

COMMUNITY NEWS

The Council of Neighborhood Associations

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

CONA would like to take this opportunity to recognize the unfortunate disaster that is taking place in Houston, Texas, and the surrounding areas.



CAI SUPPORTS TEXAS

A natural disaster like Hurricane Harvey is catastrophic to the nearly 20,000 community associations and more than 4 million residents living in Texas. Now, more than ever before, community associations in Texas must come together to survive this natural disaster and ultimately recover. Community Associations Institute, CAI, is here to support these communities and their residents in need and provide you with timely updates and resources.



HOW TO HELP

Currently, there are approximately 30,000 people in temporary shelters due to flooding according to The Independent. Below is how they suggest serving these communities.

- **Give cash, not goods**
- **Donate blood, shelter, and long-term donations**
- **Use your language skills**
- **Identify and donate to local charities, including food banks**

Please Visit

www.caionline.org/CAISupportsTexas
to learn how you and your community can help.



Don't forget about the animals! Please go to your local Humane Society and SPCA to learn more about how you can help!

Pasco County Humane Society
727-856-6762

<http://www.humanesocietyofpasco.org/>

SCPA Suncoast

Main: 727-849-1048

<http://spcasuncoast.org/>

WELCOME BACK! We are excited to have you back from your summer siesta. While you were snoozing, CONA has been busy assembling the programs for the new term. For those of you that don't know, CONA members meet from September to May of the following year.

Check your schedules, set your reminders! Here it is folks the 2017/2018 list of programs for the Council of Neighborhood Associations!

Sept 20, 2017: Your Community's Cyber Presence: Steve Mezer of Becker and Poliakoff

Oct 18, 2017: Legal Q&A: Attorney, James DeFurio

Nov 15, 2017: Flooding in Pasco County: Joella Schultz, Principal Engineer at Pasco County Stormwater

Dec 14, 2017 at 9:00 AM: Annual Christmas Appreciation Breakfast

Jan 17, 2018: Fix Me Up...Please! Options for financial assistance to homeowners in need of repairs to their homes...a resource for community associations.

Feb 21, 2018: Who Owns That House? The Pasco County Rental Registry: Representatives from the County Clerk and Code Enforcement
Mar 21, 2018: Economic Development Along the US 19 Corridor: Speaker to be determined

Apr 18, 2018: Legislative Update: CAI FLA Lobbyist, Travis Moore

May 16, 2018: Getting Out of Town- What to do in an emergency:

Kevin Guthrie- Emergency Services
Pasco County

June 20, 2018 (proposed):
Candidate Forum for AUGUST
elections

THE ANNUAL CHRISTMAS APPRECIATION BREAKFAST TICKETS GO ONSALE 9/20

Thursday, December 14th at 9 a.m.
Heritage Springs Country Club
Please see a CONA Director to
purchase a ticket or call
813-433-2030

FOR THE WEST PASCO ART

ENTHUSIASTS ~The West Pasco Art Guild will begin the autumn season on Friday, September 1 with the monthly meeting. The program by Suzanne Natske, a 6 time participant of the Florida Water Color Society. She will talk about her winning painting and offer information about entering. The public is invited to learn about the Guild, view the "Artists Choice" show on display through the month and participate in our activities. Find us at 6202 Jefferson St. in downtown New Port Richey and www.westpascoartguildandgallery.com, and visit us on Facebook.

PASCO COUNTY PRESS RELEASES:

Commissioner Moore to hold off-site meetings open to the public
~~Citizens can make appointments to speak with Commissioner Moore~~
Pasco County Commissioner Mike Moore is adding off-site office hours to make it easier for citizens to meet with him. Citizens who wish to meet directly with Commissioner Moore should contact his Executive Assistant, Terry Ewing-Chow at 352.521.4111 Ext. 4682 to schedule a meeting.

Comm. Mike Moore's off-site hours
Thursday, September 7, 2017
11 a.m. to 3 p.m.

New River Library
34043 State Road 54
Zephyrhills, FL 33543

Commissioner Moore holds regular office hours during the week at the Historic Pasco County Courthouse in Dade City. Citizens who wish to meet with him during these times can contact Ms. Terry Ewing-Chow at 352.521.4111 Ext. 4682

Commissioner Mike Moore, District 2, serves as Board Chair. For more information about Commissioner Moore click on the following link:
<http://www.pascocountyfl.net/Directory.aspx?EID=616>

For more information about the Pasco Board of County Commissioners click on the following link: <http://www.pascocountyfl.net/Index.aspx?NID=147>

Take part in Pasco County's Coastal Cleanup! ~Help prevent trash from reaching our waterways~
Pasco County is partnering with Keep Pasco Beautiful in an effort to help clean up our roads and waterways. The annual International Coastal Cleanup will be held throughout Pasco County on Saturday, September 16, 2017 from 8 a.m. to 12 p.m.

