

# CALL Alert!

# CALL

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LEADERSHIP LOBBY



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## **2015 Special Session Ends; \$3 million Transferred from Division Trust Fund; CALL 2015 Legislative Guide; Additional Bills of Interest involving Rental Agreements and Foreclosures, Condominium Termination, and Construction Defects: CALL Alert for June 24, 2015**

Last week, the Legislature wrapped up the Special Session and passed its one constitutional requirement--a State budget. The \$78.7 billion budget included increases in K -12 education funding, a \$400 million tax reduction package, \$742 million to implement Amendment 1 for land and water projects including springs protection, Everglades restoration, beaches and land acquisition, and \$450 million to help offset the loss of

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House voted 96-17 on the budget and the Senate voted 37- 0. Governor Scott approved the budget yesterday, and he used his line-item veto power to veto approximately \$500 million in projects.

Notably, the State budget transfers \$3 million from the Division of Condominium, Timeshares and Mobile Homes ("Division") Trust Fund to the General Revenue Fund. This is the fifth year in a row that the Division's Trust Fund money has been raided and sent to the General Revenue Fund. Past transfers include: \$2 million in 2014-2015, \$4.5 million in 2013-2014, \$3 million in 2012-2013, and \$5.8 million in 2011-2012. That means that in the last 5 fiscal years, approximately \$18.3 million in unit owner fees paid to the Division has been used for other purposes.

Lawmakers (and lobbyists) won't get much of a break between sessions this year, as it was announced that the first committee meetings of the 2016 legislative session will begin on September 16, 2015, and the 2016 legislative session will begin on January 12, 2016.

**Request CALL 2015 Legislative Guide**

We are currently working on CALL's 2015 Legislative Guide and will let you know as soon as they are available. If you want to receive the 2015 Legislative Guide, click here to pre-order:

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**Additional Bills of Interest**

Governor Scott has also signed a number of bills into law that will be of interest to community associations including the following:

HB 779 (Rep. Jones), Relating to Rental Agreements

This bill protects tenants who are renting a home that is the subject of a foreclosure sale.

be given at least 30 days' notice before eviction from a foreclosed home. The 30 days begins to run when the Notice of Tenant Termination is delivered to the tenant. The bill does not apply if the tenant is the mortgagor, child, spouse, domestic partner, or parent of the mortgagor in the foreclosed home. The effective date is June 2, 2015.

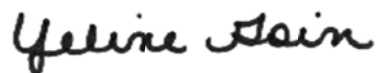
#### **HB 643 (Rep. Sprowls), Relating to Condominiums**

Summary: This bill makes changes to the laws regarding condominium terminations. Currently, the law allows an "optional termination" if 80% or more of the members vote in favor of termination, and no more than 10% reject the termination. The bill, among other things, provides that if a termination vote fails, another vote to terminate may not be considered for 18 months. When holding a termination vote, voting interests that have been suspended are still entitled to vote on the termination. In addition, a termination vote may not take place until 5 years after the recording of the declaration of condominium, unless there is no objection to the termination. The bill also sets forth additional requirements in the event that a "bulk buyer" owns 80% or more of the voting interests, including in some cases: (1) the right of the former unit owners to lease the unit for 12 months; (2) an additional payment for relocation costs in an amount equal to 1% of the termination proceeds; (3) compensation of at least 100% of the fair market value of the unit; (4) payment of the first mortgage to the extent necessary to satisfy the lien, but the payment may not exceed the unit's share of the proceeds of termination. If the unit owner is current in the payment of assessments and the mortgage, the proceeds of termination shall be deemed to have satisfied the first mortgage in full. The effective date is June 16, 2015.

#### **HB 87 (Rep. Passidomo), Relating to Construction Defects**

Summary: Current law states that a person who plans to file a lawsuit regarding a construction defect claim must notify the contractor of the claim in "reasonable detail sufficient to determine the general nature of each alleged construction defect..." and give them an opportunity to fix the defect before suit is filed. This bill requires that the notice of claim to the contractor include the location of each defect, so that the contractor is able to identify and attempt to repair the defect. The individual making the claim is not required to perform destructive or other testing before providing the notice of claim; a visual inspection is sufficient. The response to the claim by the contractor must reflect whether the contractor is going to make the repairs, settle the claim with a financial offer (or a combination of the two), dispute the claim, or whether the contractor's insurer will cover the claim. In regards to insurance claims, current law (Section 558.004[13]) states that providing a copy of notice of claim to an insurance company does not constitute a claim for insurance purposes. This bill amends the statute to provide that if the terms of the contractor's insurance policy permit a claim to be made by providing a copy of the notice to insurer, a claim may be constituted. Regarding the exchange of information when a claim has been filed, current law allows any party involved in the litigation process to request certain information regarding the defect. This bill amends the law to include "maintenance records and other documents related to the discovery, investigation, causation, and extent of the alleged defect identified in the notice of claim and any resulting damages." However, the bill also allows a party to assert any claim of privilege with respect to the records to be disclosed. The effective date is October 1, 2015.

Very truly yours,



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