

2021 Legislative Update

Senate Bill 56

Signed Into Law

Relating to Community Association Assessment Notices

As it relates to the Department, the bill amends the Condominium and Cooperative Acts, requiring associations to maintain specified affirmative acknowledgements by unit owners as official records, not accessible to unit owners. The bill revises timeframes for delivery of foreclosure documents. The bill requires associations to deliver certain statements of accounts to unit owners and to give notice to unit owners before changing the method of delivery, and for unit owners to affirmatively acknowledge such change. It also requires associations to provide a specific notice to unit owners before requiring the payment of attorney fees related to past-due assessments, as well as revising the timeframe for the association to file liens against units.

*Chapter 2021-091, Laws of Florida
Effective July 1, 2021*

Senate Bill 76

Signed Into Law

Relating to Insurance

The bill creates new disciplinary provisions related to insurance adjustment practices by contractors. The bill prohibits contractors from engaging in certain solicitations or advertisements that are aimed toward motivating consumers to submit insurance claims for roof damage, and specifies that such violations are disciplinary violations subject to discipline by the Construction Industry Licensing Board. The bill includes additional criminal penalties for unlicensed contractors committing these violations. The bill also requires notices of these prohibitions in all roof contracts with residential property owners.

*Chapter 2021-177, Laws of Florida
Effective July 1, 2021*

2021 Legislative Update

Senate Bill 630

Signed Into Law

Relating to Community Associations

As it relates to the Department, the bill revises the definition of “multicondominium” and “operation,” providing for a condominium unit as an interest in real property, requiring certain records be maintained for a specified time. The bill prohibits an association from requiring certain actions relating to the inspection of records. The bill revises requirements relating to the posting of digital copies of certain records. The bill allows for an association to remove discriminatory restrictions in their bylaws, revises the calculation used in determining a board member’s term limit by clarifying that only board service that occurred on or after July 1, 2018 may be used to calculate a board member’s term limit. The bill changes the second notice of election timeframe. The bill revises fees an association may charge for transfers from a limit of \$100 to \$150, and allows for fees to be adjusted every five years by the Department. The bill deletes a prohibition against employing or contracting with certain service providers. The bill defines the terms natural gas fuel and natural gas fuel vehicles and revising requirements for electric vehicle charging stations and providing requirements for natural gas fuel stations on condominium property and the authority with whom to file a lien against for the services to install a natural gas fuel station and allowing unit owners to install electric vehicle or natural gas fuel stations but makes them responsible for complying with all applicable laws.

The bill also revises the emergency powers of condominium associations and limiting certain actions during a declared state of emergency. The bill defines “actual costs” in the use of certain escrowed funds and expanding the purpose for which certain escrowed funds may be used. The bill revises the requirement for certain fines. The bill provides clarifying language relating to certain multicondominium declarations. The bill conforms provisions related to termination of condominiums to changes made by ch. 718, F.S.

The bill further requires certain governing documents to provide for alternative dispute resolution instead of arbitration, revising alternative dispute resolution requirements, and authorizing parties to initiate pre-suit mediation rather than arbitration in certain disputes.

The bill also provides for a cooperative unit as an interest in real property, providing clarification of a cooperative association official records and maintenance of those records, and providing requirements for board or committee. The bill further authorizes cooperative associations to extinguish discriminatory restrictions and revises emergency powers and prohibits cooperative associations from taking certain actions during a declared state of emergency.

*Chapter 2021-099, Laws of Florida
Effective July 1, 2021*

2021 Legislative Update

Senate Bill 1966

Signed Into Law

Relating to Department of Business and Professional Regulation

Division of Condominiums, Timeshares and Mobile Homes:

The bill clarifies “monetary obligation” as well as defines an assessment delinquency. The bill also allows the division to adopt rules regarding the submission of a complaint against an association. The bill removes the requirement that the Ombudsman’s Office be located in Leon County, effectively providing the agency with discretion to establish the office location most appropriate for connecting with stakeholders served by this position. The bill requires that the board of directors propose and adopt an annual budget no later than 14 days prior to the beginning of the fiscal year. In addition, the bill permits the division to adopt rules regarding submission of complaints against an association.

*Chapter 2021-135, Laws of Florida
Effective July 1, 2021*