

**2020 AND 2021 LEGAL UPDATES AFFECTING COMMUNITY ASSOCIATIONS
SUPPLEMENT TO CAM PRE-LICENSURE TEXTBOOK**

Understanding the effect of changes made to the laws and statues affecting community associations is important for future CAMs as well as pre-licensure students preparing for their state exam.

The following chart intends to aid students in knowing what changes have been made in 2020 and 2021. These changes will be incorporated into the next edition of the CAM Pre-licensure text which will be printed in Fall 2022. **Note that the majority of changes quote or paraphrase the actual language of the revised or new law.**

We recommend that students include this information when studying for the state exam because they may affect questions on the exam.

Some of the language, phrases or words reflect how a statute or rule is written into law. Students can ask in class, or reach out to, their instructor after class, or they may contact Patricia Rogers, CAM Program Director, if they need clarification. Patricia's email is progers@goldcocastschools.com.

Your instructor may suggest ways to include this information into your study materials.

This Chart - Each update is indicated in the chart below by Chapter, Page, Line Number, and current heading in your book.

Chapter	Page	Line #	Current Heading and Description of Change
1	5	15	Cooperative:
			New Definition of a Cooperative Unit. Add at the end of Line 15 - "An interest in a unit is an interest in real property."
2	17	3-4	CAM Licensure - Requirements
			New Definition of In-person classroom hours. Add at the end of Line 4: - <u>In-person classroom</u> hours of instruction means that required hours must be in person or from interactive, real-time courses. An interactive, real-time course may be a web-based, satellite transmitted, telephone or video conference, or online instruction program that allows or requires the applicant to interact in real-time, including live chat, with the instructor during the presentation of the program or in a question-and-answer session upon completing of the program.
2	30	37	Florida Administrative Code Standards
			Changes made to F.A.C. 61E14-2.001, Standards of Professional Conduct: effective July 1, 2020. Add as new paragraph, line 37. These changes affect licensees' (CAMs and CABs) requirement to adhere to standards of professional conduct, and that such these provisions and standards are considered automatically incorporated, as duties of all licensees, into any written or oral contract agreement for the term of community association management services.
2	30	49	Florida Administrative Code Standards
			Add a new "bulleted item" after Line 49 - <ul style="list-style-type: none"> The license number of a licensee shall be stated in each offer of services, business proposal, advertisement, or advertising, regardless of medium, used by the licensee.

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Chapter	Page	Line #	Current Heading and Description of Change
2	30	49	Florida Administrative Code Standards
			<p>Add a new paragraph after new bullet, after Line 49 Advertisement and Advertising means any statements, oral, written or by electronic means disseminated to or before the public or any portion thereof, with the intent of furthering the purpose either directly or indirectly, of selling professional services, or offering to perform professional services, or inducing members of the public to entire into any obligation relating to such professional services.</p> <p>The terms advertisement and advertising include the name under which professional services are performed, and include business stationary but not promotional novelties such as balloons, pencils, trinkets, or articles of clothing.</p>
2	33	9 - 13	Special Condominium Provisions:
			<p>Delete Line 9 through Line 13. Replace it with the following - Conflicts of interest: This section of statute was deleted. The prohibition against condominium associations contracting with companies owned by board members or their relatives has been deleted. Board members must still disclose any conflicts of interest and abstain from voting as required by the Condominium Act.</p> <p>Also Delete FN (foot note) 34 at the bottom of Page 33.</p>
3	44	15-16	Condominium/Cooperative Rescission Period for Resale
			Change to: 3 business days [c-c=3 characters]
3	50	46	Bureau of compliance
			<p>Add a new “bulleted item” After Line 46 –</p> <ul style="list-style-type: none"> The Division may adopt rules regarding the submission of a complaint against condominium associations.
3	52	26 - 27	Office of the Ombudsman
			<p>The Condominium Act (effective July 1, 2021) eliminated the requirement for a principal office of the condominium ombudsman to be maintained in Leon County.</p> <p>Delete first sentence on Line 26-27. Replace with - The ombudsman shall maintain his or her principal office at a place convenient to the offices of the Division. The ombudsman may establish branch offices elsewhere in the state upon the concurrence of the Governor.</p>
4	75	49	ADD A NEW HEADING: Leasing Amendments (Homeowners’ Associations)
			<p>Add new heading after Line 49. Rental Limitations, as it pertains to HOAs, rental restrictions adopted after July 1, 2021, to those owner who consent and to anyone who buys a home after the amendment. Rental restrictions adopted after July 1, 2021, will not apply to owners who do not consent to owners who acquire title through inheritance or transfer for estate planning or some type of business acquisition. This change does not apply to amendments that prohibit or regulate leases for six months or less or prohibit more than three leases per year. All homeowners can be subjected to such “short term” restrictions, even if they do not consent to them.</p>
5	86	7	HOA Transition from Developer
			Add to the end of Line 7, after word members - other than the developer

