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Don't let Florida lawmakers move to weaken condo owner protections | Opinion

By Donna DiMaggio Berger

Updated March 28, 2025 3:40 PM |  3



A view of the condo-heavy Miami skyline. Pedro Portal pportal@miamiherald.com



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Florida condo owners face renewed challenges with a proposed bill in the Florida Legislature threatening to roll back recent protections, as a back-and-forth battle between the developers' lobby, condo associations and owners appears to be helping builders gain ground.

Now in committee, [Senate Bill 586](#) and [House Bill 6005](#), would shorten the window for lawsuits over construction defects. Lawmakers, influenced by developers, risk worsening financial crises for condo owners instead of ensuring accountability and consumer protections.

The proposed bill would effectively speed up the clock that dictates how long a condo association can sue a developer for latent or hidden defects in their buildings.

The Legislature first made developer-friendly changes to the “statute of repose” in 2023 before rolling some back in favor of associations and owners in 2024. It did so by [passing House Bill 1021](#), which specified that the statute of limitations for filing a construction defect lawsuit against a developer would not begin until condo owners controlled the majority of their building’s board.

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It was a small, defensive victory to protect the rights of condo owners — but one that the proposed bill will reverse. If the Legislature passes it, the pendulum will swing back toward the interests of developers by shortening the window for condo owner lawsuits over construction problems.

Condo owners’ rights are perennial sources of debate in Tallahassee, especially in the wake of the Champlain Towers South collapse, which exposed some of the critical gaps in the state’s condo law, leading to lawmakers addressing the problems of the state’s stock of aging condo buildings.

Now, a mandatory 10-year structural reserve study is part of this response, as lawmakers narrowed their focus to condo owners who may have allowed their buildings to fall into disrepair. As a result of these changes, condo owners across the state now may have to pay more in fees and special assessments.

Combined with the practical disappearance of a market for these older units, we hear how condo owners are facing severe financial trouble. Those factors combined could cause an economic crisis for far too many Florida condo owners. You'd think the Legislature might want to mitigate. But they appear to be moving in precisely the opposite direction.

The passage last year of House Bill 1021 suggests the Legislature is open to siding with developers and rolling back the newly established consumer protections.

It didn't have to be this way. The investigation into the exact cause of the Champlain collapse is ongoing, and the Legislature could have used the tragedy to force a real examination of the responsibilities and incentives for both builders and condo owners. However, the Legislature has focused entirely on supposedly neglectful condo owners who are said to have let needed structural repairs to their buildings go unaddressed for years.

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Indefinitely deferred maintenance activities are a significant issue for older buildings in the state. But the idea that Champlain collapsed solely because of

owner error — and not because of any lapse of judgment by construction firms, zoning considerations or engineering — is frankly offensive to the thousands of reasonably minded condo owners who want nothing more than a safe place to live.

But that's not what we're seeing in Tallahassee. Rather than addressing all the potential elements of the collapse and examining a regulatory structure to prevent future physical and financial disasters, the Legislature is poised to again allow developers and the construction industry to walk away with less scrutiny than before.

Every year, the construction and developer lobbies use the same thinly veiled threats to keep lawmakers on their side. They argue that any attempt to strengthen consumer protections would make operating in the state too expensive and risky for them to continue.

The Legislature needs a new balance to be set, protecting the rights and interests of condo owners as much as they protect the rights of developers.

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This story was originally published March 27, 2025 at 9:03 PM.

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