

MetroWest Management and BOARD *briefs*

A Publication of MetroWest Master Association — Fall 2024

Thank you for volunteering to serve on your Board and helping to maintain MetroWest as a great community in which to live. Your dedication and commitment are greatly appreciated by all members of the community.

Welcome to the MetroWest Board Briefs, distributed to HOA and COA board members and management company representatives in our community. Our goal is to connect you with the MetroWest Master Association (MWMA) and the many helpful resources we provide to our members. Through Board Briefs, we aim to address common issues that affect all of us committed to making MetroWest a great place to Live, Work, Play and Connect.

We encourage you to discuss these changes with your Property Manager and your Legal Counsel.

Legislative Updates

In this extended edition of Board Briefs, we will take an in-depth look at recent state legislation that impacts all types of communities in MetroWest: COA communities, HOA communities, and apartment communities.

The Florida legislature passed far-reaching condo safety legislation in the years following the collapse of the Champlain Towers in Surfside. The goal of this legislation was to prevent another such tragedy by ensuring that adequate reserve funds are collected to maintain and repair condominium communities as they age. The legislation also addresses the need for fiduciary responsibility to be upheld by boards and management companies and increases oversight of boards, including requirements for transparency, conflict of interest disclosure, and criminal penalties for violations.

MetroWest Master Association General Manager Julie Sanchez will highlight what legislative compliance issues boards of directors and management companies need to address.

“Management and boards need to be familiar with all aspects of this recent legislation, as it is far-reaching and specific,” Sanchez says. “MWMA invites all our member associations to reach out to us for help navigating these new responsibilities.”

All Legislative Updates can be referenced at:

www.flsenate.gov

www.orlando.gov/communityconnections

DBPR: www.myfloridalicense.com

Legislative Updates: What COA Boards and Management Need to Know

• Milestone Inspection, Structural Integrity Reserve Study (SIRS)

COAs must have a milestone inspection performed by Dec. 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued (not the date the condominium was created), and every 10 years thereafter. This applies to condominium and cooperative buildings that are three or more stories tall. If the building is within three miles of the coast, the requirements begin when the building is 25 years old. For such condos that reached 30 years of age before July 1, 2022, the initial milestone inspection must take place before Dec. 31, 2024.

Condos must also conduct a Structural Integrity Reserve Study (SIRS) every 10 years. The study must be completed by a Licensed Engineer, Licensed Architect, or Reserve Specialist. This study helps associations plan and allocate funds for future major repairs and replacement of critical elements. Failure to complete a SIRS is considered a breach of the board's fiduciary duty, putting the association and its residents at risk.

Within 45 days of receiving the SIRS, the association must distribute a copy to each unit owner or provide notice that the completed study is available for inspection and copying upon written request.

Also, within 45 days after receiving the SIRS, the association must provide the DBPR with a statement indicating that the study was completed, and that copies were made available to unit owners.

Unlike reserves in the past, the required funding of SIRS components cannot be waived by a vote of the owners.



- **Budgets/Financial Reporting & Reserves**

A copy of the annual financial report or notice that a copy is available upon request can be sent to unit owners by U.S. Mail, personal delivery at the mailing address, property address, email address or fax number provided to fulfill the association's notice requirements.

- **Requirements on continuing education & board certification**

- Newly elected directors as of July 1, 2024, must submit written certification of reading the association's governing documents and an education certificate within 90 days after the election or appointment.
- Directors elected or appointed before July 1, 2024, must comply by June 30, 2025.
- The educational curriculum will be at least four hours long and include instructions on milestone inspections, SIRS, elections, record keeping, financial literacy, fines and notice and meeting requirements.
- The written certification and educational certificate are valid for seven years.
- One year after submission of the written certification and educational certificate, and annually thereafter, the director must complete at least one hour of continuing education and submit a certification of completion to the condo.
- Written certifications and educational certificates must be retained by the condo for seven years. (Previous requirement was 5 years.)

