

2013 Legislative Update

SB 0050

Relating to Public Meetings

Public Meetings; Requiring that a member of the public be given a reasonable opportunity to be heard by a board or commission before it takes official action on a proposition; providing that compliance with the requirements of this section is deemed to have occurred under certain circumstances; providing that a circuit court has jurisdiction to issue an injunction under certain circumstances; providing that an action taken by a board or commission which is found in violation of this section is not void, etc. Effective Date: October 1, 2013

HB 0087

Relating to Mortgage Foreclosures

Mortgage Foreclosures; Revises limitations period for commencing action to enforce claim of deficiency judgment after foreclosure action; provides for applicability to actions commenced on or after specified date; provides time limitation for commencing certain actions; provides legislative intent; specifies required contents of complaint seeking to foreclose on certain types of residential properties with respect to authority of plaintiff to foreclose on note & location of note; authorizes sanctions against plaintiffs who fail to comply with complaint requirements; provides for nonapplicability to proceedings involving timeshare interests; requires court to treat collateral attack on final judgment of foreclosure on mortgage as claim for monetary damages; prohibits such court from granting certain relief affecting title to foreclosed property; provides for construction relating to rights of certain persons to seek specified types of relief or pursue claims against foreclosed property; limits amount of deficiency judgment; revises class of persons authorized to move for expedited foreclosure to include lienholders; defines "lienholder"; provides requirements & procedures with respect to order directed to defendants to show cause why final judgment of foreclosure should not be entered. Effective Date: Upon becoming law

HB 0073

Relating to Residential Properties

Residential Properties; Exempts certain elevators from specific code update requirements; requires community association to allow member or member's representative to use certain portable devices to make electronic copies of association records; authorizes condominium association to print & distribute member directory under certain conditions; revises provisions relating to association's power to purchase land or recreational lease; revises terms of members of association's board of administrators & revises eligibility criteria for candidates; revises condominium unit owner election & condominium association meeting notice & recordkeeping requirements; provides requirements for condominiums relating to election challenges, recalls, & installation of impact glass or other code-compliant windows; provides requirements for condominiums created within condominium parcels; revises provisions relating to imposing remedies; revises liability of unit owners; provides liability limitations of certain first mortgagee or its successor or assignees; revises records not accessible to members or parcel owners; revises provisions relating to amendment of declarations; provides criteria for consent to amendment; requires notice to mortgagees regarding proposed amendments. Effective Date: July 1, 2013

SB 0120

Relating to Condominiums

Condominiums; Allowing condominium units to come into existence regardless of requirements or restrictions in a declaration; extending the amount of time that a clerk of the circuit court may hold a sum of money before notifying the registered agent of an association that the sum is still available and the purpose for which it was deposited; changing the requirements relating to the circumstances under which a declaration of condominium or other documents are effective to create a condominium; revising the conditions under which a developer may amend a declaration of condominium governing a phase condominium; providing for an extension of the 7-year period for the completion of a phase, etc. Effective Date: Upon becoming law

HB 0573**Relating to Manufactured & Mobile Homes**

Manufactured & Mobile Homes; Requires Citizens Property Insurance Corporation to provide coverage for mobile homes & manufactured homes & related structures for specified minimum insured value; specifies procedure for requesting & obtaining funds from Florida Mobile Home Relocation Trust Fund to pay for operational costs of Florida Mobile Home Relocation Corporation & relocation costs of mobile home owners. Effective Date: Upon becoming law

HB 7025**Relating to Timeshares**

Timeshares; Specifies that certain provisions relating to condominium board elections do not apply to timeshare condominiums; revises formula requirements for calculating reserves for accommodations & facilities of real property timeshare plans; requires successor in interest to be listed as owner of timeshare interest under certain conditions; requires estoppel letter in certain timeshare resale transfer transactions; prohibits certain activities related to offering timeshare interest transfer services; requires resale transfer agreements to contain specified information; requires establishment of escrow account for certain purposes; provides requirements & duties of escrow agent; providing penalties; revises procedure for trustee foreclosure of assessment & mortgage liens; revises conditions under which trustee may sell foreclosed encumbered timeshare interest; revises & providing notice requirements; provides for perfection of notice; provides requirements for notice of lis pendens; provides exceptions for actions for failure to follow trustee foreclosure procedure. Effective Date: July 1, 2013

HB 7119**Relating to Homeowners' Associations**

Homeowners' Associations; Provides grounds for disciplinary actions against community association managers; requires official records to be maintained within specified distance of association for specified time; requires association directors to file with association secretary written certification that they have read certain association documents, will uphold documents, & will uphold their fiduciary responsibility to members; requires association to provide copies of amendments to governing documents to members under certain conditions; provides additional circumstances for authorizing members to elect majority of association board members; provides public policy regarding amendments to governing documents in associations under developer control; defines term "previous owner" to exclude certain associations from provisions relating to liability of previous owners of parcels for unpaid assessments, etc. Effective Date: July 1, 2013