

McCabe|Ronsman

# 2024 Legislative Update

[flcalegal.com](http://flcalegal.com)

# Bills of Note Affecting Community Associations - PASSED

- HB 1029 (My Safe Florida Condominium Pilot Program)
- HB 1203 (Homeowner Associations)
- HB 239 (HOA Hurricane Protection Standards)
- HB 1021 (CAMs and Condominium Associations)
- SB 280 (Vacation Rentals)
- HB 59 (HOA Rules and Covenants)
- HB 1645 (Energy Resources)
- HB 1503 (Citizens Property Insurance Corporation)

# **HB 1029**

(Signed into law by Governor on April 24, 2024)

Effective July 1, 2024

# HB 1029

- Establishes F.S. 215.5587 “My Safe Florida Condominium Pilot Program” the condominium version of the “My State Florida Home Program” (originally created in 2006)
- Established within Department of Financial Services
- Subject to annual appropriations
- Provides for Hurricane Mitigation Inspections and allows for the application by condominium associations for Mitigation Grants

# HB 1029 – Hurricane Mitigation

## Inspections

Inspection provided to a condominium association must include the following:

- Inspection of the property and a report that summarizes the results and identifies recommended improvements
- A range of cost estimates regarding recommended mitigation improvements
- Information Regarding estimated insurance premium discounts

# HB 1029 – Mitigation Grants

- Grants may be used by condominium associations to make improvements recommended in hurricane mitigation inspection report
- Application for a grant must contain statement by president that association has submitted only a single application for each property that association operates, as well as name and license number of each contractor the association intends to use for the mitigation project
- Must include notarized statement that association will complete mitigation improvements

# HB 1029 – Mitigation Grants

- Association awarded a grant must complete entire mitigation project to receive the final grant award and must agree to make property available for inspection
- Construction must be completed and association submit a result for final inspection within 1 year after receiving grant approval
- Association must fund \$1.00 for every \$2.00 provided by the State of Florida
- Grant contribution not to exceed 50 percent of the cost of a roof project
- For opening protection-related projects, maximum grant contribution 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
- Maximum total grant award cannot exceed \$175,000 per association (ok to apply for roof-related and opening protection-related projects)

# HB 1029 – Eligibility

- Association must be within 15 miles of coastline
- To apply for inspection, must receive approval from either majority vote of board or majority vote of total voting interests
- To apply for a grant to improve one or more Units (as distinguished from Common Elements, Limited Common Elements, or Association Property), association must receive both:
  - Approval by majority vote of Board or majority vote of total voting interests
  - Unanimous vote of all unit owners within the building that is the subject of the mitigation grant



# HB 1029 – Eligibility

- Vote may take place at budget meeting (if the budget meeting is a membership meeting, which is uncommon) or unit owner meeting
- Must first provide clear disclosure on a form created by the department
- President and treasurer must sign disclosure form indicating a copy was provided to each unit owner
- Must provide notice of vote results to all unit owners within 14 days of affirmative vote
- <https://msflh.com/condos/>

# HB 1203 (Homeowners Associations)

Effective July 1, 2024

# HB 1203 – CAM Regulation

- Amends F.S. 468.4334(3) regarding Community Association Manager (CAM) regulation
- CAMs providing services to an HOA shall:
  - Attend at least one member or board meeting annually
  - Provide members the name and contact information of each CAM or representative of the management company, the CAM or rep's hours of availability, and summary of duties
  - Information above must be posted on the Association's website or mobile application
  - Must update HOA and its members within 14 business days after change in information
  - Must provide a copy of CAM or management contract to any member upon request

# HB 1203 – CAM Regulation

- Amends F.S. 468.4337 to permit council to determine number of continuing education hours, criteria, and course content by rule
- Council cannot require more than 10 hours of continuing education annually for renewal of a license (no change to max number of hours currently in place)
- CAM that provides services to HOA must biennially complete at least 5 hours of CEC that specifically pertains to HOAs, 3 hours of which must relate to recordkeeping

# HB 1203 – HOAs

- Official records must be maintained for at least 7 years, unless documents of community require longer
- Website
  - By January 1, 2025, an association that has 100 or more parcels must post certain documents to its website or through a mobile application
  - Association must ensure that records not accessible to parcel owners are not posted on the website or application