- **Required Meetings**

In a residential condo of more than 10 units, the board must meet at least once per quarter, and at least four times each year. In addition, the meeting must include an opportunity for the members to ask questions.

- **Website & Official Record Requirements**

Management, as the association's records custodian, assists association's with compliance regarding official records. An association must ensure that all email addresses and fax numbers are used only for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents released to third parties, other than owners, the association must redact the information.

Documents that are **new** to the list of records associations must maintain include:

- Invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association
- Copies of building permits
- Copies of all satisfactorily completed board member certificates
- Record request checklists

If official records are lost, destroyed or otherwise unavailable, the requirement to maintain the official records includes a good faith obligation to obtain and recover those records as is reasonably possible.

In response to a written request for records, the association must provide to the requestor a checklist of all records made available for inspection and copying. The checklist also must identify any of the association's records that were not made available. Checklists must be maintained for seven years.

Changes also were implemented regarding community websites. As of Jan. 1, 2026, all condos with more than 25 units (that do not contain time shares) must have digital copies of records available on their website or make the documents available through an application that can be downloaded to a mobile device.

Legislative Updates: What HOA Boards and Management Need to Know

Requirements on continuing education & board certification

- **Budgets**


An HOA with at least 1,000 parcels shall prepare audited financial statements regardless of revenue.

- **Required Meetings**

HOA management must attend one meeting of the members or board in person annually.

- **Website & Official Record Requirements**

By Jan. 1, 2025, an HOA that has 100 or more parcels must post certain association records on its website. The website must also include the name and contact information for each community association manager or representative of the



community association management firm assigned to the HOA, and the manager's or representative's hours of availability. In addition, the HOA website must provide a summary of the duties for which the manager is responsible.

The HOA is required to adopt written rules governing the retention of records. This information must be available on the website.

Before Oct. 1, 2024, HOAs must provide physical or digital copies of rules and covenants to every member of the association. If the rules and covenants are amended the association must provide every member with an updated copy of the amended rules and covenants. This requirement can be met by posting the rules and covenants on the HOA's website if the association sends notice to each member of its intent to utilize the website for this purpose.

• **720.3035 Architectural Review Committees**

HOAs may not adopt or enforce rules that:

- Limit or place requirements on the interior of structure that is not visible from the parcel's front or from an adjacent parcel or adjacent common area or golf course.
- Require review and approval of plans and spec for air conditioning, refrigeration, heating, or ventilating systems by the HOA if such systems are not visible from the parcels front, an adjacent parcel, an adjacent common area or golf course, and are substantially similar to systems approved or recommended by the HOA.
- If the ARC committee denies a parcel owner's application, the committee or HOA must provide written notice to the parcel owner that includes the rule the committee relied on and the specifics as to why the proposed improvement does not conform to the rule.

• **720.3045 Installation, Display and Storage**

Regardless of what the governing documents state, HOAs may not restrict parcel owners from installing, displaying or storing any items on the parcel that are not visible from the front or an adjacent parcel, or adjacent common area or golf course including artificial turf, boats, flags, vegetable gardens, clothes lines, and RVs.

• **720.3075 & 720.318**

HOA governing documents may not preclude:

- An owner or tenant from parking a personal vehicle, including a pick-up truck, in the property's driveway or in other areas in which an owner or tenant is permitted to park.
- An owner or tenant from parking a work vehicle (which is not a commercial motor vehicle) in the driveway.
- An owner from hiring or granting entry to a contractor that is not an HOA preferred vendor.
- Entry to the community if the contractor does not have a professional or occupational license.
- Operating a non-commercial vehicle in accordance with state law on public roads or rights-of-way or on the owner's parcel.
- HOAs cannot prohibit first responders who are owners or tenants or guests or invitees from parking their assigned first responder vehicles where there is a right to park within the HOA, including on public roads or right-of-ways.

