

# Update

Summer 2011

## Truman Annex Property Owners' Associations



### Community Association Bill Signed by Governor

The Community Association Leadership Lobby (CALL) is the leading organization working to enhance the quality of life and protect property values for Florida's community association residents. We are pleased to announce that this year's large community association bill, HB 1195, which previously passed out of the Legislature was formally signed into law by Governor Rick Scott. The effective date of HB 1195 was July 1,

2011. You can view the full text of HB 1195 by accessing the CALL website ([www.callbp.com](http://www.callbp.com)). CALL has also prepared a comprehensive summary of HB 1195 and several other important bills that impact community associations, which can be accessed by going to the web address below:

[http://www.callbp.com/publication\\_pdfs/Changes\\_Implemented\\_\\_20110622.pdf](http://www.callbp.com/publication_pdfs/Changes_Implemented__20110622.pdf)

CALL worked closely with the sponsors of HB 1195 over the past year to ensure the best possible result for community associations. Below is a summary of several of the noteworthy provisions contained within HB 1195:

**Official Records (Condos and HOAs)** Will clarify that owners are permitted to consent in writing to the disclosure of their protected contact information.

Will clarify that although personnel records are not available for inspection by owners, the owners will be permitted to inspect employment agreements and budgetary and financial records that

indicate the compensation paid to employees.

**Open Meetings (Condos)** Will permit condominium boards the right to hold closed meetings (not open to unit owner observation) for "personnel" matters. Legal counsel need not be present. (This is already the law in the homeowners' association context.)

**Attachment of Rents (Condos and HOAs)** Will clarify that "future monetary obligations" includes all rent due from the tenant to the unit or parcel owner and must be paid to the association until all delinquent accounts are paid in full.

**Director Certification (Condos)** Will provide that condominium association directors may submit proof of educational course attendance (in lieu of signing the certification form) and such course must have been completed within 1 year before or 90 days after the date of the election or appointment. The written certification is valid as long as the director serves on the board

## CALL, HB 1195 cont'd...

without interruption.

**Suspensions (Condos and HOAs)** Will allow suspension of common element use rights for non-payment (no hearing is required) and for violations (hearing is required).

Will clarify that if voting rights are suspended, the suspended vote will not count towards quorum or vote required to approve an action.

Suspensions for non-payment will not require hearing, but will require board approval at properly noticed meeting.

**Collection of Rent from Tenants (Condos and HOAs)** Will provide a form letter to be sent to tenants explaining the tenant's obligation to pay rent to the association.

Will provide tenant with immunity from any claim by the landlord related to the rent timely paid to the association after the association has made written demand.

**Elections and Staggered Terms (Condos)** Will clarify that board member terms do not expire at the annual meeting if all of the member terms would expire at the annual meeting but there are no candidates. In those cases where the board member terms expire at the annual meeting, the board members may

stand for reelection unless prohibited by the bylaws. (This suggests that term limits may be permitted, if provided in the bylaws).

Will clarify that a candidate must be eligible to serve on the board at the time of the deadline for submitting a notice of intent (i.e., 40 days before the election) in order for his or her name to be listed as a proper candidate on the election ballot or to serve on the board.

**Termination (Condos)** Will provide for "partial" termination of condominiums and that amendments providing for same are not subject to s. 718.110(4). Plan of termination in a partial termination must reflect the remaining interests in the non-terminated portion of the condominium. Modifies distribution protocol and mortgagee participation to reflect partial termination. Will allow for termination because of economic waste or impossibility if a condominium includes units and timeshare estates where the improvements have been totally destroyed or demolished. Will require a plan of termination be filed in court by a unit owner seeking equitable relief.

**Membership Agreements (Condos)** Will provide for as-

sociation acquiring membership agreements by vote of a majority of entire voting interests instead of reference to declaration and s. 718.113(2).

**Homeowner Associations/Bulk Television/Internet/Information (HOAs)** Will create s. 720.309(2) to basically mirror condominium statute, as amended in 2010, regarding bulk purchase of information or internet services.

Will prohibit homeowners' associations from denying individual service to any resident from certificated or franchised provider.

**Bulk Buyers/Bulk Assignees (Condos)** Will amend definition of "bulk assignee" and "bulk buyer" to mean a person who acquires more than 7 condominium parcels in "a single condominium."

