

## 2015 REVISIONS TO FLORIDA COMMUNITY ASSOCIATION LAW

June 23, 2015

**(Via e-mail)**

Dear Client:

**The key 2015 revisions to the Condominium and HOA Acts are as follows:**

1. **Electronic Notice of Meetings.** Notice of Board and Member meetings can generally be provided electronically to any members who have consented to electronic notice.
2. **Online Voting.** The Board can establish an online system to allow members to vote in elections and on other matters. There are detailed requirements (related to privacy and other issues) that must be met in order to proceed with online voting.
3. **Endorsements on Checks.** In response to a recent Court ruling, the legislature has clarified that a Condominium Association is not bound by any endorsements of any kind written on assessment payment checks. Although this new language was not added to the HOA Act, it appears it will apply to HOAs as well, since it is described as “intended to clarify existing law.”

The above statutory revisions are effective on July 1, 2015.

**The key 2015 Court Decisions related to Condominiums and HOAs are as follows:**

1. **Architectural Review Authority.** If the governing documents provide for architectural approval of changes to “structures,” but do not specify landscaping, then the Association does not have authority to approve or deny landscaping changes on an owner’s property.

2. **Third Party Buyers at Bank Foreclosure Sales.** A third party buyer at a bank foreclosure sale may not have to pay any assessments from prior to the purchase, since most Association governing documents treat third party purchasers at such sales the same as mortgage holders. This problem can be corrected by amendment to the Association documents.

If there are any questions I can answer regarding any of the above, please let me know.

Sincerely,

A handwritten signature in black ink that reads "G Fields". The "G" is stylized and large, followed by "Fields" in a cursive script.

GARY D. FIELDS