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Greetings!

The harmful construction defect bill we've been discussing (SB 1196 by Senator Bennett) passed the Senate Judiciary Committee yesterday after some heated debate. Senator Simmons questioned whether the bill would allow for any cause of action for off-site improvements such as sidewalks, streets, drainage areas, etc. Naturally, the Florida Homebuilders Association (the developers' lobby) argued that there would still be other causes of action such as negligence and breach of contract available in the absence of a claim for implied warranties. However, Senator Simmons argued that the plain language of the bill would prevent any cause of action. Chair Flores cautioned Senator Bennett that much work still needed to be done on the bill before it reaches its next stop.

Notwithstanding some of the scrutiny, the bill did pass the committee in the last seconds of its meeting. SB 1196 will now go to the Senate Budget Committee, where it will either be heard or referred to a budget subcommittee.

The helpful mortgage foreclosure bill, HB 213 by Representative Passidomo, passed the House Economic Affairs Committee meeting this week. No amendments were offered as of yet because work is still being done on the bill to address technical and legal concerns. However, we are optimistic that the bill will be amended during its next hearing to include CAN's amendment which will allow associations to avail themselves of the newly created process for utilizing orders to show cause for abandoned properties. This bill heads next to the House Judiciary Committee.

SB 762 by Senator Hays is a large package for DBPR that affects licensing for several professions. This bill was amended this week to allow association managers and management companies to lien for their expenses which are reasonably related to the collection of a delinquent account so long as those expenses are specified in the written management agreement.

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