



April  
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2014

## Community Advocacy Network Newsletter

Another successful year! This year's Residential Properties bill which includes the 2014 CAN Legislative Agenda has passed! [HB 807](#) sponsored by Representative George Moraitis (R-Ft, Lauderdale) passed the Senate by a vote of 38-0. The companion bill [SB 798](#) sponsored by Senator Jeremy Ring (D-Margate) was laid on the Table in favor of [HB 807](#). It has been quite a journey from the beginning of summer and meeting with our Advisory Council to craft the 2014 CAN Legislative agenda. After meeting with Representative Moraitis, our CAN Agenda was included in [HB 807](#) and then in [SB 798](#). CAN has been involved every step and every committee stop along the way. We have worked with the sponsors and other interested organizations to ensure the passage of this bill.

Here is what the bill does:

- Revises the definition of a *public lodging establishment* to exempt timeshare projects from certain requirements.
- Clarifies provisions of the marketable title act.
- Creates provisions to determine if a unit has been abandoned.
- Allows the association the sole discretion to enter an abandoned unit to inspect common elements, make repairs to common elements, repair the unit if mold or deterioration is present, turn on the utilities or otherwise maintain the unit to protect the common elements.
- Allows for the association to assess the costs incurred in preserving an abandoned unit.
- Allows the association to petition for the appointment of a receiver in order to lease out an abandoned unit.
- Requires that in the absence of an insurable event the association or the unit owners will be responsible for the repair, reconstruction or replacement of

- condominium property as per the declaration or bylaws.
- Allows an owner to state in writing that contact information may be disclosed. This provision is in 719, 719 and in 720.
- Requires an outgoing board or committee member to relinquish all official records and property of the association within five (5) days of the election and creates penalties if not done. This applies to condominium, cooperative, and HOA boards.
- Allows for a board member to attend a meeting via Skype or Facetime type technologies and would allow this to count toward a quorum.
- Clarifies that board members may use email to communicate but cannot vote via email
- Clarifies that a condominium association that forecloses on a delinquent unit is still entitled to collect unpaid assessments which accrued prior to the time the association took title from third party purchasers at the bank's foreclosure sale. This language was passed for HOA's as part of last year's HB 7119 and was one of the provisions CAN worked on with the bill's sponsor.
- Repeals the Community Association Living Study Council.
- Changes the requirements for financial reports in 719.
- Allows for the suspension of a director or an officer for a charge of felony theft or embezzlement of association funds or property and creates guidelines for the suspension and reinstatement if the charges are resolved without a finding of guilt
- Creates emergency powers for cooperative and HOA boards similar to those for condominium boards in case of a declared state of emergency. CAN requested this provision and this is part of CAN's Legislative Agenda for this Session. CAN felt that these emergency powers should be granted to all boards who must continue to operate as does a condominium board, in the event of an emergency..
- Requires that if requested, all HOA meetings must be physically handicapped accessible. CAN suggested this language to the sponsor of the bill instead of making this a requirement of ALL homeowners associations in the state.

CAN would like to thank both bill sponsors for working with us and understanding the need for the changes CAN presented and advocated for, to benefit community associations across the state.

Warmest Regards,

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 Governmental Affairs &  
 Community Outreach 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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