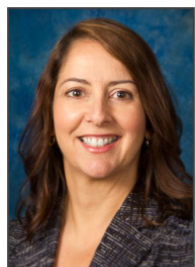


CALL Alert!



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What Community Association Bills Have Been Filed So Far? - CALL Alert for February 1, 2017

The Florida Legislature met in Tallahassee for two weeks in January, but so far, no community association bills have been heard in committee. The House Judiciary Committee, chaired by Representative Chris Sprowls, did hear a presentation about "Condominium Terminations" and the termination provisions in Section 718.117, Florida Statutes. We expect that there will be legislation filed on this subject.

The following are a few bills of note that have been filed so far:

SB 398/HB 483, Relating to Estoppel Certificates: The bill sets a "cap" on the amount that can be charged for estoppel certificates and prohibits associations from collecting the fee when the certificate is prepared. The bill also requires the association to provide a long list of information in the estoppel certificate, in addition to the amounts owed to the association.

SB 294, Relating to Condominium, Cooperative and Homeowners' Associations: The bill requires associations with less than 50 units to prepare a financial report based on the association's annual revenues. In addition, if an association fails to provide the financial report to the owners, the owners are prohibited from waiving the financial report for three (3) consecutive years and must file a copy with the State for those three (3) years.

HB 295, Relating to Homeowners' Associations: The bill, among other things, increases the damages to be paid to an owner for the willful denial of access to official

records from \$50 per day to \$500 per day for up to 30



2016 Legislative Guide for Community Associations

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records from \$50 per day to \$500 per day, for up to 30 days; revises the turnover provisions; allows election and recall disputes to be mediated; provides for binding arbitration by the Department of Business and Professional Regulation (DBPR) for disputes involving, among other things, covenants, restrictions, rules enforcement, assessments, and official records; requires DBPR to provide training and educational programs for HOA board members; provides that DBPR may enforce the HOA Act and may investigate complaints against an HOA; and provides for a cause of action against developers by the HOA or nondeveloper members of the HOA. The bill does not provide a funding mechanism for the additional responsibilities of the DBPR and therefore, it is unclear who will pay for the cost of the additional regulation on HOAs.

HB 135, Relating to Homeowners' Associations: The bill provides an election procedure for HOAs with more than 7500 parcels.

SB 318, Relating to Covenants and Restrictions of Property Owners' Associations: The bill is related to the Marketable Record Title Act (MRTA). Last year's version of the bill would have exempted the covenants and restrictions of a homeowners' association from MRTA. Unfortunately, because of opposition from the title industry, last year's bill did not pass. This year's bill, while well-intentioned, is not very helpful to homeowners' associations, and may actually create additional burdens.

The Legislature meets again starting on February 6 and the legislative session starts on March 7. The CALL Legislative Bill Report will continue to be posted on the CALL website, www.callbp.com, and will be updated periodically.

Very truly yours,

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