

DeSantis requested help for elderly condo owners. Here are the proposals.



Owners of units in condominiums like this one in Royal Palm Beach could be helped by one or more bills that Florida lawmakers filed in response to Gov. Ron DeSantis' calls to help elderly homeowners stung by steep rises in maintenance and repair costs. (South Florida Sun Sentinel file photo)



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A \$2,500 grant to help low-income seniors pay assessments for condominium repairs.

Exemptions from inspections and reserves for buildings under six stories.

Authorizations for condo boards to take out loans to pay reserves.

These are just a few of the ideas that lawmakers have submitted in response to Gov. Ron DeSantis' call to help elderly condo unit owners on fixed incomes keep their homes as maintenance and insurance costs skyrocket.

None of the bills are guaranteed to make their way through the Florida Legislature over the next two months. So far, only one — a proposal to restrict

state grants for storm hardening to buildings three stories and higher — has been heard by a committee.

After DeSantis [made his request in September](#), some legislative leaders said they were opposed to “bailing out” condo owners, arguing that they spent years waiving reserve funding instead of anticipating inevitable repairs.

A year after the collapse of the 12-story Champlain Towers South condominium in Surfside that killed 98 people, the Legislature enacted a new law eliminating the option to waive full funding of reserves for budgets approved after Dec. 31, 2024.

It also required all condominium buildings three stories and higher that are at least 30 years old to undergo Milestone Inspections to detect structural problems that need immediate attention, and Structural Integrity Reserve Studies to develop roadmaps for future maintenance and expenses.

Many [elderly condo unit owners](#) have reported that monthly maintenance fees, insurance costs and special assessments tied to the new rules have increased by hundreds of dollars, threatening their abilities to remain in their units.

Many of the bills introduced this year seek ways to help those homeowners deal with the rising costs. Nearly all of the bills would force substantial changes to how condominiums are operated in Florida.

The South Florida Sun Sentinel asked several stakeholders to weigh in on the bills’ potential impacts.

\$2,500 grant proposal for low-income seniors

Dawn Munera, a real estate broker for Pembroke Pines-based Essential Realty Solutions, said she supports the \$2,500 grants proposed in a bill filed by Broward County Senate Democrat Rosalind Osgood but says they should not be limited to low-income seniors.

Every senior should get the grant, Munera said. “While they may have an income that might not meet the ‘low-income’ threshold, they are on a fixed income with health issues or other life emergencies that could potentially wipe them out,” she said.

Condo unit owners in higher tax brackets also face challenges, such as assessments “that in some instances well exceed \$50,000 per unit,” Munera said.

“They can’t sell their multimillion-dollar condos because of these assessments. Buyers don’t want to take on units with assessments and sellers can’t meet their bottom line if they pay the assessments.”

Owners who decide to rent rather than sell are often stuck with rents “dropping exponentially,” she said. Those rent payments often can’t cover owners’ mortgages, condo association fees, taxes, insurance and assessments. “Some sort of relief should be afforded to them as well,” she said.

But \$2,500 wouldn’t go far toward paying assessments of \$30,000 to \$50,000, says David Kim, a community association attorney at the Boca Raton office of **Schwartz Sladkus Reich Greenberg Atlas LLP**. Still, he said, “it’s something, and any little bit can help owners on fixed incomes.”

The idea “sounds great” but too many questions linger, said John Cadden, a former real estate banker and investment adviser who is now a managing principal of the Condominium Advisory Group, with offices in Chicago and Atlanta.

Among them: “Who makes the grant underwriting decision? How much money is going to be appropriated? And what is the potential amount of money that will be needed?” Cadden said. “It seems like a good political platform, but not something that actually is going to have a large impact in most cases.”

Citizens eligibility would be barred if no reserve study completed

A bill filed by Rep. Vicki Lopez, a Republican from Miami-Dade County, would prohibit state-owned Citizens Property Insurance Corp. from insuring condominiums that have not obtained a milestone inspection report or a reserve study from purchasing policies from state-owned Citizens Property Insurance Corp.