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5	89	15	Multi-Condominium Strike first sentence starting on Line 15 through Line 18. Change to say - <i>Multi-condominium</i> refers to real property containing two or more condominiums, all of which are operated by the same association. The sub-associations may have their own boards with certain functions performed by the multi-condominium.
5	98	3	Electric Vehicle Charging Station - Statutes Add New Section After Line 3 - Effective July 1, 2021, the Condominium Act expands the ability of condominium associations and unit owners to install electric charging and natural gas fueling stations on condominium property. It addresses where they may be installed, who pays to install them and who may use them. The board may not prohibit the installation of a natural gas fuel station.
5	98	22	Association Requirements Add After Line 22, before Line 24. Natural Gas Vehicles and Fuel: Effective July 1, 2021, the Condominium Act expands on the what the condominium association may require unit owners who embark on the installation of a natural gas fueling station. <ul style="list-style-type: none"> • The board may not prohibit the installation of a natural gas fuel station. • Unit owners installing such stations must pay all costs associated with such installations and comply with certain standards and practices including compliance with all federal, state, and local laws. • A board may make available, install, or operate an electric vehicle charging station or a natural gas fuel station on the common elements or association property and establish the charges or the manner of payments by the unit owners, residents or guests who use such stations. The installation, repair, or maintenance of such stations by the board will not constitute a material alteration or substantial addition to the common elements or association property. • The ability to install a centralized station for electricity or natural gas does not allow the association to refuse to allow individual owner installations.
5	101	Quiz	Question # 5 Answer a Answer “a,” add the word condominium. Change to say - Two or more condominium associations with their own boards and are members of a master association that has a board to provide certain combined functions.
6	110	22, 23, 24, 25	Screening or Transfer Fee Line 22, Delete “and Cooperative”. Change the dollar amounts on Lines 23 – 25 from \$100 To \$150 - Effective July 1, 2020, <i>Condominiums</i> may charge a transfer fee of \$150 per applicant. The fee may be increased every five years per CPI as determined by the DBPR. Spouses, parents, and dependent children are considered one applicant. Note: This does not change for Cooperatives - <i>Cooperatives</i> may not charge more than \$100 per applicant.
6	111	45 - 46	Requirements for Association Records - Example Starting in the middle of Line 45, and continue on Line 46, Change to say - “A condominium must retain election materials for one year and bids for at least one year.” Strike (it must retain bids for at least seven years)

