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**DeSantis Signs New Florida Condo Law
Effective July 1st**

**2024 New Florida Condo Law:
Analysis of the Condo rights bill (HB 1021)
Signed by Governor DeSantis and effective
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The 2024 Condo Rights Bill (HB 1021), now being commonly referred to as the "DeSantis Condo Law," "Condo 3.0," and the "New Condo Law," introduces significant amendments to the statutory framework governing community associations in Florida. These changes affect the behavior and responsibilities of condominium associations and board members, as well as the rights of unit owners.

This article provides a detailed summary of the major amendments directly impacting condo owners and includes a list of all statute amendments in the bill. The full text of the bill can be found at the following link: [HB 1021 Full Text](#).

<https://www.google.com/url?q=https://flsenate.gov/Session/Bill/2024/1021/BillText/er/PDF>

New Board Member Education Requirements for Condominium Associations Amending Section 718.112, Florida Statutes

Section 9 of the bill amends s. 718.112(2)(d)4.b., Florida Statutes, to establish new education requirements for directors of condominium association boards. The key changes are:

1. Within 90 days after being elected or appointed to the board, each newly elected or appointed director must: a. Certify in writing to the secretary of the association that they have read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that they will work to uphold such documents and policies to the best of their ability; and that they will faithfully discharge their fiduciary responsibility to the association's members. b. Submit a certificate of satisfactory completion of an educational curriculum administered by a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and cover topics including milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements. This educational requirement must be satisfied within 1 year before or 90 days after the date of election or appointment.
2. Directors who were elected or appointed before July 1, 2024, must comply with the above certification and education requirements by June 30, 2025.
3. The written certification and educational certificate are valid for 7 years after the date of issuance and do not need to be resubmitted during that time as long as the director serves on the board without interruption
4. A director appointed by the developer may satisfy the educational curriculum requirement for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, even with interruptions in service.
5. One year after submitting the written certification and educational certificate, and annually thereafter, each director must submit a certificate of satisfactory completion of at least 1 hour of continuing education on recent changes to Chapter 718, Florida Statutes, and related administrative rules.
6. A director who fails to timely file the written certification or educational certificate is suspended from service on the board until they comply. The board may temporarily fill the vacancy during the suspension.
7. The association must maintain a director's written certification and educational certificate for 7 years after their election or the duration of their uninterrupted tenure, whichever is longer.

These new requirements aim to ensure that condominium association board members have a thorough understanding of their roles, responsibilities, and the laws and regulations governing condominium associations. The initial education and ongoing continuing education requirements are designed to promote better governance and decision-making by board members.

Changes to Condominium Association Meeting Requirements Amending Section 718.112, Florida Statutes

Section 9 of the bill amends s. 718.112, Florida Statutes, which governs the bylaws and meeting requirements for condominium associations. The key changes related to meetings are:

1. Board of Administration Meetings (s. 718.112(2)(c)):

- a. In a residential condominium association with more than 10 units, the board must meet at least once each quarter.
- b. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board.
- c. Unit owners have the right to speak at board meetings with reference to all designated agenda items and to ask questions relating to various association matters, such as the status of construction or repair projects, the status of revenues and expenditures, and other issues affecting the condominium.
- d. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the meeting notice and made available for inspection and copying upon written request or made available on the association's website or mobile app.

2. Unit Owner Meetings (s. 718.112(2)(d)):

- a. The association must hold an annual meeting of unit owners at the location provided in the bylaws or, if the bylaws are silent, within 45 miles of the condominium property.
- b. Notice of an annual meeting must include an agenda, be sent to each unit owner at least 14 days before the meeting and be posted conspicuously on the condominium property or association property at least 14 continuous days before the meeting.
- c. Notice of a meeting other than an annual meeting must include an agenda, be sent to each unit owner, and be posted conspicuously on the condominium property or association property within the timeframe specified in the bylaws, or if not specified, at least 14 continuous days before the meeting.
- d. Unit owners have the right to participate in meetings with reference to all designated agenda items, subject to reasonable rules adopted by the association governing the frequency, duration, and manner of unit owner participation.

