

News and Views

April 2024



Citizens' Association
OF PALM BEACH

www.citizensassociationofpalmbeach.org

Editors: Linda Sullivan and JJ Butler

The Future of the South End of the Town of Palm Beach Seminar

The Citizens' Association, in cooperation with Former Mayor and current Chair of the Town's Zoning and Planning Commission Gail Coniglio, held a Seminar on March 7 dealing with the future of Palm Beach's south end.

The event brought a full house of 100 citizens, elected Town officials, and Directors to our South Fire Station and another 100 on zoom. Co-Chairs Donald Singer and Skip Aldridge welcomed Mayor Moore and Town Council Members and seminar sponsor and introduced Gail, the event's moderator. She indicated that redevelopment of the South end is the biggest challenge and opportunity facing our town. President Maggie Zeidman agrees.



L to R: Gail Coniglio (Chair of the Palm Beach Zoning and Planning Commission), Ronald Matzner (Co-General Counsel CAPB), Sean Suder (Lead Principal & Founder of Zone Co), Wayne Bergman (Director of Planning, Zoning and Building, Town of Palm Beach), Scott Gordon (Scott Gordon Group at Douglas Elliman Real Estate, Thomas Baird (Attorney at Jones Foster Law Firm)

Soon consultants will be leading the zoning review, and will be speaking with the South end residents about their thoughts and questions regarding redevelopment. What are the factors and options available to their condos and coops? Today's panel will be reviewing these issues.

She introduce her fellow panelists: Ronald Matzner, representing the Citizens' Association, Sean S .Suder, Lead Principal/Founder, Zone Co., Wayne Bergman, Director of PB Planning, Zoning and Building Department, Scott Gordon PA , Broker Associate Douglas Ellman Real Estate, and Tom Baird, Esq., Attorney for the Town of Palm Beach.

The highlights:

Ron Matzner noted that he was proud to represent the CAPB at this timely seminar. "This is the perfect opportunity to join with former Mayor Gail Coniglio for a timely, in-depth examination of this critical issue. This is the perfect time to engage and perhaps influence the Town zoning code as it will apply to the South End."

Sean Suder indicated that, when he spoke at last year's charette, he predicted that the most profound changes in the Town's profile would occur in the south end of Town, especially on the lake side., and that we must all plan for those changes:

Wayne Bergman reviewed Florida state regulations and Town procedures dealing with building inspections, insurance, reserves , maintenance, and repairs; Scott Gordon talked about trends in real estate, from values, to rising costs, to developers' interest, and possible future trends;



Gail Coniglio, Moderator

Tom Baird talked about the role of the building's Board and residents interactions, Town Commissions and role of Mayor and Town Council, Zoning Codes ,and Public Hearings.

Moderator Coniglio conducted a question and answer session, and summarized the two-hour event by suggesting that all residents be involved, be informed, and to be vocal and active for the next few years as the town's changes evolve. Attend town and commission meetings, attend your respective Condo and Coops Board of Directors' meetings. **ADVOCATE FOR YOUR POSITIONS!!**

She said that she was pleased to Co-Sponsor this important topic with the CAPB.

Click [here](#) to watch a replay of the March 7th seminar.

Town Council Updates

The Town Council meeting of April 9th was highlighted by recognitions and the Swearing in of elected officials.

It began with a resolution making the results of the March 19 elections official.

It was followed by recognizing Bridget Moran for her Three Years of Service on the Landmarks Preservation Commission.

It was followed by the Recognition of Margaret A. Zeidman for her Eight Years of Service on the Town Council from February 2016 to April 2024 including Service as Town Council President Pro Tem from March 2018 to March 2020 and as Town Council President from April 2020 to April 2024.

The Swearing in of the Elected officials followed. The Honorable Judge Lisa Small installed the newly reelected Council Members, Lewis SW Crampton and Bobbie D. Lindsay, and the newly elected member, Bridget Moran, as their respective family members held the bible.

Organizational Items followed. Bobbie Lindsay as Town Council President, and Lew Crampton as Council President as pro temp. (Note: the Town Council President becomes the Presiding officer).

