



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

ygoin@bplegal.com
www.callbp.com

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Tallahassee Office
204 South Monroe Street
Suite 203 Tallahassee,
Florida 32301-1800
Tel: 850.412.1115
Fax: 850.412.1120

**CALL Administrative
Office**
1 E. Broward Blvd.
Suite 1800
Ft. Lauderdale, FL 33301
954.364.6012
call@bplegal.com

Legislative Update for Week 7 - CALL Alert for March 1, 2016

As I mentioned in last week's CALL Alert, many of the community association bills were stuck in committee and barring some procedural moves, the bills would likely die in committee.

We recently saw some of these procedural moves happen to keep some of the issues alive. One of these procedural moves happened last week in the Senate Appropriations Committee, when **SB 1050**, Relating to Regulated Professions and Occupations, was amended by Sen. Ring to add a portion of his **SB 1292** related to association financial reports. Specifically, the amendment removes the exemption for associations with fewer than 50 units which allows them to prepare a report of cash receipts and expenditures, regardless of its annual revenues (instead of an audit, review, or compilation). Click here to read an article about the amendment: **Quiet Condo Amendment Exemplifies Late Session Chaos**

The amendment to SB 1050 now opens up the bill to other amendments impacting community associations. There may be an attempt to add the following issues to SB 1050, and the companion bill, **HB 1187**, by Representative Grant. Please email Sen. Brandes, brandes.jeff@flsenate.gov, and Representative Grant, james.grant@myfloridahouse.gov, and ask them not to include the following



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issues on their bills:

(1) A requirement that condominium associations consisting of 500 or more units, and homeowners' associations with 7,500 or more parcels, post many of its official records on a website. This language is in [HB 1405](#), which was approved by all of its committee of reference. At the last committee, the language was amended to remove many of the official records from the website. However, CALL still has concerns with these requirements, including that this will be a mandatory cost to associations and should not be mandated by the Legislature. It should be optional for associations that wish to take on that burden.

(2) A provision which states that an amendment may not prohibit a homeowner from renting his or her home, alter the duration of a rental term, or limit the number of times a homeowner may rent his or her home during a specified period, unless the owner consents or unless the amendment is applied to persons who purchase after the effective date of the amendment. CALL is opposed to this language because we believe that HOAs should be allowed to determine whether the community will allow rentals, the rental term, etc. and that an owner who purchases in an HOA is on notice that the declaration may be amended, and the owner should be bound by all properly adopted amendments. Further, if the amendment is adopted, it will limit the ability of an association to control vacation rentals and other short-term rentals in their communities.

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

A few other bills of note include:

[HB 535](#) and [SB 704](#), Relating to Building Codes: Among other things, the bill (1) amends 633.202 regarding minimum radio signal strength for fire department communication in all new and existing high

rise buildings. Existing buildings are not required to comply with minimum radio strength for fire department communications and two way radio system enhancement communications as required by the Florida Fire Prevention code until January 1, 2022. Existing apartment buildings are not required to comply until January 1, 2025; (2) amends 633.202 to provide that "areas of refuge shall be provided if required by the Florida Building Code, Accessibility. Required portions of an area of refuge shall be accessible from the space they serve by an accessible means of egress; and (3) amends 633.208 to provide that the local fire official may consider the fire safety evaluation systems found in NFPA 101A, Guide on Alternative Solutions to Life Safety, adopted by State Fire Marshal, as acceptable systems for the identification of low-cost reasonable alternatives. It also provides that it is acceptable to use the Fire Safety Evaluation System for Board and Care Facilities using prompt evacuation capabilities parameter values on existing residential high rise buildings.

SB 1174 and **HB 885**, Relating to Residential Facilities: The bills seek to establish site requirements for community residential homes. A community residential home is a home that serves the developmentally disabled, frail elder, handicapped pursuant to Section 760.22(7)(a), nondangerous persons with a "mental illness " as defined in s. 394.455(18), a child who is found dependent by the court and a "child in need of services. " The bill requires a radius of 1,200 feet between a community residential home licensed for 7 to 14 residents and a community residential home licensed for 6 or few residents. The bill would not impact such homes already licensed and in operation prior to July 1, 2016.

Very truly yours,



Yeline Goin, Executive Director
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(CALL)

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