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Chapter	Page	Line #	Current Heading and Description of Change
6	114	38	Documentation that Must be Posted on Websites
			Add this After Line 38 - Condominiums that are required to maintain a website may make their official records available on mobile apps as well as websites.
6	115	34	Member Request for Records
			Add new sentence after the end of Line 33 - Condominiums and cooperatives may not require that unit owners give reasons for their records inspection requests nor require a member to demonstrate any purpose or state any reason for the inspection.
6	117	4	Condominium Lessee Access to Records
			On Line 4, replace the first sentence with: In a condominium, lessees (renters) right to inspect and copy is limited to the declaration, bylaws, and rules.
6	118	46	Records Not Accessible to Members
			Add a new “bulleted item” after Line 46 – <ul style="list-style-type: none"> In a gated homeowners’ associations, homeowners’ association visitor records are exempt from inspection and copying.
6	118	46	Records Not Accessible to Members
			Add another new “bulleted item” after Line 46 - <ul style="list-style-type: none"> In a condominium, cooperative and a homeowners’ association, the association is required to maintain affirmative acknowledgments of the owners if the association changes the method of delivery of assessment notices. These affirmative acknowledgements are to be maintained as a record of the association, and they are not open to unit owner inspection.
6	124	39 – 40	Levying Fines and Suspensions
			Clarify time frame to pay fine for condominium and cooperative. As it pertains to condominiums and homeowners’ associations, a fine is now due five days after the notice of the approved fine has been provided to the person who was fined. Explanation: The Condominium and the HOA Acts (effective July 1, 2021) were changed so that following a fines hearing committee meeting, those fines that were approved by the committee, must be sent a notice of that approval. The fine amount is due then five days after notice is provided to the parcel owner and if applicable, any occupant, licensee, or invitee of the parcel owner. In a cooperative, the fine continues to be due five days after the date of the committee meeting in which the fine was approved. Fining requirements for cooperatives remain unchanged. It is due 55 days after the committee meeting at which the fine is approved.
6	129	21	Mandatory Non-Binding Arbitration – Condominiums and Cooperatives
			Change Line 21 to read: The Condominium and Cooperative Acts require either non-binding arbitration or mediation (as explained under HOA Pre-Suit Mediation) for the following:
6	129	23	Mandatory Non-Binding Arbitration – Condominiums and Cooperatives
			Delete Line 23.

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Chapter	Page	Line #	Current Heading and Description of Change
6	129	30	Mandatory Non-Binding Arbitration – Condominiums and Cooperatives
			Add after Line 48: The Condominium and Cooperative Acts were amended providing a choice of either filing election or recall disputes in court or as a petition for arbitration to the Division of Florida Condominiums, Timeshares and Mobile Homes (the Division).
6	130	11	HOA
			Change Line 11 to say - The HOA Act allows election and recall disputes to be submitted to arbitration by the Division or filed in a court. Explanation: The HOA Act was amended to clarify that regarding HOA elections or recalls may be arbitrated by the Division or filed in a court of competent jurisdiction. This makes it consistent with the Condominium Act.
6	130	13-14	Mandatory Non-Binding Arbitration – HOA
			Delete Lines 13- 14.
6	130	16	Mandatory Non-Binding Arbitration – HOA
			Change to read: Fees and charges for filing in court vary from county to county. Fees and charges for arbitration follow:
7	157	12	NEW HEADING: Liability Protection Under COVID-19
			Liability protection for COVID-19: F.S. 768.38 was created and effective March 29, 2021, specifically pertaining to liability protection for COVID-19 related claims. Its intent is to provide protection for business entities, educational institutions, governmental entities, religious organizations, and health care providers when a claim is made against the entitle based on COVID-19 related damages, injury, or death, if the entity made a good faith effort to follow federal, state, and local public health guidelines. Although the new statute does not specifically mention community associations, the definition of a “business entity” is clearly identified in the statute as having the same meaning as provided in s. 606.03 (Business Organizations). The term also includes a charitable organization, and a corporation not for profit as defined in F.S. 617. The new statute applies retroactively and prospectively; however, it does not apply to civil action that commenced before the act’s effective date, March 29, 2021.
7	157	12	NEW HEADING: Home-Based Businesses.
			Home-Based Businesses: Statue was enacted that prohibits some local government from placing regulations on home-based businesses. The statute authorizes that a home-based business may operate in a residentially zoned area and that it may be subject to certain business taxes. This does not supersede any restriction that may be part of a community association’s governing documents or declaration of covenants that may currently exist or any amendment in the future with regard to operating a home-based business within the community association where it is located. This also relates to a home-based business identified as Cottage Food Operations.