Comments were made by Mayor Moore and the Council Members about the outstanding leadership of Maggie Zeidman.

Mayor Moore continued with her report dealing with our town's future. Issues such as Parking, Undergrounding ,development, Code reviews, Commercial growth, Water, Phipps Ocean Park update (which she reviewed at Monday's Civic Association's Annual Meeting).

"She noted that "the challenges we face are also being faced by other municipalities around the state. I believe that these challenges are opportunities to grow as a community."

During the Communication from Citizens item, Citizens' Association Co-Chair, Donald Singer, speaking for fellow co-chair Skip Aldridge and our membership, wished all Council Members, Mayor Moore and outgoing President Zeidman success, and reiterated our goal of continuing to be the liaison with the Town and our members.

Michael Reiter: A Pillar of Palm Beach

Michael Reiter, a distinguished figure in Palm Beach, embodies a commitment to community and security. As a member of the Citizens Association and President of Tres Vidas with his wife, Reiter's influence extends far beyond his immediate surroundings.



Recently, Reiter's dedication was recognized with an elevation to the executive committee of the Palm Beach Civic Association, sister organization to Citizens. These groups work symbiotically for the betterment of Palm Beach, fostering collaboration and progress. Reiter's professional prowess is evident as the President of Micheal Reiter and Associates, a Palm Beach Security and Investigative Firm, where he provides global protection and counsel. With over 30 years in law enforcement, including serving as Chief of Police for Palm Beach, Reiter's expertise in crisis management and crime prevention against affluent individuals is unparalleled. His contributions extend nationally, with roles on the FBI Joint Terrorist Task Force and the National Law Enforcement Officers Memorial and Museum Leadership Council. Reiter's accolades, including the Raymond J Kunkel Award and recognition from esteemed institutions like Harvard Kennedy School and Palm Beach Atlantic University, underscore his remarkable impact. Recently serving on the Town of Palm Beach Strategic Planning Board, Reiter continues to shape the future of his community, exemplifying a commitment to service and excellence. Residing in Tres Vidas with his wife, Janet, Reiter's legacy of leadership and dedication is woven into the fabric of Palm Beach.



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Palm Beach's zoning code is getting an overhaul: Here are the 5 main areas of concern

Residents and business owners met in March with town consultants during Designing Palm Beach Week at the Mandel Recreation Center.

By: Jodie Wagner - Palm Beach Daily News

As a team of consultants continues to work on an overhaul of Palm Beach's nearly 50-year-old zoning code, residents and business owners gathered at the town's recreation center to learn more about their plans.

Designing our Palm Beach Week, a four-day event that held at the Mandel Recreation Center, included presentations by the town's consulting team; charrettes where visitors could view engagement boards, collect literature, and meet with consultants Sean Suder of ZoneCo, Joe Corradino of The Corradino Group and Joe Nickol of Yard & Co; and opening and closing events that drew more than 300 people.

The event was organized to invite public comment that will help lead to the development of a new zoning code that is clear, efficient and more user-friendly, said Anne Fairfax, a partner with Fairfax & Sammons Architects. Fairfax & Sammons was tasked with interpreting the comments of visitors to the event and drawing up renderings of buildings that the new codes may allow. "The current code was written in the 1970s, and much of what we love about Palm Beach is unable to be built under the current code, and requires onerous variances," Fairfax said. "Our current code has numerous conflicting concepts, and has over time been so constrictive that as it may prevent the worst development, it also has hampered good development."

Suder, Corradino and Nickol are working on a total tear-down and ground-up rebuild of the town's commercial and residential zoning codes that govern land use and growth patterns.

The last time the town's zoning code received a major overhaul was in 1974, when the town was experiencing explosive growth and a push was made to control intensity, density and height, Suder told the Daily News in an interview Tuesday.

Building heights were a particular concern then because of development pressures, especially in the South End, Suder added.

"In other parts of Florida and coastal communities, everyone was clamoring for waterfront property and going higher and higher," he said. "Palm Beach did not want to be a typical beachfront community like Fort Lauderdale, and other places. So the code they adopted in 1974 was very limiting, anti-intensity, anti-density, single-use, single-story."

