

# “Sweeping New Association Law Takes Effect in Florida,” Community Association Management Insider

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A far-reaching new piece of legislation targeting community associations took effect in Florida on July 1, 2021. “It’s a mixed bag,” says **Donna DiMaggio Berger**, a shareholder in the Ft. Lauderdale, Fla., office of Becker & Poliakoff. “There’s some good stuff and some not so good stuff.”

Good or bad, though, Berger says “there are operational changes boards and managers need to know about.” Here’s an overview of some of the provisions in Senate Bill (S.B.) 630—provisions that could start, or reflect, a trend for other states’ association laws.

## Emergency Powers

“We’ve always had emergency provisions, but they were geared toward hurricanes,” says **Jennifer Horan**, a shareholder in the Naples, Fla., office of Becker & Poliakoff. S.B. 630 makes clear that they apply to emergencies caused by contagion, too, and not just after damage has occurred but also to prevent it. The clarification extends to HOAs, condo associations, and co-ops.

“One thing that’s striking is that emergency powers can’t be used to prohibit owners, tenants, guests, agents, or invitees of a unit owner from accessing the unit, common elements, or limited common elements when necessary for the sale, lease, or transfer of a unit,” Horan says. “Many associations had bans on showing properties for sale during the pandemic.” Berger finds this provision “befuddling and disappointing.” “Even if you have to shut things down to your owners,” she says, “you still have to open them up to these other people.”

**Click here** to learn more about changes to HOA rental restrictions, condo transfer fees, record inspections, notice requirements, discriminatory restriction removal, expanded avenues for relief, and conflicts of interest.

**Donna DiMaggio Berger** is a Board Certified Specialist in Condominium and Planned Development Law, the executive director of the Community Association Leadership Lobby, and the host of Take It To The Board. She has led various community association advocacy initiatives, working with legislators and other public policymakers on behalf of those who live, serve, and work in common interest ownership communities, and has testified before the Florida Legislature regarding community association law. To learn more about Donna, please **click here**.

**Jennifer Horan** is a Board Certified Specialist in Condominium and Planned Development Law and represents condominium, cooperative, mobile home and homeowners' associations located throughout Southwest Florida including Collier, Lee, Sarasota and Charlotte Counties. She has particular experience in covenant enforcement and foreclosure law, and has also practiced in the areas of commercial, business and tort litigation. To learn more about Jennifer, please [click here](#).