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Legislative Update for Weeks 2 and 3 - CALL Alert for January 29, 2016

As Week 3 comes to a close, I wanted to send you an update regarding the community association bills that are "moving" and that we think will continue to move during the 2016 legislative session.

[HB 7031](#), Relating to the Marketable Record Title Act, by Representative Passidomo. The purpose of the bill is to exempt covenants and restrictions of homeowners' associations and property owners' associations from the Marketable Record Title Act (MRTA). This will save homeowners' associations time, expense, and aggravation by not having to preserve their covenants and restrictions prior to the 30-year expiration date. The bill was approved by the House Judiciary Committee and now moves to the House floor. However, the bill still has a long way to go, as it was never filed as a bill in the Senate. This is an important issue for associations and we will continue to work on it on behalf of CALL and all of our member associations.

[HB 1357](#), Relating to Community Associations, by Representative LaRosa. HB 1357 was approved in its first committee of reference, House Civil Justice Subcommittee. It is scheduled to be heard in its second committee of reference next week. If you would like to see a full summary of the bill, [click here](#). Many of the provisions impact very large condominium and homeowners' associations - those with 7500 parcels or more. The bill currently has many



Upcoming Classes & Events

problematic provisions and I testified in opposition to the bill in its current form. I also met with Representative LaRosa and other interested legislators and stakeholders regarding the bill, and we expect the bill to be amended before its next committee hearing.

HB 1405, Relating to Community Associations, by Rep. Bracy. HB 1405 was approved in its first committee of reference, House Business and Professions Subcommittee. The bill removes the requirement that an association operating fewer than 50 units, regardless of the association's annual revenues, prepare a report of cash receipts and expenditures in lieu of an audit, reviewed, or compiled financial statement. In other words, the bill will require the year-end financial reports to be based solely on the level of annual revenues. The bill also provides for additional penalties for those associations that fail to comply with the financial reporting requirements, including the inability to waive the financial reporting requirements for 3 years. At the committee meeting, the bill was amended to include some of the provisions in HB 1357 regarding official records. Specifically, HB 1405 was amended to require condominium associations with 500 or more units, and homeowners' associations with 7,500 or more units, to place certain official records on a website.

SB 1122 by Senator Hays, Relating to Homeowners' Associations. SB 1122 will be heard next week, on February 2, 2016 in the Senate Regulated Industries Committee at 1:30. The primary emphasis of the bill is regulation of HOAs by the Department of Business and Professional Regulation. Among other things, it will: (1) require all homeowners' associations (HOAs) to pay \$2.00 per parcel to the Department; (2) require mandatory binding arbitration of certain HOA disputes, including covenant enforcement, assessments, and official records; (3) increase the penalties for willful failure to withhold official records; and (4) change the triggers related to when a developer must turn over control of the

association to the parcel owners.

SB 1292, Relating to Community Associations by Senator Ring. SB 1292 is similar to HB 1405 by Senator Bracy and deals with association financial statements. It is also scheduled to be heard next week in Senate Regulated Industries Committee on February 2, 2016 at 1:30.

Very truly yours,



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