Will provide that bulk assignee is not liable for warranties under 718.203(1) or 718.618, except "as expressly provided by the bulk assignee in a prospectus or offering circular, or the contract for purchase and sale executed with a purchaser," or for design, construction, development or repair work performed by or on behalf of the bulk assignee.

Will provide that if, at the time the bulk assignee acquires title to the units and receives an assignment of developer rights, the

## Sub-Association News

### CALL, HB 1195 cont'd...

developer has not relinquished control of the board, for purposes of determining the timing of transfer of control, a condominium parcel acquired by the bulk assignee is not deemed to be conveyed to a purchaser, or owned by an owner other than the developer, until the condominium parcel is conveyed to an owner who is not a bulk assignee.

Will require filing with the division and certain disclosures to purchasers and lessees if bulk assignee or bulk buyer is offering "more than seven units in a single condominium" for sale or for lease for a term exceeding 5 years.

Will provide that bulk assignee or bulk buyer are not required to comply with the filing or disclosure requirements if all of the units owned by the bulk assignee or bulk buyer are offered and conveyed to a single purchaser in a single transaction. Will provide that a person acquiring condominium parcels may not be classified as a bulk assignee or bulk buyer unless the condominium parcels were acquired on or after July 1, 2010, but before July 1, 2012.

**Homeowner Associations Board of Directors Eligibility and Meetings (HOAs)** Will carry over the provisions in the Condominium Act regarding

board eligibility. A person delinquent in the payment of any monetary obligation to the association for more than ninety (90) days, and convicted felons will not be eligible to serve on the board.

Will allow members of a homeowners' association to speak at meetings of the board with reference to all designated agenda items, and will no longer require a petition of the voting interests to speak at a board meeting.

#### **Manual Fire Alarms (Condos)**

Will clarify that a condominium, cooperative or multi-family residential building that is less than four stories in height and has an exterior corridor providing a means of egress is exempt from installing a manual fire alarm system. This corrects the glitch from last year when two different bills adopted different language. One bill referred to buildings less than four stories in height, and another bill referred to condominiums one or two stories in height.

**Hurricane Protection (Condos)** Will clarify that an association is permitted to install impact glass or other code compliant windows as hurricane protection.

**Joint and Several Liability (Condos and HOAs)** Will provide that an association that ac-

quires title to a unit through foreclosure is not liable for unpaid assessments that came due before the association's acquisition of title in favor of any other condominium association or homeowners' association which holds a superior interest on the unit.

CALL advocates on behalf of more than 4,000 member communities, including condominiums, homeowners' associations and cooperatives throughout the state of Florida.

CALL monitors and responds to legislation that can significantly impact members and provides educational services that promote better association management.

Additionally, CALL conducts research about opinions and perceptions of the general population of community association residents across Florida to better understand the needs and concerns of this important segment of the population.

CALL was created by Florida-based international law firm Becker & Poliakoff, P.A.

## Harbour Place

We are in the process of replacing the balconies on the Administration Building. We are hoping to complete this project prior to the end of fall. A schedule is in place and will be updated as need be. We have not had weather related delays as yet and are hoping that this can continue all through the storm season. We will try not to use the dreaded " H " word. Additionally, we are looking at ways to improve the appearance of our property. Landscaping is a big component of this.

We want to develop a plan that will improve the look in a cost effective way. Once we develop the plan, we will begin to implement it as quickly as possible. The length of time needed to complete the balcony project will impact this. The Board has taken some surveys regarding issues of concern to owners. One was regarding awnings or shades. Another was regarding charging requirements of electric cars. More news regarding both of these issues will be forthcoming in the near future. Please be reminded that during

storm season ( June 1st thru November 30th ) all items are to be removed from decks and balconies when a unit is unoccupied. If a unit is occupied, then all items must be removed in the event of a major storm warning. Hoping for a safe summer season.

Sincerely,  
Tony Marcussen  
President, Harbour Place

## The Foundry

There are only a few items to report as we move into the summer season. For those of you that have not been to Key West since spring, the one item you might notice is the amount of residue left by white flies. Since there has been little rain as of this writing, the sticky residue is all over, but over time rain will wash it away. If you visit soon, you will probably want to wash down your walkway, porch and fence.

