

A Council of Neighborhood Associations (CONA) meeting was held on May 17, 2017 at the Gulf Harbor's Civic Center, 4610 Floramar Terrace, New Port Richey, 34652. The topic of the month was: "Legislative Roundup." Dominick marveled at the big turnout. The late arrivals had to park their cars in an open field across the street because all the spaces in the paved parking lot were taken. The attendance could have reached 100. Dominick led the room in the pledge of allegiance at 9:30 a.m. He gave a short history of CONA. The first meeting was held in a community center in Regency Park, off of Little Road, in 1985. It was called "West Pac" for western Pasco County. Its goals were to educate and share hard-learned lessons among the volunteer homeowners who govern managed communities (condominiums and homeowners associations) and to petition the state legislature for laws and regulations to benefit their communities in all of Pasco County west of U.S. Highway 41. Another interest group or association, called Community Associations Institute (CAI), performs the same function on a nation-wide and international scale.

Dominick introduced the other two members of his three-man panel: Travis Moore, a lobbyist, who is well known in the Florida State Legislature in Tallahassee; and Barry Scarr, of Scarr Insurance Group, headquartered in Seminole, FL. Dominick also recognized two distinguished guests in the audience: Leonard Mankin, of the Mankin Law Group, specializing in bad-debt collections, and John Copeland, president of the Pasco Alliance for Community Associations (PACA) of Pasco County, east of U.S. 41.

Travis spoke first. Florida is the third most populous state in the Union, behind California and New York, but those two states have full-time legislatures; therefore, Florida is the largest state with a part-time legislature. It is hard to judge what was accomplished in the last legislative season because the season had just ended. Three pertinent bills went to Governor Rick Scott for his signature, whereby the bills will become law. Now that the legislature is out of session, he has 15 days to decide. If the legislature was still in session he would have had 10 days. All the bills he neither signs nor vetoes automatically will become law after the appropriate grace period. A high school lesson in Florida civics: all Senate Bills are even-numbered and all House Bills are odd-numbered. This helps in enquiring about bills online. One does not have to type in the letters SB for Senate Bill or HB for House Bill. The numbers 398 and 1237 are enough. A rumor in Tallahassee implies that Rick Scott will campaign for Bill Nelson's soon to be vacant U.S. senate seat.

Senate Bill 398 is informally known as the "Estoppel Bill." It was crafted to benefit everybody in the sale of real property, and especially condominium apartments. A minority of owners of condominium units try to hide that they are delinquent in their monthly fee payments to their respective condo associations when they try to sell their units. Therefore, a few safeguards have been put in place to guard against a buyer buying a condominium unit and unknowingly assuming a burdensome debt. Travis had a laundry list of changes to procedure. The different changes benefit either the buyer, or the seller, or the title company. He said the real estate companies complain that the nominal charge (usually around \$150) adds to the cost of the sale and, perhaps, realtors may lose a few sales. Travis could not contain himself and poked fun at realtors saying that no realtor would consider lowering the cost of a sale by reducing their seven

percent commission. Dominick intervened to explain that estoppel certificates would not have to be necessary if everybody would be honest. The biggest offenders are found in South Florida (Miami) where some have charged fees so high that they are “exorbitant,” meaning out-of-orbit. For a closing, Travis says the Representative Chris Sprowls, from Palm Harbor, often asks him: “What does Dominick want?”

From the audience, Leonard Mankin stood up and explained that estoppels guarantee that buyers are made aware of any delinquent fees assessed by a condo association on the sellers. He has found that preparing estoppel certificates is an easy task. Somebody in the audience asked about assessments owed to civic associations. The answer was that all civic association assessments are voluntary.

House Bill 1237 deals exclusively with condominiums. The original intent of the bill was to prosecute corrupt condo board members who would embezzle the association’s treasury like common thieves. It seemed that no other law on the books, in Florida, specifically covered this type of crime. This law is necessary or else every smart crook would run for a seat on a condo board. Somebody stated that journalists ignore well run condominiums, but they are like sharks who smell blood if they catch wind of crooked condo board.

Bills in the legislature seldom remain clear and concise. Somebody tried to include term limits for condo board members in the same bill for the same noble cause of discouraging corruption. Either Travis or somebody else convinced the bill writers to include an override clause because he knew some condominiums have a hard time keeping what few people they have on a board. He noted two legislators from the Miami area as champions of this bill: Sen. Garcia and Rep. Diaz. A troubling clause was left in the bill. Again, it was for a noble purpose without studying the ramifications. It stated that all condominium documents in Florida be made available online by July 1, 2018. Somebody may be able to convince the legislature to repeal that clause within the next year and a half.

While explaining that some people look upon condominiums as cash cows, Travis went off on a tangent to say that certain legislators swept about four million dollars out of a trust account for their own pet projects.

House Bill 653 originally was written to force old high-rise condominiums, seven stories (75 feet) or higher, to install up-to-date fire suppression, sprinkler systems. This bill went from 40 pages to over 100 pages in a short time as a few legislators dumped overlooked issues not covered in the previous two bills. One was to repeal the term limits clause in the previous bill; and another was to prohibit frivolous recalls. This would stop a malcontented homeowner from recalling the board repeatedly, simply because he does the people on the board.

Travis’s parting comments was about the Florida Legislature. Far too many who were elected are ignorant of Florida Law as well as how to move a bill through the state senate and house. The good news is that all the legislators will be returning next January because 2017 was not an

election year. They will be returning to serve on the same committees. They should be able to do a better job than they did this last season.

Barry Scarr was the next speaker and he promised his presentation would be shorter...much shorter. His expertise is insurance and he admitted that little was done, in the 2017 legislative season, to improve the service of insurance to deserving people. PIP stands for Personal Insurance Protection, or Personal Injury Protection, and it is an extension of car insurance that covers medical expenses and, in many cases, lost wages. It is often called “no-fault” coverage because its inherent comprehensiveness pays out claims regardless of who is at fault in the accident. One evil that pervades in South Florida is AOB, or assignment of benefits by a homeowner to a contractor. This allows repair contractors to submit inflated insurance claims. That is another stress factor in raising premiums, while a select few become rich.

The Florida Insurance Guaranty Association (FIGA) establishes and maintains a service-oriented operation for processing covered claims of insolvent members. FIGA is a nonprofit corporation created by the Florida Legislature in 1970. FIGA steps in to handle the claims of insolvent property and casualty insurance companies. Not all “admitted carriers” of insurance can achieve an A.M. Best Rating from the A.M. Best Company. It would behoove the condo board members in the audience to see their association’s “admitted carriers” have such a rating. Admitted Carriers simply means companies that are admitted by the State of Florida – Office of Insurance Regulation to do business in FL. They must register their rate tables with the State.

Dominick gave the last presentation from the panel. He spoke on the bills that did not survive the legislative process...well, better luck next year. The Florida Legislative Alliance (FLA) and the Community Associations Institute (CAI) are the primary two lobby support and advisory groups to assist lobbyists to help legislators formulate better bills for better laws to serve condominiums and homeowner associations in Florida. Dominick likes to use the word “scrutinize” when talking about examining early drafts of a proposed bill.

CONA will take a summer break and will not have another meeting until 9:30 a.m. Wednesday, September 20, at the Gulf Harbor’s Civic Center.