"Last year the turnout was amazing with 1,372 volunteers picking up 50,720 pounds of trash," said Kristen King, Keep Pasco Beautiful Coordinator. "This year, we'll focus on roads, as well as waterways. Pasco is a coastal county and drainage from roads into the stormwater system carries trash into many of our waterways. Additional cleanup volunteers will help prevent that trash from having a negative impact on our economy and on our marine life."

Teams will be cleaning up at various locations throughout Pasco County including Anclote Gulf Park and Strau-

CONA Officers:

President, Dominick Scannavino
813-433-2020
dscannavino@mgmt-assoc.com

**Vice President, Government
Chairman, Ron Hubbs**
727-863-0392
rbhubbs75@gmail.com

Secretary, Sally Hanlon
727-843-9209
sann3339@gmail.com

Treasurer, Helen Kelley
727-478-4909
hkelley@creative-mgmt.com

CONA Directors:

Program Committee:
Chairman, Theresa Torchin
727-376-0865
tatorchin@yahoo.com

Co-Chairman, John Ford
516-749-2322 (c)
JohnInTrinityWest@gmail.com

Government Committee:
Co-Chairman, Ernie Reed
727-364-5907
Lizr2545@yahoo.com

Hugh C. Townsend
727-372-6615
dorfender@earthlink.net

Membership Committee:
Chairman, Kelly Miller
727-255-0946 (c)
kelly@getinvolvedchca.com

CONA website:
www.conapasco.org

PASCO COUNTY ANIMAL SERVICES

**Call Pasco County Animal
Services Department to ADOPT:**
Land O' Lakes: (813) 929-1212
New Port Richey: (727) 834-3216
Dade City: (352) 521-5194
See the newest pets available on
Pasco TV at 7:15 a.m. / p.m.
Verizon 42 / Spectrum 643

ber Memorial Highway in Holiday; the City of New Port Richey; Werner-Boyce Salt Springs State Park in Port Richey; Hudson Beach in Hudson; Lacoochee; the City of Dade City; Land O' Lakes; Wesley Chapel and Crystal Springs. Trash bags and water will be provided and T-shirts will be given out to volunteers while supplies last.

The local cleanups, mobilized by Ocean Conservancy, are part of the largest worldwide volunteer effort on behalf of ocean health. The purpose is to clean up and track the trash collected. More than eight (8) million metric tons of plastic trash end up in our oceans every year. For more than 30 years, volunteers from around the world have provided a snapshot of the total amount of trash and plastic on our beaches, coasts and waterways – keeping over 220 million pounds of trash out of our oceans.

Anyone who would like to volunteer for the Pasco County Coastal Cleanup can contact Kristen King at 727.856.7252 or at kking@pasco-countyfl.net.

For more information about Keep Pasco Beautiful, click here: <http://keepascobeachbeautiful.org>

Mr. Mezer will be talking about “Your Community’s Cyber Presence” in the upcoming Member’s meeting. For those of you who are not familiar with Attornery, Steve Mezer, here is his bio.

Steven H. Mezer **Shareholder for Becker & Poliakoff** **Professional Experience:**

Steven Mezer is a Shareholder in the Community Association Law Practice Group in the Firm’s Tampa Bay office. He has extensive experience in all aspects of community association operations and community association law. He represents condominium,

homeowner and cooperative associations, where he handles matters relating to issues including collection of assessments, covenant enforcement and foreclosures.



Mr. Mezer has extensive experience in commercial and business litigation, dispute resolution, commercial and residential collections, real property and lending, including purchase and sale transactions, closings, title insurance issues, and real estate litigation. He is Board Certified by the Florida Bar in Real Estate Law, a member of the American College of Real Estate Lawyers (ACREL), and the College of Community Association Lawyers.