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Chapter	Page	Line #	Current Heading and Description of Change
7	157	12	NEW HEADING: <i>Fire Works</i>
			<p>Fire Works: In 2019 legislation was passed regarding allowing a parcel owner in a homeowners' association to use fireworks on their parcel on three specific days of the year, July Fourth, New Year Eve and New Year Day.</p> <p>Effective June 21, 2021, certain municipalities in the state, such as the Equestrian Preserve of the Village of Wellington may prohibit fireworks. In such cases the local chief of police and fire department must approve firework displays.</p>
7	157	12	NEW HEADING: <i>Fire Works (cont'd)</i>
			An association should be aware of the ordinances and requirements within the municipality it is located.
8	188	4	<i>Liquor Liability Insurance</i>
			<p>Add after Line 4.</p> <p>Beverage Law: Florida's beverage laws amended certain parts of the statute related to service of alcoholic beverages and off-premises consumption. An association with a restaurant on its grounds that serves alcoholic beverages should review the statute for, among other provisions, assurance it is complying with requirements for service, for patrons taking opened bottles of wine off the premises and for staff service of alcoholic beverages.</p> <p>Alcoholic Beverage Licenses: This legislation revises criteria for special alcoholic beverage licenses for certain entities (commercial areas of retirement communities) operating within some counties in the state. Associations should check with its insurance professional and/or attorney regarding service of alcoholic beverages.</p>
8	189	11	<i>Cybercrimes or Computer Crimes Insurance</i>
			<p>Add information After L 11</p> <p>Corporate Espionage: This law may appear to have little, if any, effect on community associations except that in Florida community associations are identified as being incorporated. Though we may not think about such laws with regard to community associations, among other things, "trade secret" includes financial information, any design, process, procedures, list of suppliers, list of customers so that it may affect community associations under certain circumstances. Since many municipalities, government, and private organizations, including community associations, have been impacted by cyber-crimes including ransomware attacks, it is conceivable that the resulting law may have some impact.</p>
9	210	11	<i>Excess Coverage and Subrogation</i>
			<p>Add after Line 11:</p> <p>Insurance subrogation clarification: As it pertains to condominiums, statutes were amended to prohibit an insurance policy issued to an individual unit owner in the association from including rights of subrogation against the condominium association <i>if</i> the association's insurance policy does not provide rights for subrogation against unit owners in the association.</p> <p>In other words, condominium unit owner insurers may not sue condominiums for subrogation <i>unless</i> the condominium's insurer may sue the unit owner for subrogation.</p>

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Chapter	Page	Line #	Current Heading and Description of Change
10	224	51	Government Permits
			New section - add after Line 51 Construction Permits: This amendment to statutes that dictates when a county can require additional information related to a building permit. It also requires the county or municipality to recalculate fees if it does not meet certain timeframes for review of the required permit. An association engaging in work requiring building permits should assure that the county or municipality adheres to the new provisions.
10	226	28	Emergencies or Disasters Affecting Associations
			New subsection - add after Line 28 Public Health Emergencies: Emergency Management laws add public health emergencies, such as pandemics, to its definitions. It includes a definition for “personal protective equipment.” It incorporates these into systems of communications and warnings.
10	235	2	Fire Safety Retrofit
			Change Line 2 to read: “before January 1, 2024. However, the deadline is not clear for those associations which have opted out.”
10	246	35	Construction Lien Law – Entitled Entities
			Add as a bullet after Line 35 <ul style="list-style-type: none"> • Liens by contractors: In a condominium regarding labor performed on or materials furnished for the installation of a natural gas fuel station or electric vehicle charging station under the Condominium Act, may not be the basis for filing a lien against association, but such lien may be filed against the unit owner.
15	328	33-39	Terms for Directors – Condominium Act Exception
			Change to read: Condominium Act Exception: A director may not serve for more than 8 consecutive years. The 8 consecutive year provision is effective July 1, 2018. So, a director who has served from January 2015 may continue to serve through 2026. A director may be re-elected after the 8 th consecutive year if unless approved by 2/3s of all eligible votes cast or of there are not sufficient eligible candidates to fill the vacancies on the board at the time of the vacancy. There is no statement of how long a director must be off the board before becoming a director again. So, a director could serve for 8 years, be off the board for 1 moth, and be reappointed to the board.””
15	330	44	Criteria for Candidate Disqualification
			NEW HEADING: Condominium Board Eligibility: The Condominium Act now provides that a person who is delinquent in the payment of any assessment is not eligible to be a candidate for board membership. A person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If the due date is not specifically identified, then the due date is the first day of the assessment period.
15	330	45	Change Heading
			Change to: Condominium/Cooperative Board Eligibility

