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Community Advocacy Network Alert



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Legislative sessions sometimes feel like you're running a marathon. No matter how much you train and prepare for the long race ahead of you, you never know how you will do until the big day. Some races you'll do better than others. Others may outrun you. But that's ok. Because you've tried your best and no matter what, you are determined to cross that finish line.



Well the finish line is in sight for us as the 2016 Florida Legislative session comes to an end (sine die) on Friday, March 11, 2016:

We've accomplished so much together and we are tremendously proud of your efforts.

The "Estoppel Bill", HB 203

The Estoppel Bill is still working its way through the legislative sausage making process. On February 23rd, the Estoppel bill was placed on the House Calendar. We are optimistic that when and if the Estoppel bill is passed, it will still contain the amended language we've been fighting so hard to include. See our prior Alerts discussing why this bill had to be changed.

The "Penalty Bill", SB 1122-Dead

On February 3rd, SB 1122 was defeated in the Senate Regulated Industries Committee by a vote of 6 Nays to 4 Yeas. Had this bad bill passed it would have resulted in you paying higher assessments. How? Because the bill mandated a new fine to your association and your manager (previously \$30 per day for 10 days) of \$500 per day for 30 days (**a new penalty of up to \$15,000**) if

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your association did not provide records timely. We are thrilled that this bad bill was dropped from the legislative "race."

The "Required Website Bill" HB 1405

With the race not over yet, there is one other bad bill for community associations that we want you to be aware of - HB 1405. This proposed bill was passed unanimously by the House Regulatory Affairs Committee on February 25th. We won't know the exact language of this bill until it is "released" from the House Regulatory Affairs Committee. What we do know is that this bill would require condo associations with more than 500 units and HOAs with more than 7500 parcels to pay for, develop, and maintain websites for their associations. If this language rings a bell, then you're right on point because we reported how damaging mandated websites can be for associations in a prior alert (think HB 1357).

Mandated websites are both extremely costly and time consuming. An association would not only have to create a website, but it would also need the funds and resources to maintain the site. **But the real kicker is this, if your mandated website has a "breach in security" and a homeowner gets his or her identity stolen, the association could be fined up to a HALF A MILLION DOLLARS. You heard right - \$500,000 dollars!!!!**

And if the association pays, whose responsible? That's right- you the owners.

Florida Statute 501.171 provides that an association can be fined up to \$500,000 for failure to meet certain reporting requirements once a breach occurs from the unsecure site. (See Fla. Stat. § 501.171(9)(b)(2015). This means an association could have double exposure from failure to maintain a secure site - a potential lawsuit from the victim homeowner AND an enormous fine from the State.

Without knowing the exact language of HB 1405, we're not asking for your help quite yet. But be on the lookout for a future HELP CAN ALERT if we soon determine one is needed.

Although the finish line is in sight, the race isn't officially over until March 11th. We're very proud of what we've accomplished so far this session, and as

always we promise to keep you informed and continue to fight bad legislation that could harm your community or increase your ownership costs.

Keeping the team spirit alive and wishing you a wonderful week ahead.

Yours in Community,

Alan Garfinkel, Esq.
Katzman Garfinkel, Founding Partner
Community Advocacy Network (CAN), Chairman

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

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