# HB 1203 – HOAs

- HOAs shall adopt written rules governing the method or policy by which official records are to be retained and time period such records must be retained
- Obligation to make official records available is dependent upon receipt of written request from the parcel owner
- HOAs have three (3) options to make records available: (1) having copies available for inspection or copying in the community; (2) making records available to parcel owner electronically via the internet; or (3) allowing records to be viewed in electronic format on a computer screen and printed upon request

# HB 1203 – HOAs

- HOA must provide copy of records or otherwise make them available to law enforcement agency within 5 business days after receipt of subpoena
- Criminal penalties associated with following activities:
  - Repeated violation of statute governing records retention and making records available
  - Knowingly and intentionally defacing or destroying accounting records with intent of causing harm
  - Refusal to provide access to records with 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

# HB 1203 – HOAs

- Financial Reports

- HOAs with at least 1,000 parcels required to prepare audited reports, regardless of annual revenue
- HOAs cannot vote in consecutive years to waive or reduce financial reporting requirements

- Debit Cards

- Directors, officers, and employees may not use a debit card in the name of the association or billed directly to the association
- Any person who uses a debit card issued in the name of, or billed directly to, the association for any expense that is not a lawful obligation of the association commits theft as provided in F.S. 812.014



# HB 1203

## Accounting

- Parcel owner may make a written request to the board for a detailed accounting of any amounts owed to the association
- Board shall provide information within 15 business days after receipt, otherwise ability to collect fines waived. Once requested, cannot request again for 90 days
- Failure to respond within 15 business days 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 association has not given prior written notice of imposition of fines

# HB 1203

## Architectural Review

- Cannot limit or place requirements on interior of a structure that is not visible from parcel's frontage, an adjacent parcel, an adjacent common area, or a community golf course
- Cannot require review and approval of plans and specs for a Central A/C, refrigeration, heating, or ventilating system if such system is not visible from 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 committee.
- Reasons for denial must be provided in writing to parcel owner stating with specificity the rule or covenant on which the denial is based and the specific aspect or part of the proposed improvement that does not conform to such rule or covenant.

# HB 1203

## Modification of F.S. 720.3045

- Includes “vegetable gardens” and “clotheslines” as items which cannot be prohibited from being installed if they are not visible from the parcel’s frontage, an adjacent parcel, adjacent common area, or a community golf course

# HB 1203

## Fines & Suspensions

- Committee hearing to confirm fine or suspension must be held within 90 days after hearing notice was first provided
- Committee hearing may be held by telephone or electronic means
- Written notice of committee decision must be provided within 7 days of date of the hearing
- If violation has been cured before the hearing, then fine cannot be imposed
  - NOTE – serious ramifications related to parking, trash bin, and other “moving” violations

# HB 1203

## Fines & Suspensions

- If violation is not cured and fine is approved, fine is not due until 30 days after date of written notice to the violating party
- Attorneys fees and costs 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
- If violation is not cured or the fine not paid per written notice sent after the hearing, reasonable attorneys fees and costs may be awarded to the association

# HB 1203

## Fines & Suspensions

- Notwithstanding anything to the contrary in an HOA's governing documents, an association may not levy a fine or impose a suspension for any of the following:
  - 1) Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after designated collection day and time
  - 2) leaving holiday decorations or lights on a structure longer than indicated in documents unless such decorations or lights are left up for longer than 1 week after association provides written notice

# HB 1203

## Fraudulent Voting Activities

- Following acts constitute 1<sup>st</sup> degree misdemeanor:
  - (1) knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections;
  - (2) agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections;
  - (3) having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with the intent that the offender avoid or escape detection, arrest, trial, or punishment.

Provides that this subsection does not apply to a licensed attorney giving legal advice to a client

# HB 1203

## Prohibited Clauses

HOA documents may not preclude:

- (1) an owner or tenant, guest, or invitee from parking his or her personal vehicle, including a pickup truck, in the property owner's driveway or in any other area at which the property owner has a right to park as governed by state, county, and municipal regulations.
- (2) The homeowners' association documents may not prohibit, regardless of any official insignia or visible designation, a property owner or a tenant, guest, or invitee of a property owner for parking his or her work vehicle, which is not a commercial motor vehicle as defined in F.S. 320.01(25), in the property owner's driveway or in any other area at which the property owner has a right to park as governed by state, county, and municipal regulations.
- (3) a property owner from inviting, hiring, or allowing entry to a contractor or worker on the owner's parcel solely because the contractor or worker is not on a preferred vendor list of the association. Additionally, a homeowners' association documents may not preclude a property owner from inviting, hiring, or allowing entry to a contractor or worker on his or her parcel solely because the contractor or worker does not have a professional or occupational license. The association may not require a contractor or worker to present or prove possession of a professional or an occupational license to be allowed entry onto a property owner's parcel.
- (4) operating a vehicle that is not a commercial motor vehicle as defined in F.S. 320.01(25) in conformance with state traffic laws, on public roads or rights-of-way or the property owner's parcel.