Michael Mayoral is a Coral Gables-based attorney whose firm, Perez Mayoral P.A., represents homeowners in disputes with condo and homeowner associations. He said the bill, which proposes a long list of other changes, would be a “powerful enforcement mechanism for condo safety” because it also proposes requiring condos to maintain adequate insurance, regardless of what’s in a condo’s governing documents.

If completing a reserve study becomes a requirement for obtaining coverage from Citizens, it's likely private market carriers will follow suit, he said.

Condo boards could finance their reserves

Lopez's bill would also enable governing boards of condos to obtain loans and levy special assessments to make repairs without seeking approval of their full memberships.

Kim said allowing boards to take out loans without unit owners' approval could subject the boards to "undue burdens or pressures" because they could be held responsible if the loans are not repaid.

Cadden warned that owners could fight back by recalling board members or voting in new members who would refuse to rectify the long-term repair issues.

Mayoral said removal of the requirement to secure approval from unit owners for loans or assessments would eliminate owners' ability to reject "necessary funding." But it would also kill "significant checks and balances," he said.

"Many associations struggle with contractor pricing and scope decisions, and this could lead to runaway assessments that financially devastate owners, particularly seniors on fixed incomes," he said.

A separate bill by Sen. Jennifer Bradley, a Republican from north central Florida, would require unit owners' approval before boards could obtain loans to cover reserve requirements.

Condominiums could 'invest' reserves

Bradley's bill also would authorize creation of investment boards consisting of at least two governing condo board members and two unit owners.

The board would adopt rules for invested funds and an "investment policy statement" that addresses risk, liquidity, authorize investment classes and mixes and limitations on authority relating to investment transactions. Then they must hire an adviser to invest the condominium's reserve money.

The bill would ban anyone related by "affinity" or blood to any board member, unit owner or reserve study provider from serving as an investment adviser.

Rather than placing such a burden on volunteers, Ken Reid, a condo owner in Boca Raton, said a better idea would be to pool all reserve funds in the state “into a large fund that will be invested in safe securities, bonds and certificates of deposit, much like a pension fund.”

The money would earn interest or dividends, and each association could tap into the reserves to pay for needed repairs.

Reid said the advantage to his idea is “the investing decisions are made by qualified professionals, who have a fiduciary responsibility to get a return and not lose money in the markets, not (association) board volunteers.”

The ability to offset costs by generating passive income “could be a real benefit” for associations, Mayoral said, if the state imposes stricter guardrails such as minimum standards for diversification and limitations on the types of investments that could invite mismanagement by advisers.

Cadden says the idea of allowing condominiums to invest reserve funds makes no sense to him “because no matter how many guardrails are put in, there is still a risk of losing money on any investment.”

Exempting buildings under six stories from inspection and reserve requirements

Munera said she supports another Osgood bill that aims to increase from three to six stories the height of condo buildings required to perform structural integrity inspections and fully fund their reserves. Associations controlling buildings under six stories would be able to choose whether to order inspections and fund reserves.

A House version of the bill was filed by Bruce Hadley Antone, a Democrat from Orange County.

Buildings less than six stories high “don’t experience the same structural stresses as high-rise buildings,” she said. All of the inspection and funding requirements will create such an ongoing financial strain to owners of smaller condo buildings, she said, “they’ll never stabilize financially.”

Cadden says the change would not be “prudent” because “many properties that are less than six stories have just as much deferred maintenance as taller buildings.”

He added, “The main point is that allowing any condo association to have the power to arbitrarily set reserves has not been a good practice.”

Mayoral, meanwhile, concurs that many buildings under the limit still house substantial numbers of units and residents.

“Large five-story structures face the same maintenance challenges — erosion, concrete spalling and other structural issues — as taller buildings.”

