



FLORIDA LEGISLATIVE SESSION WEEK 2 UPDATE-- CALL ALERT FOR MARCH 17, 2013

Here are the highlights of Week 2 of the 2013 legislative session:

SB 436 (Sen. Altman) and HB 73 (Rep. Moraitis), Relating to Residential Properties. SB 436 and HB 73 both passed unanimously in their respective committees. HB 73 is now headed to the floor of the House. HB 436 has one more committee stop, the Senate Appropriations Committee. HB 73 and SB 436 include a number of beneficial provisions for associations including, but not limited to, postponing costly elevator upgrades, fixing insurance glitches, imposing a deadline for election and recall challenges, removing the requirement for a member vote in order for condominium board members to serve two-year terms, allowing a condominium board to install code-compliant doors, and providing for a streamlined method for obtaining mortgagee consent for amendments for cooperative and homeowners' associations.

SB 286 (Sen. Negron), Relating to Design Professionals. Unfortunately, this bill continues its very fast march through its various committees of reference in the Senate. It passed in its last committee of reference and is now headed to a floor vote in the Senate. This bill will allow design professionals (architects, engineers, geologists, etc.) to shield themselves from personal liability by including certain language in their contracts. CALL worked on a number of amendments with other interested stakeholders to address some of the issues with the bill. However, the Senate sponsor was not in favor of the amendments and none of the amendments passed. CALL will continue to work with the Senate and House sponsors on amendments to address our primary concerns with the bills.

SB 120 (Sen. Latvala) and HB 175 (Rep. Fitzenhagen), Relating to Condominiums. These bills both passed their respective committees. The bills are an initiative of the Real Property Section of the Florida Bar and are intended to make the Condominium Act consistent with the Interstate Land Sales Acts (ILSA). Specifically, the bills change the requirements relating to the circumstances under which a declaration of condominium or other documents are effective to create a condominium.

HB 277 (Rep. Rehwinkel Vasilinda) and SB 1064 (Sen. Latvala), Relating to Assessment of Residential and Nonhomestead Real Property. These bills passed unanimously in their respective committees. The bills implement a constitutional amendment approved in 2008 which prohibits consideration of certain improvements in the assessed value of real property. Specifically, the bills provide that, in determining the assessed value of real property used for residential purposes, a property appraiser may not consider the increase in the just value attributed to changes or improvements made for the purpose of improving a property's resistance to wind damage or the installation of a renewable energy source device.

HB 47 (Rep. Hooper), Relating to Firesafety Devices. This bill passed unanimously in the House Business and Professional Regulation Subcommittee. It provides that effective January 1, 2014, any battery-operated smoke alarm that is newly installed must be powered by a nonreplaceable, nonremovable battery capable of powering the smoke alarm for at least 10 years. This does not apply to an electrically operated smoke alarm, a fire alarm system with a smoke detector, a fire alarm device that connects to a panel, or any similar device that uses a low-power radio frequency wireless communication signal.

HB 77 (Rep. Porter), Relating to Landlords and Tenants. This bill passed in the House by a vote of 78-37. However, the Senate version has not been heard yet in any committee, so the Senate version needs to move if the bills are going to ultimately pass. Among other things, HB 77 includes a provision stating that landlords may not retaliate against a tenant if the tenant has paid rent to a condominium, cooperative, or homeowners' association after demand is made by the association in order to pay the landlord's obligation to the association.

SB 342 (Sen. Thrasher), Relating to Rental of Homestead Property. SB 342 passed unanimously in the Senate Appropriations Subcommittee on Finance and Tax with one amendment. This bill provides that a homestead property may be rented for up to 30 days per calendar year without being considered abandoned or losing the homestead exemption on the property. If the homestead is rented for more than 30 days, the property can lose its homestead exemption, and any such rental is subject to state sales tax.

Very Truly Yours,

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