# HB 1203

- Compound interest cannot accrue on assessments
- Electronic Voting – members can consent electronically to electronic voting
- First Responder Vehicles – association may not prohibit a first responder (as defined in F.S. 112.1815(1)) who is a parcel owner, tenant, guest or invitee of a parcel owner, from parking their first responder vehicle in an area that an owner, tenant, guest or invitee of an owner has a right to park
- Kickbacks – director, officer, or manager cannot solicit, offer to accept, or accept a kickback. New: violations constitute a 3<sup>rd</sup> degree felony and also subject violating party to monetary damages

# HB 1203

- Board Education Requirement

- Directors must submit certification of completion of a DBPR-approved education course from an approved provider within 90 days of being elected or appointed
- Certificate is valid “up to 4 years” – must complete every 4 years even if consistently on the Board
- Training must include items related to financial literacy and transparency, recordkeeping, levying of fines, and notice and meeting requirements

- Continuing Education

- Director of an HOA with fewer than 2,500 parcels must complete at least 4 hours of continuing education annually; 2,500+ = 8 or more hours
- Director who does not timely comply deemed suspended from board
- Association must keep education certificates for inspection by members for 5 years after director’s election

# HB 293 (Hurricane Protection Standards)

Effective July 1, 2024

# HB 293

- Hurricane Protection Specifications
  - Modification to F.S. 720.3035 to add (6), requiring all associations (and their architectural committees, as applicable) to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the association
  - Specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board, and must comply with the applicable building code
  - May not deny application for installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the board or committee

# HB 293

- Hurricane Protection Specifications
  - “Hurricane protection” includes, but is not limited to:
    - Roof systems recognized by the Florida Building Code which meet ASCE 7-22 standards
    - Permanent fixed 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
    - Other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the association

# HB 1021 (Community Associations)

Effective July 1, 2024

# HB 1021 – CAMs and CAM Firms

- Return of Association Records
  - Records must be returned within 20 business days after termination of management agreement
  - Notice of termination of management contract must be sent via certified mail, return receipt requested, or in manner provided by contract
  - Failure to timely return records creates rebuttable presumption that CAM and/or CAM Firm willfully failed to comply
    - Licensure suspension and civil penalty of \$1,000 per day for up to 10 business days may be imposed

# HB 1021 – CAMs and CAM Firms

- Conflicts of Interest
  - CAM or CAM Firm must disclose to the board of a community association any activity that may reasonably be construed as a conflict of interest
  - Rebuttable presumption of a conflict of interest exists if:
    - 1) CAM, CAM firm, or person with a financial interest in a CAM firm, or a relative of such persons, enters into contract for goods or services with association
    - 2) CAM, CAM firm, or person with a financial interest in a CAM firm, or a relative of such persons holds an interest in or receives compensation or any thing of value from a business entity that conducts or proposes to conduct business with the association.



# HB 1021 – CAMs and CAM Firms

- Conflicts of Interest

- If Association receives a bid that exceeds \$2,500 from a CAM, CAM firm, or person with a financial interest in a CAM firm, or a relative of such persons for services other than management services, must solicit multiple bids
- Any activity that is a conflict of interest must be listed on meeting agenda of the next Board meeting, with disclosures of a possible conflict of interest entered into the written minutes of the meeting. Copy of the contract must be included with the minutes as well, and 2/3 of BOD present must approve the contract
- At next membership meeting, the existence of the conflict and contract must be disclosed
- Any contract with CAM, CAM Firm, or person with a financial interest in a CAM firm, or a relative of such persons that subsequently reveals an undisclosed conflict of interest is voidable and terminates upon the Association filing a written notice terminating the contract (must have consent of at least 20% of voting interests)
- Failure to disclose any conflict is grounds for disciplinary proceedings

# HB 1021 – Milestone Inspections

- Milestone Inspections – F.S. 553.899 now exempts four-family dwellings (in addition to 1-3 family dwellings) with three or fewer habitable stories above ground

