



CALL Alert January 27, 2012 - Legislative Update for Week 3

I wanted to give you all a quick update on some of the things that have been happening in Tallahassee during the first few weeks of the Legislative Session. Today is the last day of Week 3 of the session, which ends on March 9, 2012. Many of the bills that CALL has been tracking were heard in various committees this week. Next week should also be a busy week for these bills.

HB 319 (Rep. Moraitis)/SB 680 (Sen. Bogdanoff): These are the main community association bills pending before the Legislature. CALL has been working on and supporting these bills. The next stop for HB 319 is in the House Business & Consumer Affairs Subcommittee. The Committee staff is working on a series of amendments on the following subjects: suspension of voting rights; cooperative and homeowners' association education and certification; creation of a condominium within a condominium; and staggered board terms.

SB 680 was heard in the Senate Regulated Industries Committee on Thursday of this week. The Senate adopted a "strike all" amendment making it similar to the current version of HB 319. We expect further amendments to SB 680 to conform it to HB 319.

HB 1013 (Rep. Artiles)/SB 1196 (Sen. Bennett): This is the "HOA Common Areas Warranty Bill" that would eliminate the right of homeowners' associations to sue developers for breach of implied warranties of fitness and merchantability with respect to off-site improvements such as roads, sidewalks, drainage areas, utilities, or any other improvements that are not located on or under the lot on which a new home is constructed. CALL strongly opposes these bills and we have met with and provided Senator Bennett with a list of objections. The bills are an overreaction to the Lakeview Reserve Homeowners v. Maronda Homes, 48 So. 3d 902 (Fla. 5th DCA 2010) case, which is currently on appeal before the Florida Supreme Court. CALL filed an amicus brief in support of the homeowners' association's case against the developer.

SB 1196 was approved on Wednesday by the Senate Community Affairs Committee, which is chaired by the bill's sponsor, Senator Bennett. SB 1196's next stop is the Senate Judiciary Committee on Tuesday January 31, 2012, at 3:30pm. If this Committee approves the bill, it will next move to the Budget Committee, although that hearing has not yet been noticed. Therefore, it is important that the bill be stopped now, before it can make its way through other committees. Please contact the members of the Judiciary

Committee before Tuesday's hearing and let them know that this bill is bad for Floridians.

The members of the Judiciary Committee are:

Chair: Senator Anitere Flores: flores.anitere.web@flsenate.gov

Vice Chair: Senator Arthenia L. Joyner: arthenia.joyner.web@flsenate.gov

Senator Oscar Braynon: oscar.braynon.web@flsenate.gov

Senator Andy Gardiner: andy.gardiner.web@flsenate.gov

Senator Garrett Richter: garrett.richter.web@flsenate.gov

Senator David Simmons: david.simmons.web@flsenate.gov

Senator John Thrasher: john.thrasher.web@flsenate.gov

HB 213 (Rep. Passidomo) and HB 1149 (Rep. Steube)/SB 1890 (Sen. Latvala): The main goal of these bills is to expedite the foreclosure process. HB 213 by Representative Passidomo and HB 1149 by Representative Steube have been combined into a Committee Substitute for HB 213. The Committee Substitute for HB 213 was approved in the House Civil Justice Subcommittee on Wednesday of this week.

CALL is strongly in favor of HB 213 and SB 1890 and asks all members to strongly voice your support for these bills as they will significantly impact the way that associations can move stalled foreclosure cases through the process. CALL wrote a letter to Representative Passidomo asking for additional changes to HB 213 which we think will make the bill even better. A copy of the letter is attached.

It is important that these bills move through the committee process. Therefore, please contact the House and Senate leadership and let them know that these bills must pass this legislative session in order to bring some real relief to community associations hurting from the financial meltdown. These bills will help because the faster that the foreclosure process is completed, the sooner the units will be sold to persons who will begin to pay the assessments to the association. The contact information for the House Speaker and Senate President is:

House Speaker Dean Cannon: dean.cannon@myfloridahouse.gov

Senate President Mike Haridopolos: haridopolos.mike.web@flsenate.gov

Also contact the Chairs of the committees where the bills will next be heard and ask them to place these bills on the agenda for their next committee meeting.

Chair of Insurance and Banking Subcommittee:

Rep. Nelson Bryan: nelson.bryan@myfloridahouse.gov

Chair of Judiciary Committee:

Sen. Anitere Flores: flores.anitere.web@flsenate.gov

I will update you again after the next full week of committee meetings.

Very truly yours,

Yeline Goin, Executive Director for CALL
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.