

CALL Alert!



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Sprinkler/ELSS Bill Vetoed; Condominium Bill Approved; Final Report on Community Association Bills for 2017 Session--CALL Alert for June 27, 2017

Governor Rick Scott has now taken action on all of the community association bills that passed during the 2017 legislative session.

HB 653, Relating to Community Associations, was Vetoed. Among other things, the bill would have allowed high rise buildings to opt out of an engineered life safety system (ELSS) with a vote of two-thirds of the owners. The lead lobbyist in this effort to change the law for high rise condominiums and cooperatives is former State Senator Ellyn Bogdanoff, who is now an attorney and lobbyist with Becker & Poliakoff. Here is a note from Ellyn:



"I received a call last night from Rep. George Moraitis to let me know that Governor Scott vetoed the bill. The London fire clearly played a role in this decision. The loss of life there was a tragedy that gave all of us pause but it should not have had an impact on the opt out for ELSS. Our opposition seized the moment and in an abundance of political caution, Governor Scott vetoed the bill. We

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lost the battle but we have not lost the war. We will regroup and press on."

If your association is a high-rise, please reach out to your association attorney for the next steps and advice regarding an ELSS.

HB 1237, Relating to Condominiums, was Approved and the effective date is July 1, 2017.

Please read a summary of the bill here. As you will note, it will require some significant changes in the operation of condominiums with respect to the following subjects: term limits, conflicts of interest, websites for official records (for condominium associations with more than 150 units), the use of debit cards, recalls, arbitration of disputes, and suspension of voting rights. Condominium associations will want to consider updating its policies and procedures to ensure compliance with the new laws.

HB 6027, Relating to Financial Reporting, was Approved and the effective date is July 1, 2017.

The bill removes the provisions in the Condominium, Cooperative, and Homeowners' Association Acts that allow an association that operates fewer than 50 units, regardless of the association's annual revenues, to prepare a report of cash receipts and expenditures in lieu of the required financial statement. The bill also removes the provisions from the Condominium and Cooperative Act which state that associations may not waive the financial reporting requirements for more than 3 consecutive years. Therefore, all associations, regardless of size, must have prepared the appropriate financial report, based on the association's revenues, unless waived in advance by the members.

SB 398, Relating to Estoppel Certificates, was approved and the effective date is July 1, 2017.

Please read a summary of the bill here.

Associations should update their Estoppel Certificate Resolution and their Estoppel Certificate Form to ensure that it is compliance with the new

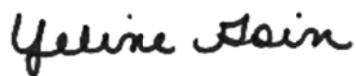
statute. Please contact your association attorney to assist you in preparing the required documentation and to update your procedures.

SB 1520, Relating to Condominium Terminations, was approved and the effective date is July 1, 2017. This new law will increase the thresholds necessary for an optional termination.

Now that the Governor has taken action on all of the bills, we will be putting our finishing touches on our 2017 Legislative Guide, including important action items for the Association to take in light of the new laws.

Thank you for all of your support during this Legislative Session!

Very truly yours,



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