# HB 1021 – Condominiums

- Defines terms “condominium property,” “hurricane protection,” and “kickback”
- Adds requirement for provision in declaration for residential and mixed-use condominiums – statement of whether unit owner or association is responsible for installation, maintenance, repair, or replacement of hurricane protection that is for preservation and protection of condominium property and association property

# HB 1021 – Condominiums

- Any officer, director, or manager who knowingly solicits, offers to accept, or accepts a kickback commits a 3<sup>rd</sup> degree felony and is subject to civil penalties. Director or officer that receives a kickback is immediately removed from office and vacancy declared
- Division of Condominiums can, upon receipt of complaint, monitor associations for compliance with requirement to maintain fidelity bonding or insurance for all person who controls or disburses funds
- Continued prohibition on use of debit cards, and provides that any person that uses a debit card in the name of, or billed directly to, the Association for any expense that is not a lawful obligation of the Association commits theft

# HB 1021 – Condominiums – Official Records

- Email addresses and phone numbers only accessible if consent to receive notice by electronic transmission is provided, or if unit owner has expressly indicated that personal information can be shared
- Association must ensure that email addresses and fax numbers are only used for the business operation of the association; obligation to redact any such info in providing documents to third parties (excluding unit owners).

# HB 1021 – Condominiums – Official Records

- Official records now include:
  - All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by Association
  - Copy of all building permits
  - Copy of BOD education certificates
- Official records must be maintained in organized manner that facilitates inspection by a unit owner, and Association must make reasonable efforts to obtain and recover lost, destroyed, or otherwise unavailable records

# HB 1021 – Condominiums – Official Records

- In response to a written request to inspect records, the Association must simultaneously provide to the requestor a checklist of all records made available for inspection and copying
- Checklist must also identify any of the association's official records that were not made available to the requestor
- An association must maintain a checklist provided for 7 years

# HB 1021 – Condominiums – Official Records

- CAM or director that knowingly and repeatedly violates checklist requirement commits a 2<sup>nd</sup> degree felony and must be removed from office and vacancy declared. “Repeatedly” means 2 or more times in a 12-month period
- 1<sup>st</sup> degree misdemeanor for knowingly defacing or destroying accounting records with intent to cause harm
- 3<sup>rd</sup> degree felony for any person who willfully and knowingly refuses to release or otherwise produce records to avoid or escape detection, arrest, trial, or punishment for commission of crime, or to assist another person with avoidance



# HB 1021 – Condominiums – Official Records

- Copies of all building permits issued for ongoing or planned construction must be posted on the Association's website or mobile application (for Associations required to have a website)
- Financial report must be delivered by mail, personal delivery, email, or fax (to those that have consented to receive notice electronically) and must provide a notice that a copy of the most recent financial report will be mailed or delivered to the unit owner, without charge, within 5 business days after receipt of a written request
- Association cannot vote to waive/reduce financial reporting requirement for consecutive years

# HB 1021 – Condominiums – Website Requirements

- Effective January 1, 2026, association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of certain official records on its website or through a mobile application

# HB 1021 – Condominiums – Bylaws

- Mandatory provisions in Bylaws (and if do not contain such provisions, are deemed to provide):
  - Residential condo of 10+ units must have at least a quarterly BOD meeting
  - Right to attend meetings includes right to comment on agenda items and right to ask questions on pending construction projects, status of revenues and expenditures during fiscal year, and “other issues affecting the condominium”
  - If agenda for BOD meeting includes approval of a contract for goods or services, copy of contract must be provided with the notice and made available for inspection, or posted on the website or mobile application.

# HB 1021 – Condominiums – BOD Certification and Education

- Mandatory attendance at DBPR-approved course for new Board members, in addition to signing certificate that they have read governing documents and will work to uphold them
- Board certification course must be at least 4 hours and include instruction on milestone inspections, SIRS, elections, recordkeeping, financial literacy, levying of fines, and notice and meeting requirements

# HB 1021 – Condominiums – BOD Certification and Education

- BOD member elected or appointed before July 1, 2024 must comply with written certification and educational certificate requirements by June 30, 2025
- Certificate is valid for 7 years after date of issuance
- Required “legal update” education for Board members (at least 1 hour each year if changes made that year by legislature)
- Failure to timely submit written certificate and educational certificate results in suspension from service until they comply with such requirements

