

BOSWELL & DUNLAP LLP

ATTORNEYS AT LAW • ESTABLISHED 1900

Clarence A. Boswell
1902-2005
David R. Carmichael †
Savannah Young Cerullo
Robert C. Chilton
Seth B. Claytor
W. A. “Drew” Crawford ‡

†-Board Certified, Criminal Trial

P.O. Drawer 30, Bartow, Florida 33831
245 South Central Avenue, Bartow, Florida 33830
Phone: (863) 533-7117
Fax: (863) 533-7412

Sender's e-mail address: robert@bosdun.com

George T. Dunlap, III, Retired
Keith D. Miller
Frederick J. Murphy, Jr. ‡
Sean R. Parker
Jillian T. Spangler
Donald H. Wilson, Jr.

‡- Board Certified, City, County, Local
Government Law

2024 STATUTORY UPDATE LOMA DEL SOL HOMEOWNERS ASSOCIATION, INC. June 3, 2024

Florida’s legislature has passed, and Governor DeSantis has signed, three new laws affecting Florida homeowners’ association. Another bill has been approved by the Florida Legislature and is expected to be transmitted to Governor DeSantis, and signed, in the coming days. A summary of each new law is below. I have also embedded a link to the text of each amendment. In reviewing the amendments, you will note that some work will need to be done (e.g., preparing rules relating to records retention, updating fine procedures, etc.). We are ready to assist.

[House Bill 1203](#): Effective Date – July 1, 2024 (Approved by Governor DeSantis on May 31, 2024)

- Creates disclosure requirements for licensed community association managers.
- Creates educational requirements for directors who are now required to complete a certification course within 90 days of being elected/appointed (rather than signing a certificate) and must also complete, annually, 4 hours of continuing education.
- Clarifies that officers and directors are subject to the standards listed in [§ 617.0830](#) of the Florida Not For Profit Corporation Act.
- Mandates that by January 1, 2025, HOAs with more than 100 parcels must maintain a website on which it has posted certain official records.
- Requires that HOAs adopt a specific written rules for the retention of official records.
- Provides that a willful refusal to allow homeowners to inspect official records may, depending on intent, be a felony.
- Requires that HOAs with at least 1,000 parcels have annual audited financial statements regardless of their total annual revenue.
- Prohibits officers and directors from using debit cards issued in the name of the association
- Empowers homeowners to demand accountings of any amounts owed to the association within 15 business days. The failure to timely provide the accounting may be a waiver of certain debts.
- Prohibits officers, directors and CAMs from accepting “kickbacks”, which are statutorily defined.
- Limits architectural control over interior improvements and HVAC-related improvements.
- Restricts fining authority and lengthens the period for which fines must be paid from 5 days to 30 days after the hearing committee has upheld the fine.
- Limits what associations can require from vendors/contractors hired by homeowners (e.g., proof of insurance and the requisite licenses).

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- Requires that HOAs allow vehicles to be parked in driveways if they are also the “personal vehicle” of the homeowner, a tenant or a guest (even if they have commercial lettering).

CHAPTER 2024-202 (House Bill 59): Effective Date – July 1, 2024

- Requires all HOAs to provide a physical or digital copy of their rules and covenants to every homeowner by October 1, 2024 and, thereafter, to every new member of the association.
- Requires all HOAs to provide a physical or digital copy of each rule or covenant amendment to every owner after each amendment.
- These requirements can be met by posting the rules and covenants on the association’s website and sending owners a notice with the website address by electronic mail and first-class mail.

CHAPTER 2024-205 (House Bill 293): Effective Date – May 28, 2024

- Defines “hurricane protection” defined to include roof systems, roll-down track shutters, impact-resistant windows and doors, reinforced garage doors, erosion controls, exterior generators, fuel storage tanks and polycarbonate panels.
- Requires HOAs to adopt written hurricane protection specifications for each structure or other improvements governed by the association.
- Prohibits all associations from denying an architectural application to install, enhance or replace “hurricane protection” provided that the same conforms to the association’s previously-adopted specifications.

House Bill 1021: Effective Date – July 1, 2024 (Passed by the Florida Senate and House of Representatives; Awaiting transmittal to Governor DeSantis)

- Requires management company/CAMs to return official records within 20 business days after special written notice or termination of their contract.
- Requires management companies/CAMs to disclose to their community association any activity that may reasonably be construed to be a conflict-of-interest transaction (e.g. if the CAM or its owners has a financial interest in a vendor bidding to provide other services to the community association)
- Requires community associations to solicit additional third-party bids for proposed transaction exceeding \$2,500 and for which its management company has submitted a bid.
- Requires special notice and express board approval of all transactions in which a community association manager has conflict-of-interest.
- Allows community associations to cancel management contracts if the CAM/management company has engaged in an undisclosed conflict of interest transaction.