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Community Advocacy Network Newsletter



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We have a bill number! [SB 798](#) - Real and Personal Property by Senator Jeremy Ring (D - Margate) contains the CAN Legislative agenda for 2014 which is as follows:

- Provides that an amendment to a declaration related to rental rights does apply to any unit owner who fails to vote against it.
- Requires any outgoing condominium or cooperative board or committee member to turn over all records and property of the association within five (5) days of an election.
- Allows board or committee members to participate in a meeting via Skype or similar technology and allows that participation to count toward the required quorum.
- Clarifies that board members may communicate via email but may not vote by email.
- Grants Cooperative and HOA boards the same emergency powers already available to condominium boards during a declared state of emergency.
- Clarifies in Chapters 718, 719, and 720 of the Florida Statutes that an association is not considered a previous owner when it comes to joint and several liability for unpaid

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assessments.

In addition to the items on the CAN agenda, here are a couple of other things this bill would do:

- Allows an association board to inspect and repair an abandoned condominium unit, specifies the criteria to determine a unit is abandoned, allows an association to obtain a receiver to rent out the abandoned unit and provides a mechanism for the association to recover the cost of maintaining the unit via a special assessment.
- Extends the sunset date for Part VII, the Distressed Condominium Relief Act, to 2016.
- Provides that delinquent cooperative owners or cooperative owners who have been suspended or removed by the Division are not eligible to serve on the board.
- Clarifies that an HOA board or the Clerk of the Circuit Court is not required to provide notice other than, and as provided under, s. 712.06 (3) as it pertains to preservation of covenants.

We are awaiting the House companion and will let you know when we get a number for that bill.

US Senate votes on Flood Insurance Delay

The US Senate voted 67 to 32 on a bill (S. 1926) that will delay rate increases and other portions of the Biggert-Waters Act for up to four (4) years during which time period the Federal Emergency Management Agency (FEMA) will complete an affordability study and allow for Congress to consider the recommendations of said study. This is a step in the right direction, but as of yet the US House has not taken up this issue.

As CAN reported back in October of 2013, a growing number of members of Congress have been looking to delay the implementation of the Biggert-Waters Flood Insurance Reform Act of 2012. Here are some of the major provisions in the Biggert-Waters Flood Insurance Reform Act that went into effect October 1, 2013. Hardest hit are properties that have paid lower, subsidized rates for decades because they were built before flood maps were adopted.

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* *Property owners who let their flood policy lapse or anyone who bought a home with a subsidized rate after July 6, 2012, will lose the subsidy upon the next renewal.*

* *Owners of homes in flood zones that were subsidized with lower rates face an annual rate increase of 16 to 17 percent until their premiums reflect true market risk.*

* *Owners of businesses with subsidized policies and those property owners with severe repetitive losses will see rates rising 25 percent a year.*

* *Owners of properties that do not have subsidized rates still could see rate increases of 6 to 9 percent.*

It is our understanding that the House should take up HR 3370 sometime at the end of February or the beginning of March. This bill is not as comprehensive in approach as the Senate bill, however, the House must pass a bill to get the legislation in the right posture for conference. This is when members of the House and Senate meet to discuss differences in legislation passed by their chambers and work toward a combined bill that is acceptable to both chambers.

As a member of the Coalition for Sustainable Flood Insurance, CAN will continue to keep you informed as to what happens in Washington and with the flood insurance bills moving through the Florida Legislature

Warm Regards,

Donna DiMaggio Berger
Executive Director
Community Advocacy Network

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The Community Advocacy Network (CAN) is Florida's leading voice for the interests of more than 60,000 community associations statewide, leading the fight against over-regulation of private residential communities by state and local government. Each year since its inception in 2007, CAN has spearheaded important State legislative reforms designed to protect and enhance Florida community association living and foster the financial stability and operational integrity of common-interest ownership communities statewide.

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