The zoning code did its job then, Suder said, but the status quo no longer is an option because of environmental and economic changes; aging infrastructure; new demands on retail, dining, office and entertainment; and the high demand for Palm Beach real estate.

"You have a situation where it's almost a perfect storm," Suder said. "You have economic pressures, you have environmental pressures, and you have other global economic issues. There's a lot of stuff coming together at once."

Suder said he and his team plan to craft a custom-tailored, consistent and user-friendly zoning code that advances the community's vision.

It will be the first comprehensive update of the town's code in nearly 50 years. Since 1974, town officials have addressed issues one-by-one with amendments and variances.

"There have been hundreds of piecemeal updates of the code," Suder said. "That's telling us that the code no longer is responding to what people want to do on their properties. There also have been a lot of variances granted, and what that tells us as zoning professionals is the code is not addressing, by right, what people want to do."

Suder and his team have met with residents, business owners and town officials during the past year to hear concerns and gather input for their code rewrite.

Here are the five main issues that Suder and his partners will address as they work to revise the town's zoning code:

North End modifications

Changes could include:

- Creating new bulk, massing, scale and height standards; varying height lines
- Screening utility equipment
- Defining location and size for pools and pool houses
- Creating new ways to measure height that are proportionate and context sensitive
- Varying roof lines
- Regulating side windows
- Addressing parking in a 'less dominant' way

South End modifications

Suder and his team will look at:

- Creating a system of paths and drives that promote vehicular and pedestrian mobility and safety
- Instilling a comprehensive and development approach that responds and interacts with rising water levels
- Getting ahead of inevitable future redevelopment that is uniquely Palm Beach in scale and intensity



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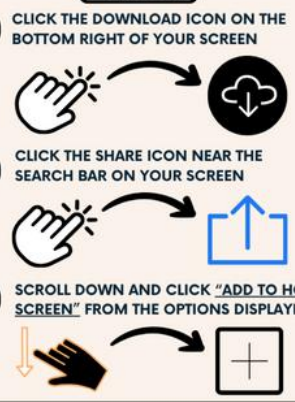



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Midtown modifications

Changes could include:

- Creating standards that could allow Addison Mizner designs to be built today
- Considering a refreshed mix of uses and residential options
- Focusing on how buildings interact with the street and sidewalks
- Aligning indoor/outdoor dining

Size of new homes

- The confusion and lack of specificity in the town's zoning laws have allowed some builders to erect massive homes that, while built to modern FEMA standards to be above sea level, tower over nearby smaller homes.
- Suder said he and his team will work to balance the property rights of new residents coming in to Palm Beach with the property rights of existing residents.

Aging infrastructure and buildings

- The South End, in particular, is home to many aging, oceanfront buildings. As a result, assessments and HOA fees are rising, and probably will continue to so, Suder said
- Last year, the Florida Legislature passed a bill requiring milestone inspections of condominiums three stories in height and within three miles of the coast when the buildings reach 25 years of age. Many South End condo buildings are, or will be, included in that category and will be inspected, Suder said
- Suder said he expects to see redevelopment in the South End in the future

Mayor Danielle Moore said zoning code reform is an important issue for the town, and its consulting team is working carefully to craft a new code that meets the town where it is today. "We have to be able to figure out how to make this work for today's reality," she said. "Not the reality of the late '70s or early '80s. This is how we do it."

Palm Beach Town Council awards \$30 million contract for Phipps Ocean Park construction

By: Jodie Wagner- Palm Beach Daily News

The long-planned redevelopment of historic Phipps Ocean Park will get underway this summer after the Town Council approved a \$30 million contract for construction-related services.

At their meeting March 12, council members voted 4-1 to award the contract to Burkhardt Construction Inc. for services related to the park's overhaul. That authorization is contingent on the approval of the Phipps Ocean Park Capital Gifts and Operating Agreement, which is expected to be presented next month. Julie Araskog was the only council member to vote against the contract, citing concerns over liability. The contract's worth represents the final "guaranteed maximum price" for the project, which has been in development for three years.

