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Legislative Update for Week 6 - CALL Alert for February 22, 2016

Week 6 ended with only one community association bill getting a hearing--**HB 203**, **Relating to Residential Properties**, by Rep. Wood, which deals with estoppel certificates. HB 203 passed its last committee of reference, Judiciary, and can now be heard by the full House. As I mentioned in a previous CALL Alert, the bill was amended and is now supported by the community association managers. Significantly, the bill no longer includes the "pay at close" language that was of concern to many groups. The current version retains current law, which allows associations to require payment of the fee at the time the estoppel certificate is prepared and allows title companies to request a refund of the fee if the closing does not occur. The Senate version, **SB 722**, still must be approved by two committees, Judiciary and Fiscal Policy.

HB 1405, **Relating to Community Associations**, by Rep. Bracy, is scheduled to be heard today in its second committee of reference. This bill would require all associations to provide the financial report based on the amount of revenues collected by the association, regardless of the number of units in the association. The bill also provides that if an association fails to provide the financial report to the owners pursuant to law, the association may not waive the required financial report and must provide a



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copy of the financial report to the Division of Condominiums, Timeshares and Mobile Homes for 2 years. The Senate version, **SB 1292**, contains compromise language that removed the language that would prohibit an association from waiving the financial reporting requirement. However, HB 1405 does not include the compromise language at this time. Also of concern with HB 1405 is that it includes language which requires condominium associations consisting of 500 or more units, and homeowners' associations with 7,500 or more parcels, to post its official records on a website. Our concern is that this will be expensive and time consuming and should not be mandated by the Legislature. It should be optional for associations that wish to take on that burden. Further, many official records (i.e., unit owner accounts, association financial records, contracts, insurance policies, etc.) include sensitive and/or confidential information that should not be posted on a website. In our experience, it will take almost a full-time person to be responsible for the website and the records. In addition, this is a slippery slope and once it is in the statute, it will be more likely that the threshold number will be reduced, which will impact more and more associations. If HB 1405 is approved today, it must still be approved by House Regulatory Affairs before it can reach the House floor. SB 1292 must still be approved by two Senate committees, Judiciary and Fiscal Policy.

HB 1357, Relating to Community Associations, by Representative LaRosa, was not heard last week, and we are waiting to see if it will added to the agenda for Thursday's House Judiciary Committee. At this time, CALL is opposed to the bill, but we have been speaking to the sponsor and other members of Judiciary and are seeking to have it amended if it is heard this week. For a complete summary of HB 1357, please **click here**. The Senate companion bill, **SB 1716**, has not been heard in any committees of reference.

Significantly, the Senate version of the above

three House bills have an uphill climb in the Senate. All three bills would have to be heard in Senate Judiciary and Fiscal Policy. However, Judiciary is not meeting this week and may not meet in Week 8. We will have a better idea at the end of this week whether any procedural moves in the Senate will save these bills.

For a complete list of the main bills that CALL is tracking, including the status, [click here](#) for our 2016 CALL Bill Report.

Very truly yours,



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