

COMMUNITY NEWS

The Council of Neighborhood Associations

The Voice of Condo, Civic, and Homeowner Associations of Pasco County



October *FLEW* in like the fall wind through the leaves.

See this month's issue for the upcoming events for the **FEARED** and **FEARLESS!**

CONA Upcoming Events:

All meetings are held at the Gulf Harbor's Civic Center at 4610 Floramar Terrace, New Port Richey, FL 34652. For questions please contact one of the CONA Directors.

October:

The October Program will be held Wed. October 12th at 9:30 a.m. **This is the 2nd Wednesday of the month, NOT the normal 3rd Wednesday schedule.** This will ONLY be for the month of October.

This month CONA is excited to have Mrs. Kelly Miller, President of the Colonial Hills Civic Association, present "Neighborhood Revitalization, an HOA Perspective".

November:

CONA November Program will be on our regular monthly meeting schedule, every third (3rd) Wednesday at 9:30 a.m. The guest of honor will be Dr. Whitney Elmore, Director of the Pasco County Extension Service. CONA is looking forward to a great crowd.

December:

CONA Christmas Appreciation Breakfast December 7th at 9:00 a.m. at the Heritage Springs Country Club. Always a wonderful breakfast, great camaraderie with our local and state officials, and of course, the DOOR PRIZES! To purchase a ticket please see one of the CONA Directors or call 813-433-2016.

We would like to welcome Mr. John Ford of Trinity, FL as the newest CONA Director. John is involved with his HOA Board of Directors at Trinity West and is a strong political advocate in Pasco County.

CONA is still recruiting a New Board Member! The Council of Neighborhood Associations is looking for 1 more Director!! If you are interested in the position please speak with the CONA President, Dominick Scannavino **see contact information inside. To learn more about CONA and its history please go to www.conapasco.org.

Pasco County:

Pasco County Art Guild

West Pasco Art Guild, Inc.
6206 Jefferson St.

New Port Richey, FL 34652
(727) 841-7732

Please check out this lovely organizations website for events and hours: www.westpascoartguildandgallery.org.

SCREAM ACRES

Friday, Oct 21 - Saturday, Oct 22
Pasco County/Halloween
Jay B. Starkey Wilderness Park,
10500 Wilderness Park, NPR
7-10PM, \$1 Entry
727-942-7439

Annual Bazaar and Rummage Sale

Saturday, Oct 29
Pasco County/Rummage Sale
Knights of Columbus
5850 K Of C Drive, Port Richey
9AM-5PM
727-534-4115

FIRE SPRINKLER MEMORANDUM

Mary Zewalk Thomas, Esq., LL.M.

An important deadline for Florida residential condominiums is quickly approaching. By December 31, 2016, all condominium associations will need

to be in compliance with Florida's fire sprinkler retrofitting requirements.

The Florida Fire Prevention Code requires all Florida residential condominiums that meet the definition of a "high-rise building" to have either a complete automatic fire sprinkler system or an Engineered Life Safety System (ELSS) by December 31, 2019. Chapter 718 of the Florida Statutes governing condominiums states that notwithstanding the requirements of the statute which mandates the Florida Fire Prevention Code, or any other code, residential condominiums may opt-out of the requirement to install the automatic fire sprinklers or ELSS if, by December 31, 2016, the majority of all voting interests vote to forego retrofitting. It also states that "...a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with the applicable fire and life safety code..."

It is therefore imperative that every condominium have a licensed electrical contractor or electrician inspect the Condominium for compliance with the applicable fire and life safety code.

If the Condominium is in compliance, either because you already have fire sprinklers or an ELSS, or because the fire and life safety code does not require the installation of fire sprinklers or an ELSS for your type of building, then the electrician will issue a certificate of compliance. The Association can rely upon that certificate; keep it permanently on file in the Official Records.

If, however, the Condominium is required by the underlying fire and life safety code to install fire sprinklers, then the electrician instead will issue an opinion that the Condominium must install the fire sprinklers or an ELSS. If the electrician concludes that a fire sprinkler system or an ELSS is required, then § 718.112(2)(1) allows the condominium association to opt out of that requirement by holding the vote to waive retrofitting. The Association will have met its duty to its mem-

bers by informing them of the opinion obtained from the licensed professional, and by offering them the opportunity to choose to install fire sprinklers or to waive retrofitting.