3. Board Vacancies (s. 718.112(2)(d)9):

- a. Unless otherwise provided in the bylaws, any vacancy on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if less than a quorum, or by the sole remaining director.
- b. Alternatively, the board may hold an election to fill the vacancy, in which case the election procedures must conform to the statutory requirements for elections.

These changes aim to increase transparency, accountability, and unit owner participation in condominium association governance. By mandating more frequent board meetings, requiring opportunities for unit owners to ask questions, and clarifying meeting notice and agenda requirements, the bill seeks to foster better communication and decision-making within associations. The amendments also provide guidance on filling board vacancies to ensure continuity of leadership.

Changes to Access to and Inspection of Condominium Association Records

Amending Sections 718.111 and 718.501, Florida Statute

The bill makes several amendments to s. 718.111(12), Florida Statutes, related to condominium association official records. Here is a summary of the key changes:

1. Section 7 amends s. 718.111(12)(a) to add the following to the list of official records:

- a. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.
- b. All satisfactorily completed board member educational certificates.
- c. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).
- d. A copy of all building permits.

2. Section 7 amends s. 718.111(12)

(b) to clarify that associations must maintain official records in an organized manner that facilitates inspection, and if records are lost or destroyed, the association has a good faith obligation to obtain and recover those records as is reasonably possible.

3. Section 7 amends s. 718.111(12)(c) to:

- a. Allow associations to fulfill records inspection obligations by posting records on a website or app.
- b. Require associations to provide a checklist of all records made available and identify any records not made available in response to a records inspection request.
- c. Make it a misdemeanor of the first degree for a person to knowingly and willfully refuse to release or produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for a crime or to assist another person with such avoidance or escape.
- d. Clarify that certain personal information of unit owners is not accessible to other owners unless the owner consents or does not opt out of such disclosure.

4. Section 21 amends s. 718.501(1) to:

- a. Expand the Division of Condominiums, Timeshares, and Mobile Homes' jurisdiction to investigate complaints related to condominium association official records access and written inquiries to the association.
- b. Allow the division director or any employee to attend any condominium board or unit owner meeting for the purpose of performing division duties.
- c. Authorize the division to adopt rules and investigate complaints regarding access to official records on an association's website or app.

These changes aim to improve access to and preservation of condominium association records, protect certain personal information, and strengthen the enforcement authority of the division related to records access complaints.

Changes to Penalties for Kickbacks, Conflicts of Interest, and Other Crimes in Condominium Associations Amending Sections 718.103, 718.111, 718.112, 718.1224, and 718.3027, Florida Statutes

HB 1021 makes several amendments related to penalties for kickbacks, conflicts of interest, and other criminal offenses in the context of condominium associations. Here is a summary of the key changes:

1. Section 5 adds a new subsection (20) to s. 718.103, defining "kickback" as anything or service of value, for which consideration has not been provided, for an officer's, director's, or manager's own benefit or that of their immediate family, from any person providing or proposing to provide goods or services to the association.

2. Section 7 amends s. 718.111(1)(a) to:

- a. Make it a felony of the third degree for an officer, director, or manager to knowingly solicit, offer to accept, or accept a kickback.
- b. Require removal from office and create a vacancy if an officer, director, or manager is found to have knowingly solicited, offered to accept, or accepted a kickback.

3. Section 9 amends s. 718.112 to:

- a. Create a new paragraph (q) making it a felony theft or embezzlement offense for a director or an officer charged by information or indictment to continue to access association records without a court order, requiring removal from office and creating a vacancy.
- b. Create a new paragraph (r) establishing various fraudulent voting activities related to association elections as first-degree misdemeanors.

