



## Bills Affecting Associations Await Crist's Signature

Fort Myers The News-Press, May 30, 2010

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A couple of weeks ago, I reported on Senate Bill 1196, the major piece of legislation affecting community associations which was adopted in the 2010 Session of the Florida Legislature (see "Senate Bill Would Affect Association Operations" published May 9, 2010). As of deadline time for this column, the Governor still has not signed or vetoed SB 1196. The Governor has until June 1, 2010 to act. Unless the Governor vetoes the Bill before June 1, it will become law (on July 1, 2010) without his signature, and of course would likewise become law if signed by the Governor.

A number of other Bills affecting community associations were also presented to the Governor on May 17, 2010. The Governor likewise has until June 1 to act on these Bills, and as of May 26, 2010, has still not taken action. Here are the highlights of those Bills.

### **HB 663—RELATING TO BUILDING SAFETY**

**Elevator Retrofitting:** HB 633, HB 1035, and SB 1196 have similar provisions with respect to elevator retrofitting. However, there are some slight differences, and whichever becomes law last will control. All three bills provide that updates to the Safety Code for Existing Elevators and Escalators, ASME A17.1 and A17.3, which require

Phase II Firefighters' Service on elevators may not be enforced until 2015, or until the elevator is replaced or requires major modification, whichever occurs first. The exception applies to elevators in condominiums or multifamily residential buildings, having a certificate of occupancy issued before July 1, 2008. The exception does not prevent an elevator owner from requesting a variance and does not prohibit the division from granting variances. The bills also provide that the Division may grant variances for undue hardship, but may not grant a request for a variance unless it finds that the variance will not adversely affect the safety of the public.

**Elevator Keys:** HB 663 would permit building owners to install a uniform lockbox containing keys to all public elevators, in order to allow access to the lockbox by emergency responders.

**Condominium Inspections:** HB 663 would repeal 718.113(6) which is the provision requiring buildings 3 stories or more in height to have prepared an inspection report every 5 years.

HB 663 addresses a number of other issues including, but not limited to home inspection services, mold assessment and remediation, building code inspections and enforcement, and the authority of State Fire Marshal.

## **HB 713—RELATING TO DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

This bill amends a number of provisions dealing with the licensing of professions by DBPR including home inspectors, mold assessors, community association managers (CAMs), real estate brokers, sales associates, and appraisers.

## **HB 1411—RELATING TO TIMESHARE FORECLOSURES**

This bill establishes a “trustee foreclosure proceeding” as an alternative to judicial foreclosure of timeshare interests. The managing entity may foreclose a time-share assessment lien by either filing a judicial foreclosure, or as an alternative, the managing entity may initiate a trustee procedure to foreclose an assessment lien under s. 721.855. Purchasers will have the option to object to the trustee foreclosure proceeding and require the managing entity to proceed by filing a judicial foreclosure action.

This bill also establishes a limitation of liability for officers, directors, or agent of an owners’

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association, similar to that in Chapter 718, Florida Statutes.

## **SB 2044—RELATING TO INSURANCE**

This bill requires all hurricane claims, supplemental claims or reopened claims by property owners and condominium associations to be filed within three years as opposed to the current law which allows filings within five years.

The bill also allows carriers to change the terms of the policy upon renewal and modifies the prompt payment requirements on the part of the insurance carriers. The carrier would be permitted to pay “actual cash value” minus the deductible, regardless of whether the homeowner paid for replacement cost coverage. The carrier then only pays additional amounts once a contract for reconstruction is in place and the costs are incurred (as the work progresses).

This bill also amends the law related to public adjusters and the amounts that public adjusters can collect for their services.

Of course, we will monitor all of these Bills and provide updates as circumstances warrant.