

SOURCE: Community Advocacy Network



Jan 06, 2011 13:10 ET

Community Advocacy Network Unveils Florida Community Association Legislative Wish List for 2011

CAN Leads Way on 'Glitch' Bill to Remedy Legislative Inconsistencies, Pushes Florida Legislators to Pass New Reforms to Benefit Community Associations

FT. LAUDERDALE, FL--(Marketwire - January 6, 2011) - The Community Advocacy Network (CAN, www.canfl.com), Florida's leading advocate for the interests of millions of community association residents statewide, today announced its Community Association Legislative Wish List for 2011, advancing positive community association legislation and introducing a "glitch" bill to resolve current inconsistencies in anticipation of the March 8 kickoff of the 2011 Florida Legislative Session.

Highlighted Links

[Community Advocacy Network](http://www.canfl.com)

[CAN Advisory Council](#)

CAN's Community Association Legislative Wish List, determined by the statewide advocacy organization's 12-member Advisory Council in consultation with the organization's membership, addresses a number of key issues impacting the lives of millions of members of condominium, cooperative, homeowner and other community associations statewide. The organization will be working with sponsors in the Florida Senate and House to file legislation containing these provisions and/or to incorporate them within other legislative bills that will be filed in the weeks leading up to the start of the Session.

"Following on the Community Advocacy Network's successful 2010 legislative campaign, resulting in the passage of monumental pro-community association legislation last year, our organization will be leading the way in 2011 on the introduction 'glitch' legislation to remedy current inconsistencies in Florida Statutes, as well as new bills designed to further promote and protect the interests of community associations statewide," said Donna DiMaggio Berger, Executive Director of the Community Advocacy Network. "This year, we are determined to push for passage of this progressive legislation and ensure that 2011 marks the year in which we lock-in legislative advances and statutory reforms to the benefit of our associations."

Among specific legislation that the Community Advocacy Network will be championing during the 2011 Florida Legislative Session will be measures that:

- Transport the Election and Board Member Eligibility Requirements found in Chapter 718 (the Condominium Act) to Chapter 720 (the HOA Act): This measure is needed to create more parity between the two common interest ownership statutes and to ensure that convicted felons do not serve on HOA boards;
- Set the quorum requirement for condominiums at the same 30% level found in the HOA Act and allow HOA owners to speak for 3 minutes on all agenda items at Board meetings: Currently condominium quorums are established by the governing documents and are usually no lower than a majority making it difficult at times to achieve a quorum. HOA's have had their quorum set at 30% (or lower if the governing documents provide for a lower quorum requirement) by statute for some time. In addition, condominium owners have the right to speak on every designated item at Board meetings whereas HOA owners currently only have the right to speak on items which they have petitioned to have placed on the Board agenda;
- Clarify that full rent can be collected from tenants in delinquent properties until the total delinquency owed is paid in full: Vague statutory language leaves the issue of whether full rent or merely the monthly assessment can be demanded up to costly debate. The intent was to help make struggling associations whole; collecting the full rent until the delinquency is paid off does that; collecting only the monthly assessments while large sums remain unpaid does not;

- Clarify that cable television can be suspended for delinquent owners: Current statutory language does not make it clear whether or not cable is one of the common services that can be suspended when an owner is 90 or more days delinquent;
- Exempt associations from joint and several liability under 718.116(1)(a) and 720.3085(2)(a) for past due assessments when the association takes title to a property via foreclosure: Many banks are trying to argue that associations are jointly and severally liable for past due assessments when they take title to property via foreclosure to avoid the bank's responsibility to pay the statutory cap for past due assessments when the bank finally forecloses. This also resolves the issue between master and sub associations when one or the other takes title to property via foreclosure;
- Amend Section 718.113(5)(a) of the Condominium Act to provide that a majority of the members may vote to allow the board to install impact glass in the same manner in which a majority of the members may currently vote to allow the board to install hurricane shutters: Many older high-rises are in desperate need of window replacement and find themselves unable to currently implement a replacement program under their governing documents; and
- Require that members in condominium associations with fewer than 50 units must be notified of a voluntary cancellation or non-renewal of the association's liability coverage: Condominium owners reasonably expect that their assessments will be applied towards insurance coverage on the building among other things. If the owners have notice that such coverage is at risk, they can take steps to correct the situation and protect their homes.

The Community Advocacy Network was founded in 2007 by the Florida law firm of Katzman Garfinkel & Berger to provide education, advocacy and outreach services to community associations statewide and promote positive community association legislation, while advising legislators to resist the urge to micromanage and over-regulate private residential communities.

Membership in the Community Advocacy Network (CAN) is open to all Florida community associations, including condominiums, co-operatives, homeowner associations, timeshares and mobile home communities. For more information about the benefits of CAN membership and the organization's activities around the State, please contact tchristiana@canfl.com or phone 954-315-0372.

About Community Advocacy Network (CAN):

The Community Advocacy Network (CAN) is the leading statewide advocacy network dedicated to promoting positive community association legislation while advising legislators to resist the urge to micromanage and over-regulate private residential communities. CAN works through its website, email alerts and tools such as the "Capitol Connection" email system to give association leaders and residents the information and resources they need to play a meaningful part in the legislative process before harmful bills are passed. Capitol Connection enables our members to contact their elected officials at every level of government with just the click of a button. For more information, visit www.canfl.com or call 954-315-0372.

[Back](#)

Media Contact:
Michael Tangeman
Tangeman Hooks & Co Ltd.
Tel: 786-329-5572

[Email Contact](#)

Privacy Statement | Terms of Service | Sitemap | © 2011 Marketwire, Incorporated. All rights reserved.
Your newswire of choice for expert news release distribution.
1-800-774-9473 (US) | 1-888-299-0338 (Canada) | +44-20-7562-6550 (UK)