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STATE

[DeSantis signs law to overhaul condo transparency, accountability, safety. Here's what changed](#)



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First, Gov. Ron DeSantis and the Florida Legislature took aim at overbearing HOA fines and harassment and forced HOAs to allow residents to harden their homes against hurricanes. Now they're coming after condo boards.

On Friday, DeSantis signed HB 1021, which seeks to close loopholes some unscrupulous condominium board members or management teams have used to avoid oversight and strengthen the state's ability to punish or remove them.

Rep. Vicki Lopez, R-Miami, the House sponsor of the bill, called it "Condo 3.0" because it builds on previous legislature passed after the 2021 collapse of the Champlain Towers South in Surfside that killed 98 people.

The bill does a lot, including requiring regular educational training for condo directors, adding criminal penalties for directors or board members who destroy or fail to keep records, accept kickbacks or violate inspection requirements, mandating public posting of building records and preventing board members from using condo association money to pay for defamation lawsuits.

It also puts some teeth back into the Department of Business and Professional Regulation and funds the agency to pay for it.

This law comes as condo directors and boards are grappling with a law known as SB 4-D passed in 2022 comes into play. Under SB 4-D, all condo developments over 30 years old — which is about two-thirds of all condos in Florida — must undergo inspections, address critical issues and build up reserve funds for future repairs by Dec. 31 this year.

What does HB 1021, Community Associations, change in Florida's condo law?

Among other things, "Condo 3.0":

- Creates new educational training requirements on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy, transparency, levying of fines and more for condo managers
- Requires directors, officers and persons with a financial interest in a community association management firm or their relatives to disclose any possible conflicts of interest
- Adds criminal penalties and removal from office for any directors, officers or board members who solicit or accept kickbacks, destroy or refuse to release records, commit theft of association funds, violate inspection requirements, engage in fraudulent voting activities and other violations

- Expands the list of documents that must be kept and made available to members, such as records of expenditures, building permits, educational certificates by board members, and adds that requirement to condos with 25 or more units (it was previously 150)
- Requires that records be made available for inspection by written request and makes repeated refusal to release records a second-degree misdemeanor (unless they refuse to release records to cover up crimes, in which case it's a third-degree felony)
- Requires associations of 10 or units to meet quarterly, with opportunities for members to ask questions
- Requires that meetings where assessments will be considered to specifically state that in the agenda, along with an estimated cost and description with copies of any contracts involved
- Expands allowable hurricane protection, retroactively, and creates a uniform procedure and definition for standard hurricane protection
- Prohibits condo associations from filing "SLAPP suits," or lawsuits strategically designed to quiet condo residents with defamation, or use association funds to pay for them
- Empowers the Department of Business and Professional Regulation:
 - Requires them to start tracking which associations have completed structural inspections
 - Adds \$6.1 million in recurring and \$1.3 million in nonrecurring funds to pay for 65 more positions

The bill also includes a controversial section on mixed-use buildings, where a condo may share common space with a hotel or businesses such as roofs, exteriors, pools, balconies, lobbies and elevators. SB 1021 requires the condo to specify who controls maintenance, operation and expenditures for any common areas, while informing condo members that they are still responsible for their share of expenses for these areas.

Some unit owners are threatening to sue over the bill, saying this forces condo members to pay up without a say in how its spent, according to the [Tampa Bay Tribune](#), while developers maintain they need control to make sure those areas are up to their standards.

Is HB 1021 related to SB 4-D?

Not specifically, but it is part of a larger push to hold condo directors and board members responsible for building safety and up-to-date inspections.

When does HB 1021 go into effect?

HB 1021 goes into effect as of July 1, 2024.

