



## 2017 Legislative Session: What Bills Passed and Which Might Become Law?

As I am writing this update, the 2017 Florida Legislative Session has just ended so we do not yet know which of the several bills affecting community associations will become law. I have been asked to give you a heads up on the bills that were passed and my “best guess”, as the current Chair of CAI-Florida Legislative Alliance (CAI-FLA), as to which of those the Governor is likely to sign. As always, it was a busy session and the members of CAI-FLA, from around the state, working with Travis Moore, our Lobbyist, led the industry efforts in following the bills that affected community associations and advocating for sensible public policy.

One bill passed that will affect all associations and which we feel the Governor will sign is SB 398, which we called the “Estoppel Bill”. This bill amends the estoppel certificate provisions in Ch. 718, 719, and 720 and, among the changes, there is now a prescribed “Form” for estoppels certificates that all associations must use. It also sets the maximum fees that may be charged for estoppels certificates.

The general Community Association Bill, including many provisions proposed by CAI-FLA, and which passed is HB653. Our bill was sponsored by Rep. George Moraitis and this bill will also affect all associations. Along with provisions proposed by CAI-FLA, the bill includes language to deal with the ELSS issues affecting “high rise” buildings, condominium terminations and bulk buyer provisions. Near the end of session, HB653 was amended to bring some of the less offensive provisions of HB1237, the infamous “Miami-Dade Grand Jury Bill” which seems to have grabbed a lot of headlines this year. We believe HB653 will be signed by the Governor.

HB1237, which we dubbed the “Miami-Dade Grand Jury Bill”, was also passed with near unanimous support in both houses of the legislature. Fortunately for cooperatives and homeowner associations, the provisions of this bill will only affect Ch. 718 - condominium associations and is largely responsive to matters addressed in a report filed by the Miami Dade Grand Jury in February, 2017 in reaction to a “parade of horrors” dealing with condominium associations in Miami-Dade County. In response to the Grand Jury Report, two very influential South Florida legislators filed this bill and, because it tries to get at supposed widespread “criminality, fraud and abuse”, it found broad based support. CAI-FLA opposed the bill, “as drafted” in every committee hearing and, if consulted by the Governor’s Office about the bill which we anticipate, we will continue to oppose the bill. However, because portions of HB1237 are also in HB653, we have to be careful and not let our comments kill both bills. We are already working with our lobbyist on that strategy.

There are two other bills passed that affect associations: (i) HB 6027, the “CPA Bill”, which removes the 50 unit “exemption” relative to financial reporting and would put all associations on an equal footing so that required financial reports will be based on total income of the associations. This language is also in HB653, and (ii) SB 1520 dealing with certain condominium terminations and this language is also in HB 653. Even if signed, both bills are duplicative of existing language in HB653, so do not represent additional changes in the law.

After all these bills are considered by Governor Scott and we know what is actually signed, I will provide a more detailed review on each of these new laws as all will become effective as of July 1, 2017. Stay tuned.

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