A groundbreaking is scheduled for April 19, and construction will begin in June, Preservation Foundation of Palm Beach President and CEO Amanda Skier told the council. The foundation is spearheading plans and raising money to redevelop the park.

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A groundbreaking is scheduled for April 19, and construction will begin in June, Preservation Foundation of Palm Beach President and CEO Amanda Skier told the council. The foundation is spearheading plans and raising money to redevelop the park.

Both are in need of improvements, according to town documents. Fencing and resurfacing at the tennis facility were last completed in 2016, while the lifeguard station has not had any major improvements — only minor repairs because of storm damage — since it was built in 1992.

The Preservation Foundation of Palm Beach will pay for the majority of the project.

The town's recreation department will pay for the tennis center improvements, and improvements to the lifeguard station will come from the town's capital improvement fund, the town said. Both are in need of improvements, according to town documents. Fencing and resurfacing at the tennis facility were last completed in 2016, while the lifeguard station has not had any major improvements — only minor repairs because of storm damage — since it was built in 1992.

The Preservation Foundation of Palm Beach will pay for the majority of the project. The town's recreation department will pay for the tennis center improvements, and improvements to the lifeguard station will come from the town's capital improvement fund, the town said.

In January, council members approved modifications to the site plan after cost-saving and scope reduction items were included.

"It's an incredible lift that you and the Preservation Foundation have done," Council President Maggie Zeidman told Skier following the council's vote.

"We are extremely proud and also very grateful to you for doing this."



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Phipps Ocean Park, which sits just north of the Par 3 golf course in the town's South End, was donated by the Phipps family in 1948. It has not undergone a significant redesign since it opened, the foundation said. Redesign plans call for restoring and moving the Little Red Schoolhouse to a more visible spot in the park, near the base of a 22-foot beach dune. The schoolhouse will anchor the great Great Lawn and wildflower garden to the west. The Garden Club of Palm Beach will collaborate with the Preservation Foundation on the design of the garden, Skier said.

A new feature to the north of the schoolhouse will be an outdoor classroom. Plans also include a Coastal Restoration Center, a nursery and propagation area for native plants that will support healthy beach dune ecosystems within the park and throughout the island.

The park's recreational facilities will be improved with ADA accessible walking paths, spaces for the community to gather, a bespoke playground inspired by native fauna and new cabana bathrooms and beach pavilions.

Skier said she looks forward to work on the project getting underway, and she thanked the council and town staff for their support during the development process.

"I just want to express our gratitude," she told council members. "This is a very momentous occasion. It's been a three-year-plus journey to get here and to have our vision for the park intact, and your vision has also been very much a part of that since the beginning. To have the GMP under \$30 million is very exciting. I really just want to say how grateful we are to town staff. Everybody's been amazing."



Citizens' Association of Palm Beach

Our Mission: The Citizens' Association of Palm Beach (CAPB) represents the interests of our Palm Beach condominium and co-operative association members from Sloan's Curve to the south border of Palm Beach.

About us:

- CAPB was established in 1976, as a not-for-profit 501(c)(3) organization.
- We serve as your neighborhood volunteers.
- We regularly attend Town Council meetings and take part in various Town boards, commissions, and committees to represent and advocate for the interests of south end resident members.
- We regularly consult with—and are consulted by—Town officials on matters affecting the South End and/or the Town of Palm Beach.
- We provide a series of educational programs and seminars that address topics of interest, e.g., legislative updates, Town Council candidate forums, beach sand replenishment, traffic, development/zoning changes, drinking water safety, and hurricane preparedness.
- We ease access to Town officials to provide updates on town business, and to address your questions and concerns. We also provide a path for residents wishing to become more involved on Town committees.
- We deliver local news and information via our monthly News & Views newsletter, and our mobile app - *Palm Beach Exclusive*. You can also visit our website at www.citizensassociationofpalmbeach.org, or follow us on Facebook and Instagram.
- We co-fund an annual scholarship to the talented children of Town employees and an annual Town Employee of the Year award.
- We coordinate arrangements for our member buildings to receive discounted beach cleaning and turtle monitoring services.

