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Community Advocacy Network Says New SB 1516 Legislation to Benefit Florida Condos, HOAs & Other Community Associations

CAN Director Donna DiMaggio Berger Says Bill to Create More Parity Between Condo & HOA Statutes, Build on Key Community Association Reforms in 2010

FT. LAUDERDALE, FL--(Marketwire - March 2, 2011) - The Community Advocacy Network (CAN, www.canfl.com), Florida's leading advocate for the interests of community association residents statewide, today announced its full support of SB 1516, newly proposed legislation that has just been filed in Tallahassee and that when enacted will introduce positive changes to Florida statutes to the benefit of millions of residents of condominium, co-operative, homeowner and other community associations statewide.

Co-sponsored in the Florida State Senate by Sen. Jeremy Ring (D-Margate) and in the House of Representatives by Rep. George R. Moriatis (R-Ft. Lauderdale), SB 1516 proposes to create more parity in terms of Board member eligibility, quorum thresholds and election procedures between Chapter 720 of the Florida Statutes (the HOA Act), which addresses homeowner associations, and Chapter 718 (the Condominium Act), which governs condominium communities in the state of Florida.

SB 1516 will be debated during the 2011 Florida Legislative Session that kicks off March 8 in Tallahassee. The full text of SB 1516 is available for immediate download and review at the website of the Community Advocacy Network, online at: <http://bit.ly/fUA61e>.

The proposed legislation mirrors the concerns expressed in CAN's 2011 Community Association Legislative Wish List, determined by the statewide advocacy organization's 12-member Advisory Council in consultation with the organization's membership and shared with State legislators in January.

"CAN and its member associations enthusiastically support the new legislative proposals presented in SB 1516, because we know this bill when enacted will positively impact the lives of millions of community association residents throughout our State," said Donna DiMaggio Berger, Executive Director, Community Advocacy Network (CAN).

"By creating more parity in Florida's two existing Statutes governing common-interest ownership communities, SB 1516 will remove much of the confusion and ambiguity in current Florida Statutes governing condominiums and homeowner associations," Ms. Berger added. "It will build upon important reforms passed during the 2010 Legislative Session and will serve to lock-in some of the important financial benefits now provided by the Statutes to associations facing difficulties as a result of mortgage foreclosures and delinquent assessments in their communities."

In creating greater parity in terms of Board member eligibility, quorum thresholds and election procedures between Chapters 720 and 718 of the Florida Statutes, SB 1516 specifically would:

- Revise the HOA election of director procedures to match the election procedures utilized in condominiums, doing away with the requirement that a quorum be achieved in order to have an HOA election and removing proxy voting for directors, which has been an ongoing area of abuse for some communities;
- Impose the same prohibitions found in the Condominium Act against convicted felons and delinquent owners serving on the board of a homeowners

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association; and,

- Allow members in HOAs to speak for at least 3 minutes on all agenda items at Board meetings -- previously, HOA members were only allowed to speak on agenda items which they had petitioned to put on the agenda.

SB 1516 also proposes to close two contentious loopholes in the 2010 legislation related to mortgage foreclosures and delinquent assessments:

- Clarifying that the ability to collect rent from tenants in delinquent units or lots includes the right to apply that rent to all "outstanding and future monetary obligations"; and,
- Clarifying that an association is NOT deemed to be a "previous owner" which is jointly and severally liable for past due assessments when the association takes title to delinquent property via foreclosure or a deed in lieu of foreclosure -- especially important when there are master and sub- associations who are leery of foreclosing because they don't wish to be deemed the previous owner responsible for past due assessments, this measure would remove many banks' argument that they are absolved from statutory liability for past due assessments due to an association's intervening foreclosure.

SB 1516 also includes important insurance and storm-related provisions:

- Requiring an insurance company to notify a condominium association with 50 or fewer units when the master policy is canceled or not renewed, thus giving the association membership the opportunity to insist on substitute coverage -- and helping to avert situations such as occurred in 2010 in Broward County, when a condominium president unilaterally cancelled the condominium's insurance coverage and a subsequent fire left all 30 families homeless as a result; and,
- Allowing a majority of the members in a condominium association to vote to require the board to install impact glass or code-compliant windows in the same manner in which they can currently require the board to install hurricane shutters.

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.

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Media Contact:

Michael Tangeman
Tangeman Hooks & Co.
Tel: 786-329-5572
Email: [Email Contact](#)

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