

## COMMUNITY ASSOCIATION LAW ALERT

7/17/14

### Summary of 2014 Legislative Action Affecting Community Associations Practitioners

The 2014 Legislative Session included several bills which affect Community Associations, including House Bill 807, House Bill 1089, and House Bill 7037. A summary of the significant changes are set forth below. The Bills became law on July 1, 2014.

#### COMMUNITY ASSOCIATION BILLS

##### House Bill 807 “Residential Properties”

House Bill 807 affects both Condominium and Homeowners Association. It specifically sets forth changes to recordkeeping, repair analyses, and for homeowners’ associations, the director qualification requirements.

##### **Condominium Associations**

Access. A condominium association’s right of access includes entry into an abandoned unit for inspection and repair purposes. The Association is allowed to charge access related expenses as an assessment and appoint of a receiver to collect rental income for the association’s benefit.

Insurance. A condominium association’s duty of repair pursuant to 718.111(11) is limited to an insurable event or as otherwise provided by the declaration or bylaws.

Records. All telephone numbers of a member are exempt from records inspection. A member may consent in writing to disclose contact information. An outgoing board or committee member must return all association records and property within five days after an election. There are civil penalties for noncompliance.

Meetings. Directors and committee members may participate at meetings via electronic devices. Emails are recognized, but may not be utilized for voting. Within 60 days after receipt of the petition to place an issue on a Board agenda, the issue must be placed on the next regular board meeting or special meeting agenda.

Assessments. When Associations receive title to a unit, the term “previous owner” does not include an association that acquires title through foreclosure or a deed in lieu of foreclosure. However, an owner who acquires a unit after an association acquired title through foreclosure or deed in lieu of foreclosure only is liable for unpaid assessments that accrued before the association acquired title.

Termination. If a proposed termination plan is not approved by the members, then 100 days must pass before a new plan can be proposed.

##### **Homeowners’ Associations**

Meetings. Board meetings must be held at a location accessible to physically handicap persons if requested by a handicapped person who has a right to access the meetings.

Records. All telephone numbers of a member are exempt from inspection, but a member may consent in writing to disclose contact information. An outgoing board or committee member must return all association records and property to the incoming board within five days after an election. There are civil penalties for noncompliance.

Members' Meetings. Members' meetings must be held at a location accessible to physically handicapped persons if requested by an owner.

Amendments. In lieu of providing the text of an approved amendment to members, notice may be provided to the members with the amendment's recording information and a statement that the amendment is available upon request at no charge.

Emergency Powers. If a state of emergency is declared, for a period of time that the community is affected, certain procedural requirements are waived, including those related to meeting notice requirements, mitigating damages, contracting for repairs for owners, levying special assessments, and borrowing funds.

MRTA. The Marketable Record Title Act is clarified to provide that publishing a notice pursuant to the Act is not required in addition to recording.

### **House Bill 1089 "Citizens Property Insurance Corporation"**

Florida Statutes Section 627.35 will prohibit wind only coverage for residential condominiums if fifty percent or more of the units are rented more than eight times in a calendar year for leases for less than thirty days.

### **House Bill 7037 "Residential Communities"**

Condominium Assessments. A condominium association release of lien form was adopted, along with forms for notices of intent to foreclose. Forms are created for a notice of intent to lien and a notice to contest lien.

Homeowners' Assessments. A homeowners' association release of lien form is adopted, along with forms for notices of intent to foreclose. The requirements of a Notice of intent to lien and release of lien requirements are set forth.

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