

## 2010 REVISIONS TO FLORIDA COMMUNITY ASSOCIATION STATUTES

June 1, 2010

(Via e-mail)

Dear Client:

The key 2010 revisions to the **Condominium Act** are as follows:

1. **Elevator Upgrade Exemption.** Existing permitted condominium elevators (as of 7/1/08) have up to a 5 year exemption from conforming to certain otherwise required upgrades.
2. **Lease Restrictions.** Amendments that prohibit leasing, or restrict the length of a lease or the number of times a unit can be leased, apply only to unit owners who consent to the amendment and unit owners who take title after the amendment is effective.
3. **Privileged Records.** The following are added to the list of privileged Association records (records Members shall not have access to):
  - a. Personnel records of Association employees.
  - b. All member identifying information, other than name, unit number, unit address and mailing address.
  - c. Association data security information (such as passwords).
  - d. The software and operating system for the Association's data.
4. **Financial Reporting.** Associations with less than 75 (formerly 50) units required only to provide report of cash receipts and expenditures.
5. **Co-Owners on Board.** Co-Owners may serve together on the Board if they own more than one unit or if there are not sufficient candidates for open Board positions.
6. **Board Member Certification.** New Board members must execute a certificate within 90 days *after* election, regarding knowledge of Association documents and related matters.

7. **Delaying Fire Sprinkler Retrofitting.** Simplifies vote to delay retrofitting, and extends exemption until end of 2019.
8. **Mortgagee Liability for Past Assessments.** Mortgagee liability for assessments prior to foreclosure is extended to 12 months (*Note: This change is likely applicable only to mortgages entered into after 7/1/10*).
9. **Collection from Tenant.** A procedure is established for the Association to collect any owner delinquency from the owner's tenant. The Association may evict the tenant if he/she fails to comply.
10. **Suspension of Rights; Fines.** An Association now automatically has the power to suspend certain rights for delinquent owners, and to fine for any kind of violation, whether or not the documents provide for this.
11. **Bulk Purchasers.** To help associations where developers have been unable to sell most units, allows bulk purchasers (buyers of more than 7 units) to have certain developer rights, without all of developer responsibilities (but only as to bulk purchasers who buy before 7/1/12).

The key 2010 revisions to the **Homeowners Association Act** are as follows:

1. **Record Inspection Charges.** The Association may charge for a management company's employee's time in making requested copies.
2. **Privileged Records.** (Now identical to those for Condominiums – See Number 3 above).
3. **Reserve Accounts.** Provides for additional disclaimers when Association does not have required, fully funded, reserve accounts.
4. **Prohibition of Compensation to Board.** Prohibits compensation to Board, officers and committee members, unless authorized by documents or membership vote.
5. **Suspension of Rights; Fines.** An Association now automatically has the power to suspend certain rights for delinquent owners, and to fine for any kind of violation, whether or not the documents provide for this. Additionally, fines of \$1,000 or more may become liens on units.
6. **Elections.** Unless prohibited by the governing documents, mailed in election ballots shall be in double envelopes, like for condominiums; and candidates may nominate themselves at the election meeting or in advance.

7. **Collection from Tenant.** (Same as for Condominiums – See Number 9 above).
8. **Special Assessments Prior to Turnover.** Special assessments prior to turnover require membership approval.

These revisions are effective as of July 1, 2010. If there are any questions I can answer in this regard, please let me know.

Sincerely,

*G Fields* (e-mail signature)

GARY D. FIELDS