



CAI Florida 2024 End of Legislative Session Report

The CAI Florida Legislative Alliance (CAI-FLA) actively advocated on behalf of the approximately 9,674,000 Floridians living in 3,855,000 homes in more than 49,420 community associations across the Sunshine State during the 2024 state legislative session. CAI FLA worked tirelessly to navigate through many bills, and we are proud of the result which includes the passage of the below bills.

There are more requirements imposed on community associations board members, but the result is still the best-case scenario for community association homeowners, boards, management professionals, and other professionals. CAI-FLA was also engaged with lawmakers before the session, actively working with legislative champions to advance key priorities, and hosted days at the capital January 7-8. Next time you see these CAI-FLA Delegates, please thank them for the hundreds of hours they spend volunteering their time advocating for Florida communities. Your voice helped ensure that community association homeowners, business partners, and managers were heard in Tallahassee. The Florida state legislative session began on January 9, and adjourned on March 8.

On the following pages is a brief overview from the 2024 Florida State Legislature.

● **HB 1029 My Safe Florida Home Program**

Status: Successfully PASSED, awaiting Governor's signature.

As the legislative session progressed, this bill became the vehicle for a comprehensive package of reforms for the My Safe Florida Home Program. CAI-FLA was successful in adding priority amendments to this bill. Thanks to CAI-FLA, for the first time, thousands of condominium associations are able to participate in the very popular grant rebate program which could lead to insurance savings. A summary of the bill is as follows:

Participation requirements

Only for associations within 15 miles of a coastline.

To apply for an inspection, the condominium association must receive approval by majority vote of the board of directors or a majority vote of the total voting interests of the association.

To apply for a grant, an association must receive both of the following:

- (1) Approval by a majority vote of the board of directors or a majority vote of the total voting interests of the association to participate in a mitigation inspection.
- (2) A unanimous vote of all unit owners within the building that is the subject of the mitigation grant.

The votes required may take place at the annual budget meeting or at a unit owner meeting called for the purpose. Before a vote may be taken, the association must provide the unit owners a clear disclosure of the program on a form created by the department.

The president and treasurer of the board must sign the disclosure form indicating that a copy of the form was provided to each unit owner of the association. The signed disclosure form and the minutes from the meeting at which the unit owners voted to participate in the program must be maintained as part of the official records.

Within 14 days after an affirmative vote to participate in the program, the association must provide written notice to all unit owners of the decision.

Hurricane Mitigation Inspections: The inspection provided to an association must include all the following:

- An inspection of the property, and a report that summarizes the results and identifies recommended improvements.
- A range of cost estimates regarding the recommended mitigation improvements.
- Information regarding estimated insurance premium discounts.
- An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury by the president of the board of directors that the association has submitted only a single application for each property that the association operates or maintains.

Mitigation Grants

- Grants may be used by associations to make improvements recommended in a hurricane mitigation inspection report.
- An application for a grant must contain a statement under penalty of perjury by the president that the association has submitted only a single application for each property that the association operates or main-

tains and must include a notarized statement from the president containing the name and license number of each contractor the association intends to use for the mitigation project.

- Include a notarized statement from the president which commits to the department that the association will complete the mitigation improvements.
- An association awarded a grant must complete the entire mitigation project to receive the final grant award and must agree to make the property available for final inspection once the project is finished.
- Construction must be completed, and the association must submit a request to the department for a final inspection within 1 year after receiving grant approval. If the association fails to comply, the application is deemed abandoned, and the grant money reverts back to the department.

• Grant Projects shall be funded as follows:

- All grants must be matched on the basis of \$1.00 provided by the association for \$2.00 provided by the State of Florida.
- For roof-related projects, the grant contribution is \$11.00 per square foot multiplied by the square footage of the replacement roof, not to exceed \$1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.
- For opening protection-related projects, the grant contribution is a maximum of \$750 per replacement window or door, not to exceed \$1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.
- An association may receive grant funds for both roof-related and opening protection-related projects, but the

maximum total grant award may not exceed \$175,000 per association.

● SB 278 Estoppel Certificates

Status: Successfully FAILED.

This bill would have created greater expenses on community associations and greater complications related to resales and closings in community associations. It would have limited the fees associations could charge for estoppel certificates and forced the association itself to pay the cost for production and delivery.

CAI-FLA was opposed to this bill. A call to action campaign saw 451 messages sent to lawmakers by 441 advocates. Due to the House and Senate both providing their own amendments to the bill, they were unable to agree on a final version before the legislative session ended on March 7th.

● HB 1203 Homeowners Associations

Status: PASSED, awaiting Governor's signature.

Originally, this HOA Reform Bill would have overridden your association's existing processes regarding fining authority and the process for curing violations, appeals of architectural decisions, and guest parking, as well as limiting special assessments.

CAI-FLA was able to negotiate language that resulted in much more reasonable, measured reforms that will be more helpful and less punitive on community associations. Some of the changes are:

- Requires managers to attend at least one membership meeting or board meeting for each of their HOA clients, annually.
- Requires managers to post certain management company

employee contact information and other data on the website of any homeowners' association client.

