



CALL ALERT for Friday, February 24, 2012 – Legislative Update

There was a lot of movement this week with the various Bills that CALL has been tracking this Legislative Session.

HB 319/SB 680, Relating to Residential Properties

The main community association bills, HB 319/SB 680, were both approved in committee this week. SB 680 was approved in the Senate Judiciary Committee. HB 319, by Representative Moraitis, cleared its last committee stop, the House Judiciary Committee, and is now headed to a vote of the full House of Representatives next week. Even though a handful of lawyers and collection agencies have been using scare tactics to try to convince associations and board members that HB 319 is harmful to associations, the members of the Committee saw past those scare tactics and approved HB 319 by a vote of 13 to 2. At the House Judiciary meeting this week, the only people who spoke against HB 319 were the collection agencies and attorneys who are benefitting financially from the status quo. Why is the status quo unacceptable?

(1) The status quo is generating litigation against associations who have been given bad advice and who are now being sued by banks for a refund of amounts paid above the safe harbor amount.

(2) The status quo is encouraging some attorneys and collection agencies to charge excessive fees and costs for representing the association in mortgage foreclosure cases—fees and costs that they then seek to recover from either the bank, the person who buys from the bank, or the association if they can't recover it from the first two.

(3) The status quo is having a negative affect on the ability to sell units that have been foreclosed on by the banks because of disputes over the amount of attorneys' fees and costs that are being sought in order to receive clear title to the unit.

Therefore, it is important that the Legislature pass HB 319 and not let the status quo continue to harm associations.

HB 1013/SB 1196, Relating to Residential Construction Warranties

On another note, HB 1013, which CALL opposes, passed in the House of Representatives by a vote of 106-10. SB 1196 still needs to be heard in one last Committee, the Senate Budget Committee. The last meeting of the Budget Committee is scheduled for next

Tuesday and SB 1196 is not on the agenda. However, the bill could get withdrawn from the Senate Committee. Therefore, please contact the Chair of that Committee, Senator J.D. Alexander and urge him to not withdraw SB 1196 from the Budget Committee. His contact information is: alexander.jd.web@flsenate.gov, and his phone numbers are: 850-487-5044 and 863-679-4847.

HB 213/SB 1890, Relating to Mortgage Foreclosures

There was also quite a bit of activity with HB 213 by Representative Passidomo and SB 1890 by Senator Latvala. HB 213 passed its last Committee stop on Wednesday, and is now headed to the House floor. The Senate version, SB 1890, will be heard on Monday, February 27, 2012, in the Senate Banking and Insurance Committee. These Bills will give associations a very powerful tool to move stalled mortgage foreclosure cases forward to a final judgment and CALL strongly supports these bills.

Thank you for your continued support during this Legislative Session and I will update you again next week.

Very truly yours,

Yeline Goin, Executive Director
Community Association Leadership Lobby (CALL)

Please visit our "CALL" Website at www.callbp.com to view the full text of the bills "CALL" is tracking.