

2014 Legislative Update

Senate Bill 440

RELATING TO CONDOMINIUMS

This bill provides that certain provisions are only applicable to residential condominiums. These provisions include, but are not limited to: association responses to unit owner written inquiries; use of general proxies; expiration of terms of office and eligibility of candidates for the board; election and certification of board members; elections in associations of 10 or fewer units; division arbitration; and retrofitting requirements.

The bill extends the bulk buyer provisions from July 1, 2015, to July 1, 2016.

The bill also clarifies that a local authority cannot require residential condominiums – if they did not vote to forego the fire sprinkler retrofitting requirement – to complete a fire sprinkler system retrofit before January 1, 2020. The bill also provides that the provisions for condominium arbitration do not apply to nonresidential condominiums unless otherwise specifically provided for in the declaration of the nonresidential condominium. These changes are not expected to impact the jurisdiction of the Division of Florida Condominiums, Timeshares, and Mobile Homes. Effective July 1, 2014

House Bill 807

RELATING TO RESIDENTIAL PROPERTIES

Timeshares

This bill amends provisions relating to timeshares, renaming “timeshare plan” as “timeshare project” in most instances, separating timeshares from the vacation rental public lodging establishment licensing classification, creating a new public lodging establishment licensing classification for timeshare projects, and specifying timeshare projects are subject to the same licensing and inspection requirements and exemptions as vacation rentals.

Condominium Associations

The bill amends provisions relating to condominium associations, allowing an association to inspect and repair abandoned condominium units; defining an abandoned unit; and providing clarification on costs for maintaining an abandoned unit. It clarifies the liability for cost of repair if it is not an insurable event. The bill provides guidelines allowing disclosure of certain contact information upon written notification. The bill provides requirements for turnover of official records and property by a board member upon completion of a term and a civil penalty for failure to do so. It expands electronic methods that a board or committee member can use for board meetings, while prohibiting the board from voting via e-mail.

The bill defines the term “previous owner” regarding the liability of unit owner assessments and limits the liability of the present owner for unpaid assessments. The bill provides a time limit on a new attempt to terminate a condominium if a plan to terminate fails and repeals the Community Association Living Study Council provisions. The bill also extends the date to be classified as a bulk assignee or bulk buyer.

Cooperative Associations

The bill amends provisions relating to cooperative associations for consistency with provisions relating to condominium associations. Provisions are revised regarding outgoing board members,

financial reporting requirements, waiving or reducing financial reporting requirements, eligibility and removal requirements of board members, and providing emergency powers to the association.

Homeowner's Associations

The bill amends provisions relating to homeowner's associations for consistency with provisions relating to condominium associations. This provides emergency powers of a homeowners' association. The bill requires that meetings of the board must be held at locations that are accessible to physically handicapped persons, if requested by a handicapped person who has a right to attend the meeting. The bill clarifies existing law relating to marketable record title. Effective July 1, 2014

House Bill 7037

RELATING TO RESIDENTIAL COMMUNITIES

This bill expands the services that may be performed by community association managers to include functions not previously permitted or regulated under the community association manager license. The bill permits community association managers to:

- Determine the number of days required for statutory notices;
- Determine the amounts due the association;
- Collect amounts due to the association before filing a civil action;
- Calculate the votes required for a quorum or to approve a proposition or amendment;
- Complete forms related to the management of a community association that have been created by statute or by a state agency;
- Draft meeting notices and agendas;
- Calculate and prepare certificates of assessment and estoppel certificates;
- Respond to requests for certificates of assessment and estoppel certificates;
- Negotiate monetary or performance terms of a contract subject to approval by an association;
- Draft prearbitration demands;
- Coordinate or perform maintenance for real or personal property and other routine services involved in the operation of a community association; and
- Comply with the association's governing documents and the requirements of law as necessary to perform such practices.

The bill provides professional standards for community association managers and firms. It provides for indemnification by the association and specifies the actions that cannot be indemnified.

The bill provides several forms relating to liens and assessments for condominium, cooperative, and homeowners' associations. The bill revises the requirements for a claim of lien by cooperative associations to conform with the claim of lien requirements for condominium associations. Effective July 1, 2014.