4. Section 14 amends s. 718.1224 to:

- a. Prohibit associations from using funds to prosecute a Strategic Lawsuit Against Public Participation (SLAPP) suit against a unit owner.
- b. Prohibit associations from using funds for any claim against a unit owner based on their right to petition or free speech related to association matters.

5. Section 18 amends s. 718.3027 to: provide that a contract entered into between an association and a director, officer, or their relative that involves a conflict of interest or possible conflict of interest and has not been properly disclosed is voidable and terminates upon the filing of a termination notice supported by at least 20% of the voting interests.

These changes aim to deter kickbacks and improper conflicts of interest, penalize fraudulent election activities, protect unit owners' rights to participate in association matters without fear of retaliatory lawsuits, and provide a mechanism to void improperly disclosed conflict-of-interest contracts. The amendments establish both civil and criminal penalties for various offenses related to condominium association governance and operations.

Expanded Grounds for Disciplinary Actions and Enhanced Penalties for Misconduct against Community Association Managers and Community Association Management Firms Amending Section 468.436, Florida Statutes

Section 3 of the bill amends s. 468.436, Florida Statutes, relating to disciplinary proceedings for community association managers and community association management firms. Specifically, it amends paragraph (b) of subsection (2) and reenacts subsection (4).

The changes to s. 468.436(2)(b) are:

1. A new subparagraph 7 is added, which provides that failing to disclose any conflict of interest as required by the new s. 468.4335 constitutes grounds for which disciplinary action may be taken against a community association manager or community association management firm.

Subsection (4) is reenacted without changes. This subsection outlines the penalties that the department may impose when it finds a community association manager or firm guilty of any of the grounds set forth in subsection (2). The penalties include denial of a license application, revocation or suspension of a license, administrative fines up to \$5,000 per count, reprimand, probation, and restriction of the scope of practice.

In summary, the amendment adds a new basis for disciplinary action against both community association managers and community association management firms – failing to disclose conflicts of interest as required by the newly created s. 468.4335. The potential penalties for violating the grounds in subsection (2) remain unchanged and apply to both individual managers and firms.

Prohibition Against SLAPP Suits – Amending Section 718.1224, Florida Statutes

Section 718.1224, Florida Statutes, is known as the anti-SLAPP (Strategic Lawsuits Against Public Participation) statute for condominium associations. It was designed to protect unit owners from lawsuits brought by associations, individuals, business entities, or governmental entities that are aimed at deterring the owners from exercising their rights to participate in association governance and petition the government.

The bill makes several amendments to s. 718.1224 to strengthen these protections:

1. Before the amendments, Section 718.1224 primarily protected unit owners from SLAPP suits initiated by a condominium association, governmental entity, business organization, or individual when the unit owner exercised their rights to petition the government or seek redress in court. The amendments significantly expand these protections to encompass actions taken by unit owners within their condominium associations. Now, the prohibition against SLAPP suits applies to actions brought by a condominium association, governmental entity, business organization, or individual against a unit owner for exercising their rights not only before governmental entities but also within the condominium association itself.
2. It adds a new subsection (3) prohibiting associations from retaliating against unit owners by imposing fines, discriminatorily increasing assessments or decreasing services, or bringing legal action based on the owner's participation in various protected activities such as complaining to government agencies, organizing or participating in a unit owners' organization, or making public statements critical of the association's operations.
3. The bill creates a new subsection (4) allowing unit owners to raise the defense of retaliatory action by the association in any action brought against them for eviction.
4. It rennumbers the existing subsection (3) as subsection (5) and expands the remedies available to a prevailing unit owner to include actual or minimum damages, plus reasonable attorney fees and costs.
5. The bill adds a new subsection (6) prohibiting associations from expending association funds to prosecute a SLAPP suit against a unit owner.
6. Finally, it adds a new subsection (7) prohibiting associations from expending funds to support any claim against a unit owner for defamation, libel, slander, or tortious interference based on the owner's protected conduct under the anti-SLAPP statute.

