



2016 Legislative Post Mortem Success for CAI Members at the Capitol

March 15, 2016

Working in efficient cohesion, the dedicated volunteer advocates of CAI's Florida Legislative Alliance (CAI-FLA) protected Florida's common interest ownership communities during the just completed 2016 Legislative Session. For CAI-FLA, the focus is always on the millions of residents and resident-volunteers who choose to live and invest their money, time and hearts in Florida's diverse and vibrant neighborhoods. This session, they were the winners.

The 2016 Florida Legislature could have produced a far different result as both chambers adjourned sine die around 7 p.m. on Friday, March 11. In fact, when the earlier-than-usual session began in January, good money was on the possibility of many damaging changes being made to Florida's common interest ownership statutes – Chapters 718, 719, and 720.

The CAI-FLA Delegates identified 44 bills impacting community associations in some manner, virtually all of them detrimentally. That is only the very beginning. CAI-FLA delegates were assigned various pieces of legislation to diligently analyze and summarize the impact. Positions were taken on whether to support, oppose or offer their expertise to the bill's sponsor on how to mitigate and "fix" the legislation. Throughout the legislative session, delegates held weekly conference calls to discuss what had occurred that week and how to best address the week ahead. Besides legislative initiatives filed as bills, this session had an inordinate amount of amendments which were trying to be attached to all sorts other bills. We found community association-related amendments being filed to bills dealing with ad valorem taxation, regulated professions, etc.

CAI-FLA was at the forefront representing all of the issues; high and low profile. CAI representing our very diverse membership; carefully and collaboratively engaged all stakeholders to effect the best results possible for all CAI members. There were "high profile" issues which received a great deal of publicity and numerous legislative committee hearings such as the 2016 version of the estoppel certificate "reform" fight. The House bill, HB 203, had three separate Committee hearings and a compromise was finally reached in the final hearing within the House Judiciary Committee. However, the bill was never heard again as some of the original proposers of the bill were not interested in passing the bill after it was amended to remove their "pay-at-closing" provision. The Senate estoppel bill, SB 722, passed one committee and was never placed on another agenda, so it failed accordingly.

Another bill, SB 1122, would have regulated HOAs and collected fees from homeowners to do so. This legislation would have made other changes to HOAs such as implemented mandatory binding arbitration of HOA disputes including disputes related to assessments, removing the ability of an HOA to file lien for fines, annual reporting requirements to Department of Business and Professional Regulations (DBPR), etc. This bill had one committee hearing and CAI-FLA alone offered testimony raising concerns. The bill was voted down in committee – a rarity in the Florida legislative process. A few weeks later, the sponsor attempted to run an amendment containing much of the same language to a bill in the Senate Appropriations Committee. Once again, CAI-FLA alone offered testimony and

the amendment was withdrawn. The sponsor filed the amendment to several bills on the Floor in the final days of session. One of the bills, the Department of Business and Professions legislative package (HB 1187/SB 1050) passed the House after numerous association-related amendments were filed and then withdrawn. The bill was available to be taken up at any time by the Senate. The Session ended with CAI-FLA communicating concerns to numerous Senators and the bill (with association-related amendments filed to it), sitting on the Calendar of bills available for a vote, was not taken up.

Additional legislative proposals CAI's advocacy team fought successfully includes:

- changes to adopting rental restrictions (SB 792, subsequently adopted into SB 1292);
- creating a method for absentee owners to identify a "liaison" for law enforcement to contact should inhabitants of a short term rental property become unruly. The "spring break" challenges being experienced by primarily beach-front communities. (Failed amendment to SB 1292);
- mandating certain HOAs and condominium associations maintain a website prescribing what information must be made available on the site (HB 1357, amended to HB 1405, and failed amendment to SB 1292);
- exempting HOA covenants and restrictions from the Marketable Record Title Act (MRTA) (HB 7031 and failed amendment to SB 1292);
- elimination of the "less than 50 units" exemption requiring audited financial reporting (SB 1292, HB 1405, amended into SB 1050);
- provisions that would have eliminated the ability for HOAs to use a third party to collect on unpaid assessments (HB 1357, amended into SB 1292 and HB 1405);
- requiring HOAs to set up a payment plan for unpaid assessments before utilizing a third party collector and after 24 months the debt to the association seemingly disappears...some type of "statute of limitations" on unpaid assessments (HB 1357, failed amendment into SB 1292, HB 1405).

To get a feel for the complicated and burdensome legislation proposed during the session that CAI advocated against by working the halls of the Capitol, in Tallahassee nearly every day, click on the links below.

[HB 653 By Cortes](#)

[SB 1122 By Hays](#)

[HB 1357 By La Rosa](#)

These are just three of the 44 pieces of legislation CAI-FLA was actively engaged in during the session...and don't forget those multiple amendments being attached to bills like gnats on honey on a humid Florida summer night!

As CAI members, you are each an invaluable part of our team. Thank you for being engaged, knowledgeable, diligent and passionate. Only together, with that level of commitment, can we foster wonderful neighborhoods, resilient communities and healthier homes.

Until next year.

Editor's Note: The CAI Florida Legislative Alliance is led by Lou Biron and supported by 20 delegates. Travis Moore is CAI's dedicated, steadfast lobbyist. Travis has a knack for bringing together all stakeholders toward a common goal and message to effect success for Florida's communities.