

2011 REVISIONS TO FLORIDA COMMUNITY ASSOCIATION STATUTES

July 11, 2011

(Via e-mail)
Dear Client:

The key 2011 revisions to the **Condominium Act** are as follows:

1. **Privileged Records.**
 - a. Personnel records of Association employees remain privileged and confidential. However, employment agreements, management agreements, and financial records indicating compensation paid to an association employee are available to any member of the Association.
 - b. E-mail addresses and fax numbers provided to the Association to fulfill Association notice requirements are available to any member of the Association. Clarifies that members can consent in writing to disclosure of personal identifying information, and that the Association is not liable for inadvertent disclosure of personal identifying information that was provided voluntarily to the Association and not requested by the Association.
2. **Closed Board Meetings.** Board meetings held for the purpose of discussing personnel matters do not have to be open to the membership.
3. **Impact Glass.** The Association's authority to install hurricane shutters now also includes impact glass.
4. **Association Foreclosure.** An Association that takes title by foreclosing on a unit, is not liable to any other Association for assessments or related charges that came due before the Association took title.
5. **Collection from Tenant.** Clarifies that when an Association garnishes rent from the tenant of a delinquent owner, the tenant must pay the rent to the Association until all of the owner's obligations to the Association are paid in full. Provides the form of notice that must be sent to a tenant.

6. **Suspension of Rights.** An Association now has the power to suspend certain rights of owners for any kind of violation, whether or not the documents provide for this. Clarifies that any owner whose voting rights have been suspended does not count for any kind of quorum purposes. Requires notice by mail or hand delivery regarding suspensions.

The key 2011 revisions to the **Homeowners Association Act** are as follows:

1. **Board Meetings.** Members have the right to speak at Board meetings regarding all designated agenda items.
2. **Privileged Records.** (Revisions are identical to those for Condominiums – See Number 1 for Condominiums).
3. **Suspension of Rights.** Suspensions of unit owner rights for failure to pay assessments can be done at any Board meeting. Clarifies that any owner whose voting rights have been suspended does not count for any kind of quorum purposes. Requires notice by mail or hand delivery regarding suspensions. An owner's access to cable or video service may not be suspended if the owner pays the provider directly for services.
4. **Board Member Qualifications.** Disqualifies a member from serving on the Board if the member is 90 days delinquent to the Association or is a convicted felon whose civil rights have not been restored for at least 5 years.
5. **Association Foreclosure.** (Same as for Condominiums – See Number 4 for Condominiums).
6. **Collection from Tenant.** (Same as for Condominiums – See Number 5 for Condominiums).
7. **Bulk Internet/Phone/Television Contracts.** Clarifies Board's right to enter into such contracts, and provides the membership a one-time right to cancel any such contract at the next members' meeting after the Board approves such a contract. Allows certain disabled owners and owners receiving certain governmental assistance to opt out of such services without charge.

These revisions are effective as of July 1, 2011. If there are any questions I can answer in this regard, please let me know.

Sincerely,

G Fields (e-mail signature)

GARY D. FIELDS