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Preservation Foundation of Palm Beach adds botanical curator, public affairs director

By: Holly Baltz - Palm Beach Daily News

The Preservation Foundation of Palm Beach is adding two staffers: Botanical Curator Keith Buttry and Director of Public Affairs Mackey Reed.

A horticulturist and educator, Buttry will work at Phipps Ocean Park. He is the founder and owner of Neglected Plants, a local company dedicated to the conservation and planting of plants native to Florida.

“I hope to develop the Coastal Restoration Center and Phipps Ocean Park into premier educational centers for coastal ecosystems and plants,” Buttry said. “My goal is to help the community see what native plants are available and how to utilize them in their landscape.”

Reed has been named director of public affairs. She is a former political operative who has developed message and media strategy for several successful campaigns.

“There isn’t a huge difference between running a political campaign and advancing the work of a nonprofit,” Reed said. “It’s about the message and getting it out there. We are already making headway with our new newsletter ... Next, I’m thinking about our 30-second elevator pitch. What’s going to attract the rapidly growing group of new Palm Beach residents to the important work of the Foundation? My goal is to home in on that message.”

The foundation also announced the launch of its bimonthly newsletter, "The Watchlist," designed to keep its members and the general public abreast of what the Town Council, Landmarks Preservation Commission and Architectural Review Commission are doing.

The first Watchlist will be sent at the start of each month after the Town Council agenda is released. Foundation staff will thoroughly review the applications and town staff reports.



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A1A

Confused? What to know about the A1A projects planned in Palm Beach

By: Kristina Webb Special to Palm Beach Daily News
March 2023

Plans are underway for the Florida Department of Transportation to revamp two sections of State Road A1A (South Ocean Boulevard) through Palm Beach. With one project on the South End and the others running through Midtown, it could be easy to confuse elements of one for the other. *A third FDOT project on A1A that is from Ibis Way north to Emerald Beach Way is currently in design.*

There also is major opposition to one project, whereas the others have earned an initial, modest round of support.

Here’s what to know about each project.

Where are they?

The project on the South End extends along about 2.1 miles of A1A from south of Lake Avenue – the intersection of A1A with the entrance to Lake Worth Beach Park –

to north of Ibis Way, across from Palm Beach Fire Rescue Station No. 3. The project in Midtown covers 2.3 miles of A1A from north of Emerald Beach Way – just south of the Bath & Tennis Club – to the intersection with Royal Palm Way.

What is planned?

For the South End project, state planners propose to:

- Repave the road
- Widen the paved shoulder from 3 feet to 5 feet
- Replace the existing 5-foot asphalt sidewalk with a 6-foot concrete sidewalk
- Upgrade pedestrian curb ramps to meet Americans with Disabilities Act standards
- Upgrade signing and pavement markings
- Upgrade the pedestrian signals at the intersection of Lake Avenue and install new pedestrian signals at the mid-block crossing for the Raymond Floyd Golf Course and at Phipps Ocean Park
- Improve drainage

For the project that runs through Midtown, the state plans to:

- Repave the road
- Bring the roadway up to Americans with Disabilities Act standards
- Improve drainage
- Replace or add signs and pavement markings
- Upgrade the patterned crosswalk at Peruvian Avenue
- Replace all of the existing traffic signals, including emergency signals
- Upgrade pedestrian signals
- Upgrade the lighting at the signalized intersections for pedestrians and at three mid-block crosswalks.
- Replace the existing sidewalk along A1A between Brazilian Avenue and Royal Palm Way

Which project faces opposition?

The project on the South End has faced opposition from residents and town officials, who say that by widening the road to accommodate a bike lane, state planners are creating unsafe conditions. While the town applauds FDOT’s intent to accommodate cyclist on their roadways, the Town does not support the widening of the roadway between South Lake Avenue to North Ibis Way,” Mayor Danielle Moore wrote in a December 2022 letter to Gov. Ron DeSantis, which followed a similar letter she sent last August 2022 to FDOT District Four Secretary Gerry O’Reilly. “There is no safe opportunity to extend the bike lane continuously beyond Ibis Way anytime in the future.”“Past Ibis Way, the right-of-way narrows heading north into Sloan’s Curve, she wrote.