These amendments aim to strengthen the protections for unit owners who engage in activities such as petitioning their association or the government, organizing with other owners, or speaking out about association issues. The changes make it clear that associations cannot retaliate against owners for these activities, provide additional remedies for owners who are targeted by SLAPP suits, and prohibit associations from using association funds to bring SLAPP suits or claims against owners based on their protected conduct.

Hurricane Protection Changes in HB 1021 – Amending Sections 553.899, 718.103, 718.104, 718.113, and 718.115

The bill makes several changes related to hurricane protection in condominiums.
Here is a summary of those changes:

1. Section 5 adds a new subsection (19) to s. 718.103, defining "hurricane protection" as 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.
2. **Section 6 adds a new paragraph (p) to s. 718.104(4)**, requiring the declaration of condominium for both residential and mixed-use condominiums to include a statement specifying 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.
3. **Section 10 amends s. 718.113(5)** related to hurricane shutters and protection. Key changes include:
 - a. Clarifying that the board may, subject to approval of a majority of voting interests, install or require unit owners to install hurricane shutters, impact glass, code-compliant windows or doors, or other code-compliant hurricane protection.
 - b. Requiring the association to record a certificate attesting to the unit owners' vote to require hurricane protection installation and send a copy to unit owners.
 - c. Specifying that the association or unit owners are responsible for the maintenance, repair, and replacement of hurricane protection based on the condominium declaration.
 - d. Providing that unit owners are not responsible for hurricane protection removal or reinstallation costs if removal is necessary for the association's maintenance or repair of condominium property, and the association must reimburse the unit owner or apply a credit for such costs. However, if the removal or reinstallation is the unit owner's responsibility and the association completes it and charges the unit owner, such charges are enforceable as an assessment.
 - e. Allowing the association to charge unit owners for the removal or reinstallation of hurricane protection as an assessment if it is the unit owner's responsibility and the association completes the work.
4. **Section 11 amends s. 718.115(1)(e)** to conform to the changes in s. 718.113(5) regarding the maintenance, repair, and replacement costs of hurricane protection.
In summary, the amendments clarify responsibilities related to the installation, maintenance, repair, and replacement of hurricane protection in condominiums, ensure unit owners are not charged for hurricane protection removal or reinstallation due to association repairs, and align the definition of hurricane protection across statutes.

Changes to Disclosure Requirements for Condominium Resales and Prospective Purchasers – Amending Sections 718.503, 718.504, and 719.106

The bill makes several amendments to sections 718.503 and 718.504, Florida Statutes, which govern the information that must be provided to prospective purchasers of condominium units.

The key changes are:

1. Section 718.503 – Resale Information:

a. The bill revises the information that must be included in contracts for the resale of a residential condominium unit. Non-developer unit owners must now provide prospective purchasers with the following additional documents:

- An annual financial statement and annual budget of the condominium association.
 - A copy of the inspector-prepared summary of the milestone inspection report, if applicable.
 - The association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.
 - A copy of the turnover inspection report for inspections performed on or after July 1, 2023.
- b. The bill also updates the disclosure language that must be included in resale contracts to reflect these new information requirements.
- c. If the condominium unit is located within a building that is created within a portion of another building or within a multiple parcel building, the contract must include a specified disclosure statement informing the buyer about the unique characteristics of such condominiums.

2. Section 718.504 – Prospective Purchaser Information:

a. The bill amends the information that developers must provide to prospective purchasers in the prospectus or offering circular.

b. If the condominium is created within a portion of a building or within a multiple parcel building, the developer must include a statement to that effect in the prospectus or offering circular.

