



February 15, 2016



## Community Advocacy Network Alert



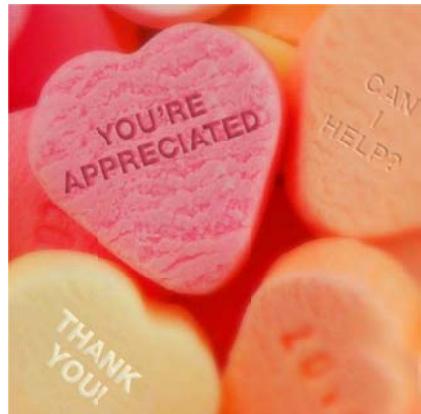
**Alan B. Garfinkel, Esq.**  
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We hope you had a lovely Valentine's Day yesterday. A special Valentine's "Thank You" to our elected representatives in Tallahassee who worked together to amend HB 203 to eliminate a new Home Tax for community association condo and homeowners. We also appreciate and thank the tens of thousands of your community leaders and neighbors who responded to our call for help- signed the Petition, called and emailed their legislators and helped change a bill that would have cost us all \$\$\$ millions of dollars.

HB 203 is still working its way through this Legislature before it becomes a new law. Next stop is the House Judiciary Committee. The Senate Companion Bill, SB 722, is not yet scheduled. As always, we promise to keep you informed of the latest developments. The **Special Interests are not happy with us** right now and as always..."it ain't over 'til it's over."

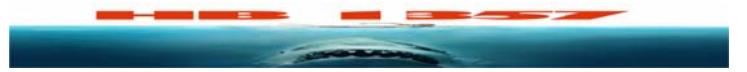
There is one more "bad bill" lurking in the deep - it goes by the name- HB 1357. As of today, it's not scheduled and does not have a Senate companion bill, but we should know more this week. Here are the 2 biggest issues (among many) that make HB 1357 another "bad

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bill".



(1) **Website Mandate:** This proposed bill includes language that would require condos with more than 500 units and homeowner associations with more than 7500 parcels to pay for, develop, and maintain websites for the associations. This is both costly and time consuming because an association would not only have to create a website, but it would also need the funds and resources to maintain the site. And you can't create just any old site. This site needs to be secure so that you don't expose homeowners to potential identify theft. Just last year, a law was passed that said the State can fine an association up to \$50,000 if a homeowner suffers identify theft from an unsecure site. This means the association could have double the exposure - **a potential lawsuit from the victim homeowner AND a \$50,000 fine from the State** - all because the association was forced to put up a website that it didn't need or want. This is another Bad piece of legislation for homeowners.

(2) **Collections:** The next issue with this "bad bill" is language regarding collections **for both Condos and HOAs**. It states that an association may not use a 3rd party (attorney or collection agency) to collect unpaid assessments unless they establish a "collection policy" that must include specific language as outlined by the statute. In addition, the bill would require a **30 day demand** period before the matter can be sent to the association's attorney. But wait, there's more. The association may only foreclose on a lien if (a) the balance exceeds **6 months** of common assessments; and (b) **the Board has formally voted** to proceed against the owner. In a foreclosure situation, the association would have no control to expedite the process or seek association dues by renting out the property. This bill will significantly slow down the collection process for delinquent assessments, increase all sorts of charges and expenses including fees charged to an association for assessment collection, and create additional hurdles and obstacles that could compromise monies owed your community.

Keep this shark, I mean bill on your radar. And if a **CAN ALERT Call To Action** is necessary, we will let you know as soon as we need your help. Our efforts to amend HB 203 was tremendously successful thanks to

your support.

Most of our elected officials, don't realize the negative consequences of "fixing" one homeowner complaint. It's hard enough for our not for profit communities to make their budgets.

Together, we CAN make a difference. Have a healthy and happy week.

Yours in Community,

**Alan Garfinkel, Esq.**

**Katzman Garfinkel, Founding Partner**

**Community Advocacy Network (CAN), Chairman**

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

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CAN Alert: Shark Alert!