Legislative Updates for HOAs and COAs

• **CTA/BOI**

The Corporate Transparency Act requires domestic reporting companies such as corporations, limited liability partnerships, and any other entity, created by the filing of a document with the secretary of state, or any similar office under the laws of the state, to comply with its reporting requirements. This includes community associations as they are organized as a business entity (i.e., a not-for-profit corporation). In addition to providing information regarding the association, the CTA requires Beneficial Owner Information (BOI). A "beneficial owner" is defined, in part, as a person who exercises substantial control of the reporting entity, such as board members and officers.

These beneficial owners must report their name, date of birth, address, unique identifier number, such as a driver's license number or passport number, and a photocopy of the non-expired document that evidences such information to the Financial Crimes Enforcement Network (FinCEN), a bureau of the U.S. Department of the Treasury. In addition to the initial compliance requirements, which must be accomplished in 2024 for already existing corporations, reports must also be updated within 30 days of a change to the beneficial ownership, or within 30 days after becoming aware of or having reason to know of inaccurate information previously filed. This means that every time there is a change in board members



and officers, a report of the change must be made to FinCen within 30 days of the event. Failure to comply with these requirements can lead to fines from \$500-\$10,000 per violation and jail time of up to two years.

For more information, visit www.fincen.gov/boi.

Legislative Updates: What Apartment Community Management Needs to Know

• HB 837

HB 837 creates a presumption against liability for owners or operators of multifamily residential properties (apartments, townhouses or condominiums of at least five units on a parcel). This presumption applies only if the property owner has implemented specified security measures and if the criminal act causing harm was not committed by an employee or the owner/operator themselves.

Property owners must comply with specific requirements, including:

- Having a security camera system at every entrance and exit with at least 30 days of recorded footage.
- Lighting in parking lots, walkways, and common areas.
- A minimum one-inch deadbolt on each dwelling unit door and locking devices on all windows and exterior doors.
- Be in substantial compliance with crime prevention through environmental design assessment by January 1, 2025.
- Provide proper crime deterrence and safety training to employees.

MetroWest Public Safety and How We Differ

The MetroWest Public Safety (MWPS) Program is a cornerstone of our efforts to make MetroWest a great place to Live, Work, Play and Connect.

The MetroWest Master Association partners with [Critical Intervention Services](#) (CIS), a Florida-based security company that specializes in enhancing public safety through strengthening community engagement and connectedness via their [Guardian Safe Communities Program](#).

Our mission is to establish trust, build meaningful relationships, and strengthen social capital networks and investment from community members, ultimately improving the quality of life for everyone that Lives, Works, and Plays in MetroWest through connections and social capital investment.

All MWPS initiatives are built around a two-pronged approach as part of the Community and Character Based Protection Initiative (CCBPI). This approach focuses efforts on the community members and the community as a whole through Proactive Intervention and Preventative Interaction.

How we do it:

- Connect with our community members
- Manage Social and Physical Disorder
 - (Social Disorder) Community Activity – Positive and Negative
 - (Physical Disorder) Community & Environmental Assessments
 - Crime Prevention Through Environmental Design

What we are not:

- A replacement for on-site [private security services](#)
- Respond and take care of noise complaints
 - Enforcement of community rules
- Replacement for Law Enforcement (Orlando Police Dept.)
 - Trespass warnings

MetroWest Public Safety (MWPS) often receives questions about the role we play and how we differ from conventional security and protective services. For additional information about the MWPS Program please click the links below:

[Critical Intervention Services](#)

[Guardian Safe Communities Program](#)

[FAQ's](#)



The “PUBLIC” itself is a key component of public safety! Contact us at (407) 473-2120 and tell us what you’ve seen or know.

• **In-Person Board Brief Update**

Please join us for our In-Person Board Brief Update on Oct. 29, where we will discuss the topics outlined in this newsletter in greater detail. Invitations will be emailed in the coming weeks.

• **Contact Information**

For any inquiries or further information, please reach out to our key contacts:

Julie Sanchez, General Manager: (407) 601-5995 | mwma.mgr@cfl.rr.com

Shannon Bryson, Public Safety Director: (407) 473-2021 | sbryson@cispublicsafety.com

Thank you for your attention and continued commitment to the MetroWest community.

Sincerely,

MetroWest Master Association