# HB 1021 – Condominiums – Funding and Use of Reserves

- If the local building official, as defined in F.S. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in F.S. 252.34, the board, upon the approval of a majority of its members, may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable
- Any reserve account funds held by the Assn may be expended, pursuant to the Board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

# HB 1021 – Condominiums – SIRS

- 4-unit dwellings still required to obtain SIRS (despite exception to milestone req's)
- Association must either provide a copy of the SIRS to unit owners or notice that completed study is available for inspection and copying upon written request within 45 days after receiving the SIRS
- Association must provide Division with a statement indicating that the SIRS was completed and that Association provided or made available the SIRS as required

# HB 1021 – Condominiums – Director or Officer Offenses

- Director or officer charged by information or indictment of certain crimes must be removed from office
- Board can fill vacancy until suspension or term ends
- While criminal charges are pending, director or officer cannot be appointed on to Board and may not have access to official records absent a court order



# HB 1021 – Condominiums – Fraudulent Voting Activities

- Similar to recent legislation for HOAs, provides that it is a 1<sup>st</sup> degree misdemeanor to engage in fraudulent voting activities (altering votes, bribery, intimidation, assisting with such activities, etc.)

# HB 1021 – Condominiums – Hurricane Protection

- Associations required to adopt hurricane protection specifications for each building, which may include color, style, and other factors deemed relevant by Board
- Installation, maintenance, repair, replacement and operation of hurricane protection is not considered a material alteration pursuant to F.S. 718.113
- Board may require that unit owners install hurricane protection that complies with or exceeds applicable building code (must also have majority of voting interest approval if the installation, maintenance, repair and replacement of hurricane protection is not the responsibility of the Association)

# HB 1021 – Condominiums – Hurricane Protection

- If hurricane protection that complies with or exceeds current applicable building code has been previously installed, Association cannot require unit owners to install the same type of protection unless the current protection has reached end of useful life or unless necessary to prevent damage to Common Elements or a unit
- Board may not refuse installation or replacement of hurricane protection by a unit owner which conforms to specs adopted by the Board, but Board may require unit owner to adhere to existing unified building scheme

# HB 1021 – Condominiums – Hurricane Protection

- Unit owner is not responsible for cost of any removal or reinstallation of hurricane protection, including windows, doors, or other apertures, if its removal is necessary for maintenance, repair, or replacement of other condominium or association property for which association is responsible
- If such removal or installation is completed by the association, costs may not be charged to unit owner
- If work completed by unit owner, association must reimburse the unit owner for cost of removal or reinstallation or association must apply a credit toward future assessments
- NOTE – statute also provides that if removal or reinstallation of hurricane protection is responsibility of the unit owner and association completes removal, then cost is responsibility of unit owner (hard to reconcile with first point above)

# HB 1021 – Condominiums – Hurricane Protection

- Unit owner that has already installed hurricane protection that complies with current applicable building code is excused from any assessment levied by association or shall receive a credit of the same type of hurricane protection installed by the association
- Unit owner remains responsible for pro rata share of expenses for hurricane protection installed on common elements and association property

# HB 1021 – Condominiums – Statute of Repose

- F.S. 718.124 amended to provide that statute of limitations and statute of repose for any actions in law or equity that association may have shall not begin to run until turnover

# HB 1021 – Condominiums – Anti-SLAPP Statute

- F.S. 718.1244 amended to provide that a condo association or any other person may not file any lawsuit, claim, etc against a unit owner without merit and solely because such unit owner has exercised the right to instruct his or her representatives or the right to petition for redress of grievances before the condominium association or the various governmental entities of the state

# HB 1021 – Condominiums – Anti-SLAPP Statute

- Unlawful to fine, discriminatorily increase a unit owner's assessments, discriminatorily decrease services or bring or threaten an action for possession or other civil action, including defamation or tortious interference claim, based on certain conduct by unit owner
- Examples of conduct for which association may not retaliate
  - Unit owner has complained in good faith to a government agency
  - Unit owner has organized, encouraged, or participated in a unit owners' organization
  - Unit owner submitted information or filed a complaint alleging criminal violations or violations of Chapter 718
  - Unit owner has complained to association regarding violations of Chapter 617 or 718 of the Florida Statutes
  - Other examples provided in statute