3. Section 719.106 – Distribution of Structural Integrity Reserve Study:

a. For cooperative associations, the bill requires the association to distribute copies of the structural integrity reserve study to all unit owners within 45 days after receiving the study.

b. The distribution may be made by United States mail or personal delivery to the unit owner's mailing address, property address, or any other address provided to fulfill the association's notice requirements, or by electronic transmission to the e-mail address or facsimile number provided by the unit owner for notice purposes.

c. Within 45 days after receiving the structural integrity reserve study, the association must provide the Division of Florida Condominiums, Timeshares, and Mobile Homes with a statement indicating that the study was completed and distributed to unit owners as required. The statement must be submitted using a form on the division's website.

These changes aim to enhance transparency and ensure that prospective purchasers and current unit owners have access to comprehensive information about the financial, structural, and operational aspects of the condominium or cooperative association. By requiring the disclosure of additional .

18. Section 718.303: Amends provisions related to suspension of voting rights due to delinquent monetary obligations.



Comprehensive List of Statutory Changes in Florida's HB 1021

The following is an exhaustive list of changes brought about by HB 1021, detailing the amendments and additions to various Florida Statutes. These revisions encompass a wide range of topics, including community association management, hurricane protection, and condominium association operations, among others. The full text of the bill can be found at the following link: [HB 1021 Full Text](#). Here is a comprehensive breakdown of the statutes impacted by this bill.

1. Section 468.4334: Adds a new subsection requiring community association managers and management firms to return all official records to the association within specified timeframes after termination of a contract or upon written request.
2. Section 468.4335: New section created to establish requirements for community association managers and management firms to disclose conflicts of interest to the association board.
3. Section 468.436: Amends grounds for disciplinary actions against community association managers and firms to include failure to disclose conflicts of interest as required by the newly created s. 468.4335.
4. Section 553.899: Amends to exempt certain single-family, two-family, three-family, and four-family dwellings from mandatory structural inspections for condominium and cooperative buildings.
5. Section 718.103: Amends the definition of "condominium property" and adds new definitions for "hurricane protection" and "kickback."
6. Section 718.104: Amends declaration content requirements and adds a new paragraph requiring a statement specifying responsibility for installation, maintenance, repair, or replacement of hurricane protection.
7. Section 718.111: Amends provisions related to condominium association operations, including official records, insurance, financial reporting, and conflicts of interest.
8. Section 718.112: Amends provisions related to condominium association bylaws, including board member certification and education requirements, meetings, budgets, reserves, and structural integrity reserve studies.
9. Section 718.113: Amends provisions related to maintenance, including requirements for hurricane protection.
10. Section 718.115: Amends provisions related to common expenses and common surplus, including expenses related to hurricane protection.

11. Section 718.121: Amends provision related to invoice and account statement delivery requirements.
12. Section 718.124: Technical amendment related to statutes of limitations and repose for association actions.
13. Section 718.1224: Amends provisions related to the prohibition against SLAPP suits and adds new prohibitions against other retaliatory actions by associations.
14. Section 718.128: Amends provisions related to electronic voting in condominium associations.
15. Section 718.202: Amends provisions related to sales or reservation deposits prior to closing.
16. Section 718.301: Amends provisions related to the transfer of association control from the developer.
17. Section 718.3027: Amends provisions related to conflicts of interest in condominium associations.
18. Section 718.303: Amends provisions related to suspension of voting rights due to delinquent monetary obligations.
19. Section 718.407: New section created to establish provisions for condominiums created within a portion of a building or within a multiple parcel building.
20. Section 718.501: Amends provisions related to the authority and duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes.
21. Section 718.5011: Amends provision related to the appointment of the condominium ombudsman.
22. Section 718.503: Amends developer and non-developer disclosure requirements prior to the sale of a condominium unit.
23. Section 718.504: Amends requirements for the prospectus or offering circular.
24. Section 719.106: Amends mandatory provisions for cooperative bylaws, including structural integrity reserve study requirements.
25. Section 719.129: Amends provisions related to electronic voting in cooperative associations.
26. Section 719.301: Amends provisions related to the transfer of cooperative association control from the developer.