“Therefore, there is no opportunity to make this a safe thoroughfare for bikes.”

The council still opposes this plan, with Moore writing to DeSantis that widening the road “will only create a situation where bikers are encouraged to continue north without ‘proper bicycle accommodations’ north of Ibis Way or make a U-turn at the intersection of A1A and Ibis Way to return to Lake Avenue or return south.”

The council asked DeSantis to limit the project just to resurfacing the road and walking path at the same widths they are now.

Where do the projects stand?

Both projects are in the design phase

How much will they cost?

Construction on each project is estimated to be 5.5 million for the Lake Avenue to Ibis Way section and 3.5 million for the Emerald Beach Way section to Royal Palm Way, for a total of about 9 million for both.

When would construction begin?

Construction on the Midtown section was slated to begin in spring 2025 with work completed in summer 2026. Construction on the South End project had been scheduled to begin in the spring of 2025 with construction completed in spring 2026.

Editors note: Original Article written by Kristina Webb with updates made by the Public Works Office of the Town of Palm Beach



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LEGISLATIVE UPDATES

SESSION ENDS WITH MANY CHANGES FOR ALL ASSOCIATIONS

Becker & Poliakoff

The 2024 Florida Legislative Session ended last Friday, March 8th, and it was one of the busiest sessions in memory in terms of producing new community association legislation. Please remember that these bills do not become law until they have been sent to the Governor who then has fifteen (15) days to sign a bill, veto a bill, or allow a bill to pass into law without his signature. As such, we may not know the final outcome for some bills until May or June.

Notably, SB 278, the Estoppel Certificate bill did not pass which is a win for both community associations and their management teams.

Here are some of the bills you should be discussing with your association counsel.

Condominium Bills:

HB 1021 by Representative Vicky Lopez is known colloquially as the Condo 3.0 bill but it goes well beyond the scope of its predecessors, SB4D and SB 154, by, among other items, expanding the enforcement jurisdiction of the Division of Condominiums; creating new standards for CAMS; imposing new funding and notice requirements related to structural integrity reserve studies (SIRS); imposing mandatory board member educational requirements; imposing new penalties for voting fraud; and requiring associations who manage 25 or more units to maintain an association website where specific association documents must be posted.

HB 1029 creates the “My Safe Florida Condominium Pilot Program” within the Department of Financial Services (DFS). This legislation will create a state-funded inspection program to determine mitigation measures that hopefully will reduce a property’s vulnerability to hurricane damage and provide for mitigation grants to retrofit the condominium property.

HOA Bills

HB 293 requires HOAs to adopt specifications for hurricane protection and prohibits HOAs from denying an owner’s installation or replacement of certain hurricane protections including storm shutters, metal roofs, erosion controls, and other forms of hurricane protection.

HB 59 amends Section 720.303, F.S. to require an HOA to provide digital copies of the governing documents and rules to every new member of the association and provide all members with amendments to the covenants and rules.

HB 1203 was passed as a response to the massive Hammocks HOA fraud case in Miami-Dade County. Among its many provisions, this bill imposes mandatory educational requirements for HOA directors; limits an HOA’s ability to regulate parking and commercial vehicles, limits the function of an HOA’s architectural control committee, imposes stiff penalties for the denial of records access to owners; requires websites for associations with 100 parcels or more and further revises the fining process in a less than helpful manner.

HB 1645 provides that HOA covenants may not prohibit the types of fuel sources that serve customers in the community, including natural gas utilities and liquefied petroleum gas (aka propane) dispensers, and also provides that the HOA covenants may not preclude appliances using those energy sources. It is troubling to note that HOA residents must now be allowed to install EV charging stations and propane gas/natural gas; let’s hope installers for each take proper safety precautions.

SB 1420 modifies the language in Section 720.406, F.S. regarding the meeting procedures when homeowners association covenants are being revitalized.

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