He is currently a member of the Executive Committee and the Executive Council of the Real Property, Probate and Trust Law (RPPTL) Section of The Florida Bar, where he also served as past chair of The Condominium and Planned Development Law Committee. He is also Vice Chair of the Hospitality Group of The Real Property, Trust and Estate (RPTE) Law Section of the American Bar Association (ABA). He also serves as Vice Chair of the Common Interest Housing Committee of the American College of Real Estate Lawyers. He is a long-standing member of the Community Associations Institute, Suncoast Chapter, where he has served as Director, Education Chairman and President.

Mr. Mezer has been an Adjunct Professor at St. Petersburg College where he has taught condominium association law. Mr. Mezer served on Grievance Committee 6-C for the Florida Bar, and served on the Steering Committee for Florida Con-

dominium and Community Association Law (2007)(2015), which were published by the Continuing Legal Education division of The Florida Bar.

In addition to publishing various articles in Condo Management Magazine, The Association Advisor, and Clearwater Bar News, Mr. Mezer has also appeared as a guest on numerous television and radio programs to discuss issues relating to real estate and community association law. He has also lectured at seminars for the Real Property, Trust & Estate Law Section of the American Bar Association, The Florida Bar Board of Continuing Legal Education, the University of Miami School of Law Institute on Condominium and Cluster Developments, ALI/ABA, the Florida Academy of Trial Lawyers, the Hillsborough County Bar Association, Stetson University College of Law, CLE International and Suncoast CAL.

Mr. Mezer currently is a member of the Board of Trustees and serves as Chair of the Audience Development Committee of the David A. Straz, Jr. Center for the Performing Arts, and is a former member of the Board of Trustees of Tampa Preparatory School.

Bar Admissions

Florida

District of Columbia

Court Admissions

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 11th Circuit

United States District Court for the Middle District of Florida

Education

Stetson University College of Law, J.D., 1977

University of Miami, B.A., cum laude, 1974

HUGE UPDATES WERE MADE THIS PAST LEGISLATIVE SESSION!

Here is an overview of what to expect...

2017 Community Association Legislative Update

By David B. Haber, Jonathan Goldstein, & Brett Silverberg / Published August 2017

The legislature sought to increase transparency and protections from malfeasance for condominiums and to reform estoppel certificates. Burdens, ambiguities, and unintended consequences will inevitably arise in pursuit of these worthwhile goals. The resulting bills, HB 1237 and SB 398, took effect on July 1, 2017. SB 377, also enacted and of importance to associations, now specifically defines the construction defect statute of limitations and repose deadline trigger of “completion of the contract” to mean completion of performance as opposed to final payment. SB 377 was adopted to counter the appellate court decision of *Cypress Fairway Condominium v. Bergeron Construction Co. Inc.* The Governor vetoed HB 653, a bill containing many identical provisions to HB 1237. However, HB 653 also contained proposed changes affecting fire sprinkler retrofitting, association governance, and terminations, including a removal of the sunset provision in the Distressed Condominium Relief Act, none of which became law.

HB 1237 attempts to curb condominium conflicts of interest, election fraud, and embezzlement of association funds in response to a Grand Jury Report issued by Miami-Dade County State Attorney Katherine Fernandez Rundle. It prevents the use of debit cards for payment of association expenses and criminalizes several actions:

- failing to provide access to (or copying of) official records upon a valid request by an owner, or destroying official records, if either is in furtherance of a crime;
- forging a ballot envelope or voting certificate in an election;
- using a debit card issued in the name of the association for any expense that is not a lawful obligation of the association;
- soliciting or accepting a kickback for which consideration [essentially, payment] has not been provided for his or her own benefit or that of his or her own immediate family.

The legislation implements a framework for the automatic removal of directors or officers charged with theft, while arguably rendering an officer or director charged with any crime ineligible for election or appointment and forbidden from access to official records without a court order. It prevents an association from hiring an attorney representing the association’s management company, and prohibits directors and officers from purchasing a unit at an association foreclosure sale.

HB 1237 also amends Section 718.3025, Fla. Stat., to prevent a post-turnover maintenance or management company, or its officer or director, from purchasing a unit at an association foreclosure sale, and to permit the termination of a contract with a maintenance or management company whose owner owns more than 50 percent of the units, by majority vote. An association cannot employ or contract with any service provider who has a financial relationship with a director or officer or relative within third degree relation of a director or officer (excepting ownership of less than one percent of equity shares).