# HB 1021 – Condominiums – Electronic Voting

- Unit owner can electronically consent to vote electronically
- If Board authorizes electronic voting, board must honor a unit owner's request to vote at all subsequent elections, unless owner opts out

# HB 1021 – Condominiums – Developer Obligations

- Changes to escrow or alternative requirements, including use of deposits
- Developer must provide a SIRS within 90 days after turnover

# HB 1021 – Condominiums

- Suspensions of Voting Rights – At least 90 days before election, association must notify a unit owner that their voting rights may be suspended due to nonpayment of a fee or other monetary obligation
- Division of Condominiums
  - Authority generally expanded, including investigatory and disciplinary authority
  - Division must provide certain documents and templates to comply with education requirements

# SB 280 (Vacation Rentals)

Effective July 1, 2024

# SB 280 – Vacation Rentals

- Provides for payment of taxes by operator listing a vacation rental with an advertising platform
- “Grandfathers” any county or local law, ordinance, or regulation initially adopted on or before January 1, 2016 for rental of vacation rentals, and any amendments thereto adopted before January 1, 2024
- Removes provision allowing local governments to fine a vacation rental operator for failure to provide division with unique local registration number

# SB 280 – Vacation Rentals

- Exempts maximum overnight occupancy requirements from the 15-day cure period before a vacation rental may be fined for violations of the registration requirements
- Limits liens for unpaid fines
- Deletes requirement for advertising platforms to verify the vacation rental license number with unique identifier and local registration number
- Deletes requirement that advertising platform notify Division of Hotels and Restaurants within 15 days after any advertising or listing fails to display a valid license number and, if applicable, local registration number
- Limits information advertising platforms must report to the division each quarter to be the internet address of the advertisement, and the vacation rental license number and, if applicable, the local registration number

# SB 280 – Vacation Rentals

- NOTE – earlier attempt to include language that would prohibit covenants from enforcing against vacation rentals. Was excluded from final bill due to lobbying efforts

# HB 59 (HOA Rules and Covenants)

Effective July 1, 2024



# HB 59 – HOA Rules and Covenants

- Adds subsection (13) to F.S. 720.303 to provide:
  - Before October 1, 2024, association shall provide a physical or digital copy of the association's rules and covenants to every member of the association, and to every new member
  - If rules or covenants amended, association must provide every member of the association an updated copy of the amended rules or covenants. Association may adopt rules establishing standards for manner of distribution and timeframe for providing copies
  - Requirements of (13) may be met by posting a complete copy of the association's rules and covenants, or a direct link thereto, on the homepage of the association's website if such website is accessible to the members of the association. Association must also send notice to each member of intent to utilize website for this purpose
  - Notice of intent to use website must be sent both (1) by email to any member who has consented to receive electronic notice, and (2) by mail to all other members

# HB 1645 - Energy Resources (HOAs)

Effective July 1, 2024

# HB 1645 - Energy Resources

- Amends F.S. 720.3075 concerning things a homeowners' association's governing documents may not prohibit.
- HOA governing documents may not preclude types or fuel sources of energy production which may be used, delivered, converted, or supplied by certain entities (generally, utility providers) to serve customers within the association that such entities are authorized to serve. Entities include:
  - A public utility or an electric utility as defined in F.S. 366.02;
  - An entity formed under F.S. 163.01 that generates, sells, or transmits electrical energy;
  - A natural gas utility as defined in F.S. 366.04(3)(c);
  - A natural gas transmission company as defined in F.S. 368.103; and
  - A Category I liquified petroleum gas dealer, a Category II liquified petroleum gas dispenser, or a Category III liquified petroleum gas cylinder exchange operator as defined in F.S. 527.01.
- HOA governing documents may not preclude the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in the statute.
  - "Appliance" is defined as "a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements."

# HB 1503 (Citizens Property Insurance Corporation)

Effective July 1, 2024

# HB 1503 – Citizens Property Insurance Corporation

- Comprehensive reforms of the Citizens Property Insurance Corporation
  - Provides windstorm coverage and general property insurance for homeowners who are otherwise unable to get insurance coverage
- Notable for condominium associations – removal of limits on condominium eligibility for windstorm coverage, which had previously excluded condominium buildings where 50% or more of the units were rented more than 8 times during the year

# Thank you for attending!

Ed Ronsman, Esq.

Email: [eronsman@flcalegal.com](mailto:eronsman@flcalegal.com)

Phone: 904-396-0090

Website: <https://www.flcalegal.com>