protection and the cost of the installation is funded by the association's budget.
 - The credit is equal to the amount the unit owner would have been assessed to install hurricane protection.
- 718.124. Condominium Statute of Repose. Shall not begin to run until the unit owners have elected a majority of the members of the board.
- 718.1224. Condominium Association SLAPP Suits.
 - Extends unit owner protection against suits to those retaliating against complaints seeking redress of grievances concerning their condominium association.
 - Condominium associations may not expend association funds in support of defamation, libel, slander, or tortious interference action against specified unit owner based conduct.

- o 718.128. Condominium Association Electronic Voting. If online voting is authorized, then the unit owner's request to vote electronically must be honored until an opt out.
- o 718.202. Condominium Sales or Reservation Deposits Prior to Closing. (Effective October 1, 2024) .
 - (1) Residential Condominiums. The Division of Condominiums has the discretion to accept other escrow assurances such as surety bond, letter of credit.
 - (1) Nonresidential Condominiums. The developer may escrow a surety bond or an irrevocable letter of credit for up to 10 percent of sale price for all payments.
 - (3) Escrow funds may also be used for actual costs for the easements and rights appurtenant to the condominium property. This amendment is intended to clarify existing law and shall apply retroactively. However, this amendment does not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.
- o 718.301. Transfer of Condominium Association Control. Items the developer at its expense shall deliver to the association are expanded to include a structural integrity reserve study attesting to required maintenance, condition, useful life, and replacement costs.
- o 718.3027. Condominium Association Conflict of Interest.
 - The attendance of a director or officer with a possible conflict of interest at the meeting is sufficient to constitute a quorum for the meeting and the vote in his or her absence on the proposed activity.
 - Contract voidability for failure to properly disclosure conflict of interest as required by 718.3027 is extended to 617.0832 conflicts.
- o 718.303. Condominium Association Suspension of Voting Rights. At least 90 days before an election the association must notify a unit owner of the suspension of voting rights due to nonpayment of a fee or other monetary obligation.
- o 718.407. Condominium In a Building or Multi Parcel Building. Shared Facilities. (Effective October 1, 2024)
 - (1) A condominium may be created within a portion of a building or within a multiple parcel building, as defined in s. 193.0237(1). This amendment is intended to clarify existing law and shall apply retroactively. However, this amendment does not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.
 - (2) Common elements are limited to only those portions of the building submitted to condominium form of ownership. This amendment is intended to clarify existing law and shall apply retroactively. However, this amendment does not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.
 - (3) The declaration must specify:

- Which portions of the building are included in condominium and which are excluded;
- The party responsible for maintaining and operating shared facilities, including, but not limited to, roof, exterior of building, windows, balconies, elevators, lobby, corridors, recreational amenities, and utilities; and,
- The manner in which expenses for maintenance and operation of the shared facilities will be apportioned.
 - The owner of a portion of the building not submitted to the declaration must approve an increase to the apportionment to that portion.
 - Apportionment may be on the following, or a combination of them:
 - Area of volume.
 - Initial estimated market value.
 - Extent to which unit owners are permitted to use.
 - Alternative stated in the documentation.
 - The party responsible for collecting shared expenses; and,
 - Rights and remedies to enforce payment of shared expenses.
- (4) The association may inspect and copy books and records upon which costs for maintaining and operating shared facilities are based and receive the annual budget.
- (5) Contracts for sale of a unit must include a disclosure summary substantially stating the statutory requirement.
- (6) The creation of a multiple parcel building is not a subdivision of the land upon which such building is situated provided the land itself is not subdivided. This amendment is intended to clarify existing law and shall apply retroactively. However, this amendment does not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.
- 718.501. Division of Florida Condominium, Timeshares, and Mobile Homes.
 - After turnover, the division's jurisdiction to investigate complaints regarding maintenance and access to records, completion of reserve studies, financial issues and elections, is expanded, though jurisdiction is still exclusive, only related to complaints regarding:
 - Procedural aspects and records relation to financial issues:
 - Annual financial reporting;
 - Assessments for common expenses, fines, and comingling if reserves and operation funds;
 - Use of debit cards for unintended purposes;
 - Annual budget;
 - Allocation of reserve funds;
 - Financial records; and,

- Other records to determine revenues and expenses of the association;
- Elections:
 - Elections and voting requirements;
 - Recalls;
 - Electronic voting; and,
 - Elections during an emergency.
- Procedural aspects of meetings;
- Disclosure of conflicts of interests;
- Removal of a director or officer; and,
- Written inquiries by unit owners.
- Division enforcement authority includes:
 - Provide a complaining unit owner the records provided to the division in response to a subpoena without change.
 - Issue citations and promulgate rules.
 - Refer to local law enforcement any person believed engaged in fraud, theft, embezzlement, or other criminal activity.
 - Attend and observe any association meeting open to members.
 - If received a complaint regarding access to official records on an association’s website, may request access to the association’s website or application to investigate.
 - After December 31, 2024, include in the division’s annual report a list of the associations that have completed a structural integrity reserve study, and by December 31, 2025, create and post on its website a database of associations that have reported the completion of their structural integrity reserve study.
 - Provide a certification form for directors to certify completion of the written certification and education certificate.
- 718.5011. Condominium Association Ombudsman. Appointment authority shifts from the Governor to the Secretary of the Department of Business and Professional Regulation, and deletes the requirement that the appointee be a Florida licensed attorney.
- 718.503. Condominium Association Developer Disclosure. Effective October 1, 2024:
 - Non-Developer disclosures shall include a current copy of an annual financial statement and annual budget which shall be acknowledged by the buyer.
 - Other disclosures shall include the condominium within a building disclosure required by 718.407(5). See also 718.504.
- 718.504. Condominium Developer Disclosure. Effective October 1, 2024, the prospectus or offering circular shall also include whether the condominium is created within a portion of a building or within a multiple parcel building.

- o Official Records. By January 1, 2025, the division shall complete a review of the website or application requirements for official records and make recommendations to the Governor, President of the Senate and the Speaker of the House of Representatives of its findings.
 - o Water Intrusion. The Florida Building Commission shall by December 1, 2024, provide written recommendations to prevent water intrusion through tracks of sliding glass doors.
- **Chp. 2024-* _____, SB 0280. VACATION RENTALS.**
 - o 509.032(7)(b). Preemption of local governments does not prohibit amendments to make ordinances less restrictive with date deadlines
 - o 509.032(8). Government registration program allowed with a reasonable fee for processing application limits
 - May require designation of a responsible person available 24/7 for notices.
 - May limit maximum occupancy to 2 persons per bedroom and 2 persons in one common area or more than 2 persons in a bedroom of at least 50 square feet plus 2 persons in a common area, whichever is greater.
 - Must be processed in 15 days, generally, and if not denied, then accepted, and a denial must state reasons with specificity.
 - Fine for failing to register up to \$500 which may be a lien.
 - Code enforcement must provide written notice, with limits on enforcement options.
 - o The act does not supersede a declaration of condominium, cooperative documents, or a Chapter 720 declaration.
- **Chp. 2024-* _____, HB 0799. EASEMENTS §704.09 (Effective upon becoming law)**
 - o An owner of real property can create an easement, servitude, or other interest on the owner's real property.
 - o An easement, servitude, or other interest created by the owner on the owner's property before the effective date is valid, unless invalidated by a court on grounds other than unity of title.