The bill creates Section 718.3027, Fla. Stat., requiring notice of conflicts of interest. It establishes a rebuttable presumption of a conflict if either of the following occurs without prior notice: (1) a director or officer, or their relative, contracts to provide goods or services to the association; or, (2) a director or an officer, or their relative, holds an interest in a corporation, LLC, or other business entity conducting business with the association or proposing same. If a director or officer, or their relative, proposes to engage in an activity that presents a conflict, the proposed activity must be on the meeting agenda, which must attach all contracts and transactional documents related to the proposal. Detailed new requirements are imposed for the meeting and director/officer acquiescence to a rejection of their conflict.

A contract entered into between a director or officer, or their relative, and the association, not properly disclosed as a conflict or potential conflict, is voidable and terminates upon the filing of a termination notice with the association containing the written consent of at least 20 percent of the voting interest. Ambiguities include applying overlapping Section 718.3026(3), Fla. Stat., governing “interested director transactions[;]” the lack of a rebuttable presumption due to notice of a potential conflict; and defining “an interest” in an entity, especially pre-turnover.

Changes relating to voting and governance include the following:

- directors may not serve more than four consecutive two-year terms, unless two-thirds of the voting interests approve there are an insufficient number of eligible candidates to fill the vacancies;
- recalls no longer require the board to certify or reject a recall, [and] lan-

guage is removed authorizing an association to initiate a recall arbitration (creating an ambiguity if the Declaration still does, forcing the association to court, and/or pushing this expense onto the affected incoming or outgoing director) and rendering a recall with sufficient votes automatically effective;

- a recalled director must now turn over all records and property of the association in their possession within ten (not five) business days;
- the association now cannot suspend voting rights of an owner due to nonpayment of any fee, fine, or other monetary obligation unless the obligation is in excess of \$1,000 and delinquent more than 90 days; and,
- the DBPR Division of Florida Condominiums, Timeshares, and Mobile Homes' ("Division") arbitrator certification process and qualifications are modified, arbitration hearings are expedited, and final orders must be issued within 30 days of a final hearing. As for changes governing mandatory disclosures and records, associations operating more than 150 units must launch websites for posting specified records (ensuring redaction where necessary) by July 1, 2018, as well as notices (upon adoption of a rule). Associations must provide an annual report to the Division setting forth the names of all financial institutions with which the association maintains its financial accounts, and a copy of such report may be obtained upon written request of any owner. An association that operates fewer than 50 units must now prepare a financial statement based upon total annual revenues, rather than defaulting to a report of cash receipts and expenditures. A unit owner may provide written notice to the Division of the association's failure to mail or hand deliver a copy of the most recent financial report within five business days after submission of a written re-

quest to the association for a copy of such report. Tenants now have access to the bylaws and rules. Bids for materials, equipment, or services are expressly designated mandatory official records.

SB 398 addresses requirements in Section 718.116 (8), Fla. Stat., for "estoppel certificates" issued in conjunction with the transfer of property within an association (condominium, coop, or HOA). The certificate must now include specified categories of information, including these items:

- assessment information;
- open violations of the rules and regulation and whether the rules and regulations require approval by the board of directors for the transfer of a unit (notably the declaration is not referenced);
- whether a right of first refusal exists (and if yes, whether the "members" have exercised it—assuming a member vote requirement to do so); and,
- contact information for all insurance maintained by the association; etc.

Under prior law, the association had 15 days to furnish a certificate; however, SB 398 now provides ten business days. If untimely, no fee may be charged. The certificate must be valid for 30 days (35 if via standard mail), and associations are bound by the amounts claimed. The bill caps the fee for certificates at \$250 for current unit owners and at \$400 if the owner is delinquent (and establishes adjustment of these fees for inflation). An additional \$100 may be charged for an expedited certificate delivered within three business days. Fees cannot be charged for an amended certificate. Reimbursement rights for certificate fees paid within 30 days of a closing that did not occur now cannot be contractually waived. The bill clarifies requirements for certificates re-

quested for multiple units. Seemingly unaffected is Section 718.111(12)(e) (1), permitting a separate fee (and legal fees) to provide information beyond disclosures required to be in a certificate and/or by other provisions of the Condominium Act.

SB 398 was adopted because of an outcry over estoppel fees (among other title agent and broker estoppel related complaints). However, it is controversial. While the changes are potentially less dramatic than they seem at first glance (e.g., 10 business days versus 15 calendar days...), they will create burdens, liabilities, and expenses for associations and management companies generally (especially where smaller or less funded).

Associations and managers should check with legal counsel regarding these changes; reassess management agreement protections, fees, and risk shifting; implement standard intake and investigation due diligence protocols relating to certificate requests; consider grounds to challenge the legislation, if desired; and institute measures for timely compliance.