Pilot program would monitor for crime, fraud, and corruption

A proposal by Miami-Dade Republican Sen. Ileana Garcia would create the Condominium and Homeowners’ Association Economic Crime, Fraud, and Corruption Investigation Pilot Program to address a beef commonly voiced by condo unit owners — that complaints submitted to the Department of Business and Professional Regulation take too long to investigate and are too often dismissed without appropriate scrutiny.

The bill proposes a long list of reforms and would work in conjunction with creation of a homeowner association ombudsman to serve alongside the existing condo association ombudsman.

Homeowners would submit allegations of wrongdoing to the program, which would investigate them and, if merited, forward them to the ombudsmen.

Governing boards would not be able to require homeowners to pay fines or attorneys fees for violations that are corrected prior to a hearing, and fines could not be aggregated for the purpose of creating a lien against a parcel.

Mayoral said the proposal would be “a major step forward toward protecting homeowners from some of the worst abuses by HOA boards.”

“Florida has more HOAs and condo associations per capita than any other state, and with that comes endless disputes — many of which start small but quickly turn into serious financial burdens for homeowners.”

Stopping boards from stacking fines to create liens, he said, “closes a loophole that HOAs have used to push people toward foreclosure.”

The bill “strengthens the complaint process and creates real oversight ... something that’s been badly needed for years.”

But regarding proposals to create the pilot program and add an HOA ombudsman, Cadden asks, “Is there really going to be enough resources to properly make this effective?”

And Kim questions whether creating more options to accuse and investigate board members for alleged crimes will increase the difficulty associations face in recruiting board candidates.

“It’s long been termed a thankless position, which at times it is, but will (the proposed pilot program) cause individuals to stay away from director positions? That could pose a problem.”

Many more proposals

In addition, these condo-related bills have also been filed prior to the 2025 legislative session:

My Safe Florida Condominium Pilot Project — (Sen. Tom Leek, Rep. Vicki Lopez, Rep. Christine Hunschofsky) — Would restrict participation in My Safe Florida Condominium Pilot Project to condos three stories or higher and require that buildings include at least one residential unit. Would also reduce the necessary percentage of unit owners needed to approve participation in the program from 100% to 75%. The Senate version cleared its first hurdle on March 3, getting a 10-0 vote in the Banking and Insurance Committee.

Homestead exemption increase — (Sen. Blaise Ingoglia) — Proposes adding to the 2016 general election ballot a proposed amendment to the state constitution increasing the exemption for all levies to \$75,000.

Flood risk disclosure — (Sen. Jennifer Bradley, Rep. Christine Hunschofsky) — Would require landlords to disclose known flooding risks to prospective tenants at or prior to execution of rental agreements with one year or longer terms. Tenant may terminate the rental agreement if the landlord fails to provide disclosure and a flood causes a substantial loss or damage to the tenant’s personal property.

Citizens rate increase cap — (Sen. Ana Maria Rodriguez, Rep. Jim Mooney Jr.) — Would limit annual rate increases for Citizens policies to 10% in counties where the Office of Insurance Regulation determines there is not a reasonable degree of competition. Currently, only Monroe and Miami-Dade counties fall under this definition. Would also add flood insurance exemption to Citizens-insured properties with a Zone X flood risk classification or a structure elevated at least one foot above the flood zone's minimum base flood elevation.

Resilience districts — (Sen. Erin Grall) — Would enable condo associations to establish resilience districts to create ways to fully fund the condo's reserves, make structural changes or other improvements that would otherwise require assessing unit owners. The districts would be able to borrow money and issue bonds, certificates, warrants and notes, charge, collect and enforce fees, and levy taxes and special assessments.

Unit owners' rights to vote in recall elections — (Sen. Kristen Aston Arrington) — Would prohibit suspension of unit owners' voting rights in elections held to recall board members. Would also add additional rules to condo associations, including a requirement that condo associations pay legal bills of unit owners who initiate recall actions if the governing board appeals and loses.

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