

Welcome! Legislative Update



While writing this column, I am attending the Community Associations Institute ("CAI") National Conference in Las Vegas, NV. Hey, somebody's gotta

do it. I am a member of CAI's Business Partners Council, and have been involved in CAI since 1986. CAI is a national organization that promotes community association living.

CAI is a great resource for managers for education, vendors, general knowledge and designations. CAI's designations can assist you by imparting specialized knowledge in the industry as well as distinguishing you from the multitudes of other managers out there. CAI has local chapters throughout Florida and the country.

As you can see from the main article, this year's legislative session has ended a bit abruptly. There are several bills affecting community associations that will be sent to the Governor for signature. Some of the legislation begins to bring associations into the 21st Century by allowing proxies to be faxed or emailed to associations and allowing associations to implement online voting through a board resolution. Other provisions clarify the fining committee procedures and provide that an association's rules and regulations are part of the governing documents. Check in with our CALL website at www.callbp.com to check on the status of the Governor signing these bills. More from Vegas next newsletter!

Howard J. Perl
Shareholder



As I write this article, the Florida House of Representatives has just adjourned, some might say in a huff, over budget issues. Regardless of the reason, this year's regular session is over. Several bills that affect community associations were passed by the legislature and will be sent to the Governor, including SB 748 (Sen. Ring)/HB 791 (Rep. Moraitis), Relating to Residential Properties. The bill impacts condominiums, cooperatives and homeowners' associations. Some of the provisions:

- Allows proxies to be faxed or emailed to association.
- Removes requirement that electronic notice be authorized by bylaws.
- Allows associations to implement online voting through a board resolution.
- Provides that the role of the fining committee is to confirm or reject the fine levied by the board.
- Extends the "Distressed Condominium Act" (i.e. the "bulk buyer law") until 2018.
- Provides that the "governing documents" of an HOA includes rules and regulations.

Thankfully, HB 611 (Rep. Woods)/SB 736 (Sen. Stargel), Relating to Residential Properties did not pass. These bills primarily address "estoppel certificates". Becker & Poliakoff led the charge to oppose these bills through our Community Association Leadership Lobby (CALL).

Some of the changes that were made to the Estoppel Bill as a result of CALL's advocacy, and the advocacy of management companies are:

- (1) The bill originally provided that the estoppel certificate had to be provided within 10 days of receipt. This was changed to 10 "business" days.
- (2) The bill originally included a very harsh waiver provision that would have prohibited the association from collecting ANY amounts due to the association if the estoppel certificate was not timely provided. This language was modified to provide that the association may not collect the estoppel certificate fee if the estoppel certificate is not timely provided.

While the bill is dead for this session, it is expected that the bill will be filed again for the 2016 legislative session.

Membership in CALL is complimentary for all annual retainer clients of Becker & Poliakoff as well as all of the managers who serve those communities. Membership for other communities is available at a nominal charge. For more information on CALL, please visit www.callbp.com.

We will be offering our 2016 Legal Update class beginning on October 1, 2015. For our full course listing, please visit www.bplegal.com/events. Until next month!

GET THE FREE APP!



We would like to introduce you to the Becker & Poliakoff App to help make running your association a little bit smoother. This FREE App provides you with a wealth of knowledge from the Firm's community association practice group, including a Frequently Asked Questions section where you can view Ken Direktor's responses to common association questions, searchable Florida statutes, and a handy tool which allows you to easily create meeting minutes.

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This Month's Tip...

Most if not all of the new laws affecting community associations go into effect July 1, 2015. Check with your attorney to make sure you and your community are up to date with the new laws.

Upcoming Classes and Events

Dealing With Difficult People

May 13, 2015, Ft. Lauderdale

Board Certification Course for Condo/HOA/Co-op

May 19, 2015, Ft. Lauderdale

Understanding Collections and Foreclosure

May 21, 2015, Miramar

Lunch & Learn - Disaster Preparedness and Recovery

May 21, 2015, Ft. Lauderdale

Condo Construction Projects Gone WILD!

May 27, 2015, Ft. Lauderdale

Classes may be subject to change.

Complete and updated information and registration for the above as well as all of our over 25 FREE courses can be found at

<http://www.bplegal.com/events>.

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MOST COURSES QUALIFY FOR MANAGER CEUs.

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