ALERT PASCO!!!

Sign up for Alert Pasco to receive emergency and severe weather notifications by phone, text message or e-mail. Go to <http://egov.pascocountyfl.net/AlertPasco/> to get started!

Emergency Notification System

Alert Pasco provides county residents and business owners with the ability to receive emergency notifications and/or threatening severe weather messages on their:

Home Phone/Cell/Text Message/
Business Phone /Email

Residents can opt-in to enter contact information and receive notifications about emergencies that may affect their home, business, school, child care and more.

Creative Management

727-478-4909 www.Creative-Mgmt.com

**Reduced Management Costs
Board Friendly
Personalized Service**



Community Association Management



Barrett Community Insurance
Serving Florida Community Associations Since 1978

Sarah Alonso, Agent & Susan Barrett, AAI, Agent
"The Community Association Insurance Team"
10014 Grove Drive, Suite C, Port Richey, FL 34668
Email: Info@BarrettCommunityIns.com www.BarrettCommunityIns.com
Phone# 727-378-1002 Toll Free# 1-877-931-9100

Focused on Condominiums and HOAs

Nakamura & Abraham, CPAs, P.L.
Certified Public Accountants

- Audits, Reviews and Compilations
- Monthly Financial Reporting • Taxes
- Fraud Investigations • Consultations

Glenn Nakamura, CPA, Partner, Excellent Service Director

10330 N. Dale Mabry Hwy., Suite # 207 • Tampa, FL 33618

Phone: 813-374-0187 • Fax: 813-374-0188

Email: glenn@tampacpa.biz • Web: www.TampaCPA.biz



MANAGEMENT AND ASSOCIATES

Community Association Management

Accessible • Competent • Dedicated

Call Now For A FREE Consultation
office: (813)433-2000 toll free: (877)626-2435

www.mgmt-assoc.com



24-HOUR EMERGENCY SERVICE

Returning you to pre-loss condition

Structural Drying & Repair

Fire & Smoke Damage

Sewage Removal

Water Damage

Mold Removal

Christiaan Shallo

www.drs911.com drs@drs911.com
Licensed General Contractor #CGC061708

(727) 239-5486

1-888-637-7911

NO MORE BUGS!

SWARMING TERMITES LOOK LIKE FLYING ANTS. CALL US TODAY FOR A FREE EVALUATION

1-(800)-344-9190

IMPACT
Pest Elimination

"Proudly Servicing Florida Since 1985"
501 E. Lemon Street, Tarpon Springs / FLORIDA LICENSE 1805

SENTRICON
Colony Elimination System

V / MC / DISCOVER
visit us at impactpest.com



BASHOR & LEGENDRE, LLP
CERTIFIED PUBLIC ACCOUNTANTS

Percy J. Legendre III, CPA

Direct (813) 679-1026

PLegendre@blcpas.com

4809 Ehrlich Road, Suite 203, Tampa, Florida 33624

(813) 961-3220

11350 66th Street N., Suite 122, Largo, Florida 33773

(727) 793-4108

blcpas.com

Serving Tampa Bay Since 1985

FAX (813) 962-6165

Pristine Ponds
Aquatic & Environmental
Services

**Beautify Your
Aquatic Environment!**

Sam Mento

Office: 727.808.8546

Fax: 727.375.8164

Email: Sam@ppaquatics.net

Website: www.ppaquatics.net

6347 Sunhigh Drive

New Port Richey, FL 34655

- * Lake Management / Aquatic Treatments using proven procedures from years of experience
- * Maintenance of Wetlands, Aquatic Planted Areas and Natural Areas
- * Fountain and Aerator installation and repair.
- * Trash Removal from waterways
- * Erosion repair
- * Aquatic Structure repair
- * Excavation

TO ADVERTISE WITH THE
COMMUNITY NEWS PLEASE
SEND AN EMAIL TO
JSCANNAVINO@MGMT-ASSOC.COM

**County
Sanitation**

Your Local Waste Collection, Disposal and Recycling Company

www.countysanitationservice.com

5601 Haines Road, N.
St. Petersburg, FL 33714
Email: countyrecycling@aol.com

12021 Hicks Road
Hudson, FL 34669

Email: countyrecycling@aol.com

Toll Free: 1-888-522-5794

Local: 727-522-5794

Fax: 727-525-5720