



Daniel J. Greenberg, Esq. Stephan C. Nikoloff, Esq. Scott M. Gross, Esq. Gregory S. Grossman, Esq.  
Ariana E. Zarrella, Esq.

1964 Bayshore Blvd., Suite A Dunedin, Florida 34698  
17900 Hunting Bow Cir., Suite 102 Lutz, Florida 33558 (727) 738-1100 Fax (727) 733-0042  
[www.associationlawfl.com](http://www.associationlawfl.com)

## 2024 LEGISLATIVE UPDATE HOMEOWNERS ASSOCIATIONS

### ***HB 59***

- By 10/1/24, Associations must provide a physical or digital copy of the Association's rules and covenants, including amendments, to every member of the Association. This requirement may be satisfied by either providing a physical copy to every member (by mail or personal delivery), or by posting the rules and covenants on the Association's website and providing written notice by mail or email (to those members who have consented to receive electronic notices) to the membership advising that they are available digitally. *F.S. 720.303(13)*

### ***HB 293***

- Associations must adopt hurricane protection specifications for all dwellings within the community that are subject to Association architectural control. The specifications may include color and style of the permitted hurricane protection products and any other factors deemed relevant by the Board, and the specifications must comply with all applicable building codes. The specifications may require owners to adhere to an existing unified building scheme to maintain the exterior appearance of the building(s). *F.S. 720.3035(6)*
- Types of hurricane protection products contemplated by the statute include, but are 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, and fuel storage tanks.
- It is unclear the extent to which the Association must make hurricane protection available in its specifications. The Board should exercise its business judgment, in consultation with the appropriate advisors, to adopt hurricane protection standards that balance the members' ability to protect their property and the Association's interest in maintaining the community's aesthetic standard.

## **HB 1203**

• **Community Association Manager (“CAM”) Regulations** – A CAM or CAM firm shall do all of the following (*F.S. 468.4334*):

- Annually attend at least one-member meeting or board meeting of the Association.
- Provide to Association members certain information, including the contact person, contact information, and the hours of availability.
- Provide the community’s members upon request a copy of the contract between the Association and the CAM or CAM firm.
- Annually complete at least 10 hours of continuing education.
- Every two years complete at least five hours of continuing education that pertains to

• **Official Records** (*F.S. 720.303(4)*)

- By January 1, 2025, Associations with 100 or more parcels must maintain a digital copy of certain official records on the Association’s website (which includes an online portal provided by a CAM firm) or through an application on a mobile device. The Association must provide all members with a username and password and access to the protected sections of the website that contain the official documents upon request.
- Associations must maintain official records for at least seven years, unless the governing documents of the Association require a longer period of time.
- Associations must create a written record retention policy.
- Associations must provide a copy of records or otherwise make the records available that are subpoenaed by a law enforcement agency within five days of receiving a subpoena.
- Criminal penalties are imposed for destroying or withholding records under certain circumstances.

• **Financial Reporting**

- Associations with 1,000 or more parcels must prepare audited financial statements on an annual basis regardless of the total overall budget.
- Associations may not vote to waive down the required type of financial statement (compilation, review, or audit) for consecutive years. *F.S. 720.303(7)*
- Associations may not use debit cards. *F.S. 720.303(13)*
- Association members may make a written request for a detailed accounting of any amounts owed to the Association. If the Association fails to provide the accounting within 15 business days of a written request, any outstanding fines of the requester are waived if the fine is more than 30 days past due and the Association did not give prior written notice that the fine was imposed. Members may only request one detailed accounting every 90 days. *F.S. 720.303(14)*.

• **Director Education**

- Newly elected or appointed directors must, within 90 days of being elected or appointed, complete a certification course by a State approved provider. The educational curriculum must include training relating to financial literacy and transparency, recordkeeping, levying of fines, and notice and meeting requirements. The educational certification must be renewed every 4 years. *F.S. 720.3033*
- Directors must now also complete ongoing continuing education as follows: Directors in Associations with fewer than 2,500 parcels must complete at least four hours of continuing education annually. Directors in Associations with 2,500 or more parcels must complete at least eight hours of continuing education annually.

• **Fining and Enforcement**

- When denying an architectural application, the Association must provide written notice to the parcel

owner of the rule or covenant relied upon for such denial. *F.S. 720.3035*.

- The Association cannot require review of an HVAC, refrigeration, heating, or ventilating system that is not visible from a parcel's frontage, an adjacent parcel, common area, or community golf course, if a substantially similar system has been previously approved.
- Associations may not prohibit an 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 homeowners' Association or does not have a professional or occupational license.
- Adding to the "backyard" enforcement rule passed last year, Associations may not prevent a homeowner from installing or displaying vegetable gardens and clotheslines (in addition to other items) in areas not visible from the frontage of the parcel, an adjacent parcel, an adjacent common area, or a community golf course. This clarifies that the Association may still issue backyard violations if the violation can be observed from Association common area in addition to the frontage of the parcel and an adjoining parcel. *F.S. 720.3045*.
  
- Associations may not prohibit the parking of a personal vehicle, including a pickup truck, in the property owner's driveway or in any other area where they have a right to park. *F.S. 720.3075(3)(b)*
  - Associations may not prohibit a work vehicle, which is not a commercial motor vehicle as defined by statute, in the property owner's driveway. Florida Statute 320.01(25) defines a commercial vehicle as exceeding 26,001 lbs. or 3 or more axels, so these are the only commercial vehicles that can be prohibited from being parked in public view on the owner's driveway. *F.S. 720.3075(3)(b)*.
  - Members may not be prohibited from operating a vehicle in conformance with state traffic laws on public roads or rights-of-way or the property owner's parcel, unless the vehicle is a commercial motor vehicle.
  - First responder vehicles may be parked anywhere that other permitted vehicles may be parked, including on public roads or rights-of-way within the Association.
  - The fining process has been modified to require the following (*F.S. 720.305*):
    - The 14-day notice of the hearing must be in writing.
    - The fining hearing must be held within 90 days of the notice of hearing.
    - The committee may hold the hearing by telephone or other electronic means.
    - If the violation is cured by the hearing, a fine cannot be imposed. \
    - The fining committee's decision must be provided to the owner within 7 days of the hearing, and such letter must also advise how the violation may be cured.
    - The due date for paying the fine must be at least 30 days after delivery of the written notice of the committee's decision.
    - Attorney fees and costs cannot be incurred for the violation the owner is being fined for between the fining hearing and the date set for the fine to be paid. Practically, this means that if the Association's governing documents permit pre-litigation attorney fees to be assessed to the owner, such fees can be incurred before the fine is levied, and after the fining process is complete.
    - Associations may not fine for an owner leaving garbage receptacles at the curb or end of the driveway less than 24 hours before or after the designated garbage collection day or time. Association may not fine for leaving holiday decorations or lights up longer than indicated in the governing documents, unless such decorations or lights are left up for longer than one week after the Association provides written notice of the violation to the parcel owner.