

Highlights of the September 21, 2011 COBWRA Meeting at Villaggio

Louis Caplan: New HOA & Condo Laws

Louis Caplan is a partner in the firm of Sachs Sax Caplan. He practices community association law and represents many communities. Lou is a member of the board for the West Boca Community Council and advises COBWRA from time to time. These changes took effect on July 1, 2011 for HOAs and condos:

- The Legislature passed restrictions making certain personal information “not inspectable.” Hence it is a **violation** for HOAs and condos to publish **telephone directories and email addresses** unless owners opt in. A questioner asked, “What’s the penalty for a violation?” The answer: “Who knows.” He applauded COBWRA for taking a position on this issue.
- For condos, boards can now have a private meeting if they are **discussing personnel** matters. HOAs have it.
- A condo or HOA owner who is 90 days or more delinquent in any monetary obligation to the association is **ineligible to run** for the Board.
- Last year the law changed to allow an HOA or condo to collect future assessments from a tenant where the owner was collecting rent but not paying assessments. The 2011 law allows associations to collect all the rent until all **past due assessments** are satisfied also.
- HOAs and condos have a **statutory right to fine or suspend** common area use rights for violations, and to suspend common area use rights for delinquencies. To fine or suspend, an HOA needs a 14-day notice of a hearing by a committee and fines must be approved by a committee vote. A suspension for failing to pay does not require a hearing but requires board vote and written notice of suspension to the unit owner.
- People asked if a delinquent owner could have their **resident gate entry privileges** suspended. Caplan said the law does not allow you to impair entry or parking or access to the owner’s unit. The problem is the term “impair” is very broad. Some judges view suspending gate privileges as impairment.
- People need to understand that, in Florida, non-payment of assessments can lead to the HOA or condo **association taking ownership** of the unit even if the owner has homestead rights.
- **Homeowners associations approaching 30 years** of existence are reminded to be sure to have their covenants renewed as specified in the Marketable Records Act in Chapter 712. Does not affect condos.

Officials’ Reports

Commissioner Burt Aaronson, District 5, thanked COBWRA for our efforts to support **PBSO District 6 Substation** and **Green Cay Nature Center**. They will both stay open. **He asked us to stop sending emails!**

Chief Todd Blake, Fire Rescue Battalion 4, said he is bringing equipment to COBWRA meetings so people can meet the crews and see the fire engines. All crews are both fire fighters and emergency medical specialists.

- Fire Rescue will conduct **CPR training** in your clubhouse. Contact Doug McGlynn, 561-969-0729.
- For questions, contact **Chief Todd Blake, at 561-498-3334, Ext 102** or tblake@pbcgov.org.

Captain Marty Bechtel, PBSO, thanked COBWRA for supporting District 6 to stay open. In August there were 12 stolen vehicles and so far in September, there have been 17. In August there were 57 vehicle burglaries and in September so far 48 vehicle burglaries. **Please lock your cars and never leave valuables inside.**

COBWRA Reports

Legislative Concerns

COBWRA delegates voted unanimously to ask state legislators to make these changes to HOA/Condo laws:

- Change the **telephone directory law** in Chapters 718 and 720 from requiring everyone to “opt in” to allowing anyone who so wishes to “opt out.”
- **Require HOA board members** to either certify they have read and understand their community documents and Florida Statutes Chapter 720 OR to complete a course for residential association directors. (This is already required for Condo directors.)

Delegates voted to recommend that the **County Charter** continue with **Constitutional Officers** elected independently and to keep the number of **County Commissioners** at seven.

Bethesda Day at Aberdeen Golf & Country Club.

Marty Weissman, President, Aberdeen POA, and Amy Brand, Bethesda Hospital Foundation, invited people in the COBWRA area to participate in Aberdeen’s first annual fund raising event for Bethesda West Hospital with a day of golf and fun on **Saturday, Dec. 10, 2011**. For more info or to support, call **561-737-7733 X85600** or click on www.bethedahospitalfoundation.org.

Walmart will open a new **Neighborhood Marketplace** (grocery only) in the space left by Winn Dixie in the Boynton Trail Centre at Military Trail & Boynton Beach Blvd. Estimated opening is January 2013.

Future Meetings (Open to the public)

Oct 4, 6:30 pm: Growth Management, PBSO District 6
Oct 19, 9:30 am: COBWRA Delegates meeting at Palm Isles, Boynton Beach Blvd between Jog & Hagen Ranch Roads. Speaker: Dave Aronberg on prescription drug abuse in Florida.

—Ken Lassiter for COBWRA Communications
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