- Creates a new statute governing manager conflict of interest and create a mandatory process for disclosure and approval of any potential conflict.
- Requires not more than 10 hours of continuing education coursework for renewal of a CAM license, with 5 hours of continuing education biennially pertaining specifically to homeowners' associations, including at least three hours on record keeping.
- Requires board members to complete an approved board member education curriculum within 90 days after being elected, covering financial literacy and transparency, record keeping, the levy of fines, and notice and meeting requirements.
- Requires board members to complete at least 4 hours of continuing education annually, unless their association has 2,500 parcels or more. Directors at those larger associations must complete eight hours of education annually.
- Requires every homeowners' association with 100 or more parcels to have a website by January 1, 2025 and includes a list of official records that must be posted on the website.
- Creates new records access crimes, add new voting conspiracy crimes, and add penalties for other wrongdoing. Accepting kickbacks will become a third-degree felony. Use of an Association debit card for an expense not in the minutes or provided for in the budget would be theft.
- An association will no longer be able to limit or restrict interior changes to a dwelling if those changes are not visible from an adjacent property.

- Associations will no longer be able to fine for certain violations, and pickup trucks may be parked in a driveway, regardless of any homeowners' association restriction.

- Association with 1000 or more parcels must prepare audited financial statements, notwithstanding the association's total revenue, and an association will no longer be able to vote to prepare a lesser financial statement two years in a row.

● HB 1021 Community Associations

Status: PASSED, awaiting Governor's signature.

CAI-FLA sent out a call to action to members to get this bill amended favorably. This successful call to action campaign generated 129 messages to state lawmakers sent by 128 advocates. Changes Applicable to DBPR Clarifies and expands the jurisdiction of the Division of Condominiums, Timeshares and Mobile Homes (Division) after turnover occurs by:

- adding the power to investigate conflicts of interest & the failure to respond to written inquiries; authorizing the Division to remove officers or directors for accepting kickbacks, use of debit cards for personal expenses, abandonment of office or when charged with a crime;
- requiring Division employees to refer theft or embezzlement to law enforcement agencies;
- requiring the Division to create a database on its website of the condominium and cooperative associations that have completed their structural integrity reserve study by January 1, 2025;
- granting the Division or other state employees the power to attend Association meetings; and

granting the Division the power to request access to an Association website when investigating records retention and access issues.

Changes Applicable to Community Association Managers (CAM) and CAM Firms:

- Return all official records within 20 business days of request or termination.
- Disclose all conflicts of interest. Solicit competitive bids for all contracts valued over \$2,500 if offering an interested service provider the opportunity to bid.
- Include conflict disclosures on all contracts, the agenda, and minutes of the meeting to award or approve the contract.
- Attach a copy of the proposed contract to the meeting agenda or otherwise make it available to owners before the board votes.
- Contracts with interested service providers must be approved by the affirmative vote of 2/3rds of board members participating at the meeting and 20% of the members may cancel contracts when a conflict is not disclosed.

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 seven years.
- There are enhanced penalties for willful / repeated violations.
- Websites are required for condos with 25 units or more.
- Contracts to be approved must

be attached to agenda for meeting or otherwise made available to owners at or before meeting.

- Association cannot waive financial reporting requirements for consecutive years.

Changes for Association Operations

- Association 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 recording of certificate attesting to vote to mandate hurricane protection (impact-rated windows & doors).
 - Owners who opt-in to electronic voting must be permitted to vote electronically in subsequent voting events.
 - Association must notify owners 90 days prior to election of delinquency status and possible suspension of voting rights.
 - All directors must attend education sessions approved by DBPR.
 - Initial session is four hour class
 - Yearly one hour updates required
 - Certificate valid for seven years of continuous service
 - Must certify annually that all directors complied with educational requirements.

● SB 280 Vacation Rentals

Status: PASSED, awaiting Governor's signature.

This bill introduces a comprehensive package of new requirements for short-term (vacation) rental providers, including licensing clarifications, tax remittance, and new information to be included in advertisements. Thanks to the

efforts of CAI-FLA, this bill was adopted without language which would have preempted association covenants concerning vacation rentals.

● HB 59 Provision of Homeowners' Association Rules and Covenants

Status: PASSED, awaiting Governor's signature.

This bill is designed to increase transparency regarding rules and restrictions, including providing digital and physical copies of the rules and covenants to new members, and allowing for the posting of new rules online as a way to meet notice requirements. CAI-FLA negotiated with lawmakers to ensure this bill protected the delivering of documents electronically. The bill provides:

- Requires as of October 1, 2024, that all HOAs provide all existing members a copy of the current rules and covenants either physically or digitally.
- Requires all HOAs to provide new members with copies of all rules and covenants either physically or digitally.
- When any rule or covenant is changed, copies must be sent to all members physically or digitally. May establish rules or guidelines for distribution of same.
- These requirements may be met by having such rules and covenants available on a website maintained by the Association if such website is available to all members and if a notice is sent (either by mail or by email for those members consent to receive electronic notice) advising that the website will be utilized for such purposes.

● HB 1503 Citizens Property Insurance Corporation

Status: PASSED, awaiting Governor's signature.

This bill became the vehicle for comprehensive reforms of the Citizens Property Insurance Corporation, which provides wind-storm coverage and general property insurance for homeowners who are otherwise unable to get insurance coverage. CAI-FLA advocated with lawmakers to remove current limits on condominium eligibility for windstorm coverage, which currently excludes condominium buildings where 50% or more of the units are rented more than 8 times during the year.

See chart on next page for CAI advocacy ontacts around Florida.

CAI-FLA also sent a call to action to members, which saw 764 messages sent to lawmakers in Tallahassee from 379 advocates. Unfortunately, this effort was unsuccessful, and lawmakers did not take the opportunity to introduce a needed reform to the Citizens Property Insurance Corporation. 🏰