

Florida 2022 End of Legislative Session Report

The Florida State Legislature had a busy year, with not only 9459 bills introduced in the House and 7056 bills introduced in the Senate, but a Special Session on top of it all, which lasted from May 21st through May 27th. While the main focus of the Special Session was addressing Florida's growing insurance crisis in the wake of last year's tragedy at Surfside, the Legislature also passed SB 4D, the Building Safety Act for condominium and cooperative associations, which establishes clear rules designed to protect condominium residents across the State. CAI Florida Legislative Alliance (CAI-FLA) is proud of this legislation, which was the result of advocacy from both CAI-FLA and members such as you.

SB 4D, Building Safety Act for condominium and cooperative associations: This legislation includes a framework largely based on CAI public policy recommendations for building inspections as structures reach 30 years old and every 10 years thereafter; mandatory reserve study and funding for structural integrity components (building, floors, windows, plumbing, electrical, etc.); Removal of opt-out funding of reserves for structural integrity components; Mandatory transparency—providing all owners and residents access to building safety information; Clear developer requirements for building inspections, structural integrity reserve study, and funding requirements prior to transition to the residents; Engagement of the Florida Department of Business and Professional Regulation and local municipalities to track condominium buildings and the inspection reporting.

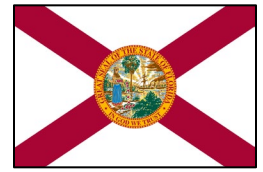
This bill was a reintroduction of the language which was agreed to during the Regular Legislative Session, found in SB 1702. Unfortunately, the Regular Legislative Session had ended before SB 1702 could be brought for a final vote, but with CAI-FLA's support, SB 4D was able to be introduced during the Special Session.

Status: Signed by Governor DeSantis on 5/26/22. Effective 2024.

SB 1702, Building Safety: CAI supported this legislation with amendments. CAI supports policy that requires initial and recurring inspections for buildings and other major structural elements owned or maintained by the association. This includes all multifamily buildings and structures made of concrete, load-bearing masonry, steel, or structural systems such as heavy timber, including podium decks.

CAI recommended additional requirements by developers during the development process and prior to transition to the homeowners. CAI worked closely with developers on these recommendations. Structural integrity is addressed through statutorily mandated building inspections starting when the building is 10 years old, another inspection at 20 years, and every five years thereafter. Inspections are based on the American Society of Civil Engineers' (ASCE) published protocol for building inspections (ANSI).

Status: Died in Senate.



SPB 7042, Community Association Building Safety: CAI supported this legislation, as it adopted many of CAI's Condominium Safety Public Policy positions, including mandatory reserve studies, and authorizing boards to adopt a special assessment or borrow money for certain reasons. As reported in the Grand Jury report, the Champlain Towers South board president sent a letter to residents noting that “observable damage such as in the garage has gotten significantly worse since the initial inspection “and” that the concrete damage observed would begin to multiply exponentially over the year. To put it mildly, she communicated to their residents “Houston, we have a problem”. SPB 7042 gives the board the authority to make the investment in required maintenance and reserve for capital replacement without giving the residents the opportunity to opt out of funding critical projects.

Status: Died in Senate.

SB 736/HB 583, Construction Defect and Building Code Violation Claims: CAI opposed this bill, which would have created impractical and impossible obstacles for community association claimants that will, in some cases, eliminate the opportunity to address legitimate defect issues. Further, it would increase costs to home/property owners, delay resolution of disputes, and intensify the legal/litigation process rather than get the repairs needed to ensure safety and quality. This legislation impacts seniors living in active adult communities throughout the state of Florida and homeowners in affordable townhomes and garden style condominiums.

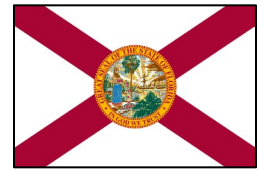
Status: Withdrawn.

HB 1033/SB 1296, Homeowners Association Ombudsman: CAI opposed this legislation, which would have created the Homeowners Association Ombudsman office. CAI helped create the condominium ombudsman by working with all stakeholders and creating a fair and equitable program. This proposal would have added additional burdensome layers to HOA administration by mandating the creation of an Appeals Committee to go along with the currently required Fining Committee, dilutes the already stretched condo arbitration program by adding HOAs into the mix, adds this new state government program with money out of General Revenue while still requiring condo residents to pay for their ombudsman and the entire arbitration program out of their annual \$4 a door fee.

Status: Died in Committee.

HB 1039/SB 1362/SB 6103/SB 1364, Fines Levied by a Homeowners’ Association: CAI opposed this legislation, which would have curtailed an HOA’s ability to collect fines and issue liens. Guardrails currently exist for fining for violations such as setting statutory limits, requiring the creation of a Fining Committee separate from the HOA board. Fines are an invaluable tool that HOAs use to assure with compliance of the community and resident agreed to rules.

Status: Died in Committee.



HB 1371/SB 438, Display of Flags in a Residential Association: CAI opposed the House version of this legislation. The Senate bill only added the flag of the United States Space Force into existing laws concerning the display of the flags of the United States Armed Forces. CAI supports the right of all residents to fly the American Flag. The House legislation, however, would have prohibited a community association from adopting and enforcing a rule regarding other flags; including flags that may be politically charged, offensive, discriminatory, and hateful. This legislation could have caused disruption in communities leading to increased disputes and tension among neighbors, undue authority on a volunteer board of directors to navigate harassment from neighbor to neighbor, and an increase in legal fees to navigate this tenuous and difficult issue.

Status: HB 1371 Died in Committee, SB 438 Presented to Governor DeSantis 6/3/22.

SB 518 Private Property Rights to Prune, Trim, and Remove Trees: Unfortunately, the sponsors of the bill rejected the common sense suggestion to change the definition of “Residential Property” to include the common areas and common elements of community associations so those homeowners residing within the associations may also avoid costly and time consuming local government requirements. Associations are residential, not commercial. Even the Florida Supreme Court has made that important distinction. The vast majority of trees on association property are maintained, insured, etc. via the association as a common expense to all residential homeowners within the association. This bill DOES NOT allow the residential homeowners, who own and maintain trees via their associations as common property, to take advantage of the provisions of the bill. CAI-FLA will be working with our partners in the State Legislature to correct the issues created by the passage of SB 518.

Status: Signed by Governor DeSantis 5/18/22. Effective 7/1/22.

Your Assistance is Needed

To help fund CAI advocacy activities in 2022 and beyond, donations are vital to our continued successes. We encourage donations from Florida community associations and individuals. Please visit www.caionline.org/lacdonate/ and donate to CAI’s Florida Legislative Alliance to support our continued efforts.

We need YOUR voice! [Sign up today](#) to become a CAI Advocacy Ambassador, and help shape legislation in your state!

Florida Contact Information

- Visit <https://www.caionline.org/Advocacy/LAC/FL/Pages/default.aspx>
- Contact CAI’s Government and Public Affairs Team at government@caionline.org
- To find the chapter nearest you, please call (888) 224-4321.