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Chapter	Page	Line #	Current Heading and Description of Change
15	333	25	Emergency Powers Granted to Community Association Boards
			Add a paragraph on Line 25: The statutes now expand condominium, cooperative, and homeowners' association emergency powers to address pandemics. Powers include holding any type of meeting by phone or video conference. Associations may now implement plans based on the advice of public health officials. Associations may not stop owners from accessing their homes and units unless a government order also prohibits access.
15	334	25	Special Condominium Provisions:
			Delete L 25 through L 29 Delete FN 142 (bottom of Pg 334) Delete Question 25 (Quiz on Page 349)
15	334	25	Special Condominium Provisions (cont'd)
			Conflicts of interest: This statute was deleted. The prohibition against condominium associations contracting with companies owned by board members or their relatives has been deleted. Board members must still disclose any conflicts of interest and abstain from voting as required by the Condominium Act.
17	385	7	Budget Preparation
			Add a new paragraph After Line 7 - Condominium and Cooperative Acts now require the boards to adopt the annual budget at least 14 days prior to the start of the association fiscal year. If the boards fail to timely adopt the annual budget a second time, it shall be deemed a minor violation of the DBPR Florida Administrative Code and the prior year's budget shall continue to be in effect until a new budget is adopted.
17	393	3	HOA Reserves
			Change Line 3, first sentence, to read - An HOA must include reserves if the declaration, articles, or bylaws obligate the HOA to have reserves, or if the formal documents require the developer to create reserve accounts. NOTE: the rest of the paragraph stays as it is.
17	399	14-16	Special Types of Associations – Multi-Associations
			Change the first sentence to read: In a multi-condominium, each condominium must have a separate budget, reflecting estimated revenues and expenses specific to that condominium only. In a multi-cooperative, each sub-association must have a separate budget, reflecting estimated revenues and expenses specific to that sub-association only. NOTE: the rest of the paragraph remains unchanged.
17	404	Quiz	Question #14, Answer a:
			Answer "a" Remove the words - "by the developer"
18	413	End of Page	Collection Procedures
			Add a new heading after the end of the page - Method of delivery for an invoice or statement

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Chapter	Page	Line #	Current Heading and Description of Change
18	413	End of Page	Collection Procedures (cont'd)
			<p>Add new paragraphs under this heading - Effective July 1, 2021, condominiums, cooperatives and HOAs require that before changing the method of delivery of an invoice or statement of account, the association must deliver a written notice of such change to each unit owner. This notice must be delivered to the unit owner at least 30 days before the association send the invoice for assessments or statement of account by the new delivery method. It must be sent to the unit owner by first-class mail to their last address as reflected in the association's records and if this address is not the unit address, it must be sent by first-class mail to the unit address.</p> <p>The unit owner must affirmatively acknowledge their understanding that the association will change its method of delivery before the association may change the method of delivery. The unit owner may make the affirmative acknowledgement electronically or in writing.</p>
18	415	48	Application of Payments
			<p>Add paragraph After Line 48. Effective July 1, 2021, the new law provides that an association may not require payment of attorney fees related to a past due assessment without first delivering a written notice of late assessment to the unit owner which specifies the amount owed to the association and provides the unit owner an opportunity to pay the amount owed without the assessment of attorney fees.</p>
18	418 & 419	41 (p 418) 6 (p 419)	Association Claim Requirements
			<p>Notice of intent to lien for condominiums and cooperatives - Change the time frame for the required lien notice from 30 days to 45 days.</p>
18	420	10	Condominium and Cooperatives
			<p>NOTE: This change only applies to Condominiums. Notice of intent to foreclose for condominiums - Change the timeframe for the required pre-foreclosure notice from 30 days to 45 days.</p> <p>NOTE: Cooperative Act is silent on the time frame regarding association foreclosure.</p>
18	430	End of Pg	ADD NEW HEADING and new paragraph at end of page: Corporate Income Tax
			<p>Corporate Income Tax Modifies the Income Tax Code regarding taxable income. If the association is required to file a return under F.S. 220, it should consult with its accountant when preparing its state tax return.</p>