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COMMUNITY ADVOCACY NETWORK URGES LEGISLATORS, GOV. CRIST TO SUPPORT FIRE-SAFETY RETROFIT RELIEF FOR STRUGGLING FLORIDA CONDOS

CAN Executive Director Donna DiMaggio Berger Says New Legislation Will Help Ensure Condo Association Solvency and Stave off Hefty Assessments for Florida Condo Unit Owners

FT. LAUDERDALE & NAPLES, FL, April 26, 2010 – Florida condo advocate Donna DiMaggio Berger, a leading community association attorney and Executive Director of the statewide Community Advocacy Network (www.canfl.com), has called on Florida Gov. Charlie Crist to throw his support behind new legislation granting a fire-safety retrofit reprieve that could save millions of dollars for struggling condominium associations throughout the State.

In an Op-Ed piece published in the South Florida Sun-Sentinel (*Fire safety retrofit reprieve could save condos millions, April 24*), Ms. Berger says the final outcome of SB 1196, which passed 38-0 in the Florida Senate on April 16 and is scheduled for a House vote this week, promises to have “either a very positive or a very chilling impact on the financial future of thousands of condominium and co-op associations and their members.”

The full article is available online at:

http://www.sun-sentinel.com/news/opinion/commentary/fl-fire-safety-forum-20100424,0,6875599_story

Ms. Berger, who is Managing Partner of the Florida community association law firm Katzman Garfinkel & Berger (KG&B), says the legislation fairly balances fire-safety concerns with “the urgent need to ensure the continued solvency of financially struggling Florida condos and co-ops facing the sky-high costs of building retrofits, particularly where it is yet to be proven they are absolutely necessary.”

“Our State Legislators need to ensure passage of this legislation,” writes Ms. Berger, “and Gov. Charlie Crist, who previously threatened to veto this relief, now needs to get on board, showing voters living in impacted Florida condos and co-ops that he understands the real issues involved and will sign this important legislation into law.”

Community Advocacy Network (CAN) activists across the State have been largely responsible in recent weeks for passage of a string of local City and County resolutions in support of the fire-safety retrofit reprieve legislation. Through the successful statewide advocacy efforts of CAN’s 11-member volunteer Advisory Council, the following Florida cities and counties have issued support resolutions, with others lining up to follow suit:

- Naples, resolution sponsored by Councilman Gary Price, passed Feb. 17th;
- Ft. Lauderdale, resolution sponsored by Vice-Mayor Bruce Roberts, passed March 2nd;

- Miami Beach, resolution sponsored by Vice Mayor Jerry Libbin, passed March 10th;
- Miramar, resolution sponsored by Mayor Lori Moseley, passed March 17th;
- Lauderdale by the Sea, resolution sponsored by Mayor Roseann Minnet, passed April 12th;
- Collier County, resolution sponsored by Commissioner & Chairman Fred Coyle, passed Feb. 23rd;
- Broward County, resolution sponsored by Commissioner & Vice-Mayor Sue Gunzburger, passed March 9th; and,
- Miami-Dade County, resolution sponsored by Commissioner Sally Heyman, passed April 6th.

“These City and County resolutions show that our elected leaders at the local level clearly understand the importance of the fire-safety retrofit reprieve legislation to the financial survival of millions of Florida condo and co-op residents,” said Ewing Sutherland, CAN Advisory Council Member and President of the Gulfside Condominium Association in Naples. “Our Representatives in Tallahassee need to pass this legislation immediately and Gov. Crist needs to sign it into law in order to relieve the onerous burden presented by these very expensive fire-safety retrofits to struggling condo and co-op associations across our State.”

SB 1196, which provides for Florida condo association relief in several key areas, has survived the legislative committee process and will soon be heading with Florida's no line-item veto stipulation to Florida Gov. Charlie Crist for signature.

In addition to enabling condominium boards to collect rent from tenants in delinquent units and to suspend common area use rights and voting rights of delinquent owners, in an unprecedented development the banking lobby has agreed to language in SB 1196 that doubles from six months to 12 months the amount of past due assessments the banks are willing to pay to condominium associations on foreclosed units -- in itself compelling enough reason for Gov. Crist to move forward quickly and sign the bill into law.

Language specific to fire-safety retrofit reprieves contained in SB 1196 would grant relief from elevator, smoke detector and sprinkler retrofits in existing buildings statewide:

- In buildings less than four stories high with external “catwalk” egress from units, it repeals requirements for costly elevator upgrades and retrofits of manual fire alarm systems;
- In high-rises of 75-ft or more, it allows a majority vote of unit owners to opt-out of sprinkler retrofits throughout the building, with a provision to opt-in again once every three years with the same majority vote.

“This legislation is sorely needed, because when all 50 U.S. states adopted the national Life Safety Code, every state except Florida provided certain exemptions for existing buildings,” says CAN Executive Director Berger in the Sun-Sentinel. “Florida law currently allows fire officials to choose to provide ‘reasonable alternatives,’ but in reality, local officials nearly always impose the highest-cost solution of complete building retrofits.”

Currently, some 6,000 Florida high-rises face sprinkler retrofits at a known cost of \$500,000 to \$1.5 million each. This represents sprinkler retrofit costs as high as \$10,000 per unit, placing many unit owners just one "special assessment" away from becoming foreclosure victims, after having exhausted their resources paying for neighbors who preceded them on the foreclosure path.

The Community Advocacy Network (www.canfl.com) calls on all Florida condo and co-op residents to contact their Representatives in Tallahassee today to support the fire-safety retrofit

reprieve legislation and to urge Florida Gov. Charlie Crist to sign this important legislation into law without delay.

The Community Advocacy Network was established in 2007 as a not-for-profit, non-partisan organization dedicated to improving the quality of life of all who live, work and serve in common interest ownership communities through education, information and advocacy. CAN's dynamic 11-member Advisory Council (<http://www.canfl.com/advisorycouncil.cfm>) represents member communities across the State, and currently includes: Charlotte Greenbarg, Pio Ieraci and Wendy Murray (Broward County); Ed Duch, Jim Hoppensteadt and Ewing Sutherland (Collier County); Bonita Vandall (Lee County); Lawrence Percival and Jack Loeb, Jr. (Miami-Dade County); Barbara Zee (Palm Beach County); and, Joel Jeffrey (St. Lucie County).

More information about the status of SB 1196 and the efforts of the Community Advocacy Network to secure the passage of this legislation is available online at the CAN website (www.canfl.com).

Community Advocacy Network membership is open to all Florida common interest ownership communities, including condominiums, co-operatives, homeowner associations, timeshares and mobile home communities, For more information about CAN membership, contact dschick@canfl.com or phone 954-315-0372.

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About the 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.

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