If, by December 31, 2016, the Association does not have (1) a certificate from a licensed electrical contractor that the Association is in compliance with the fire and life safety code, or (2) the affirmative vote of a majority of the voting interests to forego retrofitting, then the Association must initiate an application for a building permit to install the automatic fire sprinkler system demonstrating that the association will become compliant by December 31, 2019.

For questions please contact the Law Office of James R. De Furia, P.A., Community Association Attorneys and Counselors at Law
201 East Kennedy Boulevard, Suite 775
Tampa, FL 33602
www.JamesDeFuria.com

EMERGENCY POWERS:

What Condominium and Homeowners Association Board Members Need to Know

Blog - Doing Business in Florida
Berger Singerman, LLP

The windows are shuttered, patio and pool furniture is stored away, the pantry is stocked with food, water bottles and gas tanks are filled, flashlights have new batteries, and insurance policies and other important papers are in a safe place. Hopefully, the preparation for the storm will be worst part.

But, if you do experience tropical storm or hurricane conditions are you prepared for the storm and the aftermath? Do you know who to call if downed trees block the roads? What if the lakes start to overflow or the electricity goes out? Are the emergency generators in working order? Are owners required to leave and, if so, when can they come back? The list goes on and on and on.

CONA Officers:

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CONA website:

www.conapasco.org



Both condominium associations and homeowners associations should maintain communications with owners before and after the storm. While there is still time, Association's should make sure that they have current contact information for all owners, and all owners should have contact information and know how to reach board members, the Association's manager, and the management company. The board should also know how to reach the Association's attorney and insurance agent.

Boards of both condominium and homeowners associations have statutory powers in the event of certain emergency conditions. Both the Florida Condominium Act (Chapter 718 of the Florida Statutes) and Chapter 720 of the Florida Statutes governing homeowners associations provide for emergency powers during the "time reasonably necessary to protect the health, safety and welfare of the association and the unit/parcel owners the unit/parcel owners' family members, tenants, guests, agents or invitees." Such emergency powers include those "reasonably necessary to mitigate further damage and make emergency repairs." In addition, Florida law specifically authorizes certain actions by the board in order to respond to events for which a state of emergency is declared including the following:

- The power to conducting board meetings and membership meetings with notice given as is practicable and in any practicable manner, including publication, radio, United States mail, the Internet, public service announcements, and conspicuous posting on the condominium or association property or any other means the board deems reasonable under the circumstances. The power to cancel and reschedule any association meeting.
- The power to name persons who are not directors as "assistant officers" to accommodate the incapacity or unavailability of any officer of the association and who have the same authority as the officers during the state of emergency.

- The power to relocate the association's principal office or designate alternative principal offices.

- The power to enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal.

- The power to implement a disaster plan before or immediately following the event for which a state of emergency is declared which may include, but is not limited to, shutting down or off elevators, electricity, water systems, sewer systems, security systems, or air conditioners.

- Based upon advice of emergency management officials or upon the advice of licensed professionals retained by the board, the power to determine any portion of the condominium or association property unavailable for entry or occupancy in order to protect the health, safety, or welfare of such persons.

- The power to require evacuation of condominium property in the event of a mandatory evacuation order by the governmental authority, and, in the event the board requires evacuation, should any unit owner or other occupant of a condominium fail or refuse to evacuate the condominium property, the association is immune from liability or injury to persons or property arising from such failure or refusal.

- Based upon advice of emergency management officials or upon the advice of licensed professionals retained by the board, the power to determine whether the condominium or association property can be safely inhabited or occupied.

- The power to mitigate further damage, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including, but not limited to, mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the condominium or association property, even if the unit owner is obligated by the declaration or

law to insure or replace those fixtures and to remove personal property from a unit.

- The power of a condominium association to contract, on behalf of any unit owner, for items or services for which the owners are otherwise individually responsible, but which are necessary to prevent further damage to the condominium property including, without limitation, the drying of units, the boarding of broken windows or doors, and the replacement of damaged air conditioners or air handlers to provide climate control in the units or other portions of the property. In such event, the unit owner on whose behalf the board has contracted is responsible for reimbursing the association for the actual costs of the items or services, and the association may use its lien authority to enforce collection of the charges.

- The power to levy special assessments without a vote of the owners.

- The power to borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association when operating funds are insufficient.

Both condominium and homeowners associations should have emergency plans in place and be prepared to weather the storm.



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