We had to replace our pool heater/cooler system as the existing unit failed just after Memorial Day. The new unit was installed prior to the 4<sup>th</sup> of July holiday and should be much more efficient. We also have changed the locking system on the pool restrooms to allow

them to be open at all times when the pool is open. The restrooms will be locked when the pool gates are locked each evening. The new plantings around the pool are doing well, but we all must remember that these are new plants and as such remain in a more "fragile" state for at least the first year after transplanting. No trimming should be done by anyone – this is left to the professions we hired to plant the trees. Trimming can cause the tree or plant to die. The same is true for chaining of bikes etc to the trees – this is not allowed and new signs have been installed that, hopefully, will prevent people from chaining bikes to the new palms.

As we enter hurricane season, each owner should inspect the drain on the second floor balcony (Building 101) to make sure it is

not clogged so that if we do have sever rains, the water will not back up into your unit. Also, if you are considering replacing your wooden sidelights, windows and doors, please replace them with PGT impact resistant glass. I suggest contacting Sterling at the TAMPOA office for recommendations/ guidance for installers.

Your Board, Charlie McCarthy, Sandra Sujak, Rob Hoopes, Steve Porter and I look forward to receiving any ideas or comments you have relating to the Foundry. I wish each of you a great summer.

Regards,  
Bruce Baumann  
President, The Foundry

## Mills Place

Everything is quiet at Mills Place. The weather was hot and very dry until recently. Our seasonal residents are gone and our full time residents are enjoying the quiet. We have no

major maintenance projects in the works, but the staff continues to work on the routine items to ensure that our Key West homes are kept beautiful and safe. Have a great summer and pray for a

quiet hurricane season.

Linda Harra  
President, Mills Place

## Porter Court

It is July and the rainy season has finally arrived. Let's hope it sticks around a while to give our landscaping some extended sips of water.

Our new low-watering strategy has paid off through all of the extended drought we've experienced over the past several months. We've dialed back our watering significantly with minimal flora degradation to show for it. We're becoming xeriscapers! The Board will continue to monitor the health of our plants and shortly expect to add a few new additional drought-tolerant plants to the great environment inside and outside our fences.

After discussion and planning, we are in the process of upgrading our parking area. As of July 1, the not-so-attractive island has

been removed from the locus of our parking spaces and paved with cement. The next steps are to reline the parking spaces and widen the area that had been lined out to compact-car specifications. Now instead, we'll have generous parking places and hopefully reduce the dings we've suffered for lo these many years.

The Board is working on a plan to assign each and every parking place to individual units. With this done, we hope to reduce the incidence of parking poachers who don't understand the meaning of "reserved."

Additionally, we are gauging member interest in building parking carports. These would be constructed for those who are willing to invest the funds to get their own covered space with

storage under the roof. Right now, we like the space architecture at The Foundry - Two-space facilities with no beams between each vehicle location. More on this will be communicated to Porter Court members in the near term.

With the storm season upon us, members should ensure that their front and back decks are cleared of small (and larger!) items. The last thing we want to see in a hurricane are planters, tschochkees and larger items becoming projectiles that get thrown against neighbors' windows and homes.

Happy summer to all!

Al Montgomery  
President, Porter Court

**For individual board member e-mail addresses, please go to [www.tampo.com](http://www.tampo.com). You may also call the administrative offices for their telephone numbers and other contact information.**

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# RECYCLING

We strongly encourage residents to recycle. Following is a list of instructions from Waste Management on recycling specifics. Recycling should be placed in the appropriate cans in the trash compactor area of your association or on the street for the freestanding homes and town homes of TAM-POA. Pick up is on Monday mornings.

## Plastics

Please rinse. All colors accepted. Labels, caps and lids are ok.  
Bottles, cups, bowls, etc. with #1 - #7 recycling symbol on bottom.

## Metals

Please rinse. Labels and lids are ok.  
Aluminum drink cans. Steel or tin food cans and lids.

## Unbroken Glass

Please rinse. Labels are ok.  
Green, brown and clear bottles and jars.

## Corrugated Cardboard

Please flatten. All boxes must be broken down to fit into the bin.  
Put the following in paper grocery bags and then place bags in bin:

## Paper

Carbonless paper, Junk mail, magazines, paper bags, catalogs, phone books  
Cardboard—cereal boxes (liner removed), soda and beer cartons  
Packaging, paper towel and toilet paper cores  
Envelopes—with or without windows  
Newspapers—all sections (please remove from plastic bags)  
Office paper—file folders, letterhead, printer paper

\*\*Please do not ever place the above items into the recycling containers in plastic bags. The only items that must be placed in a small clear plastic bag are household batteries.

Contact the Waste Management office at 305-295-4314 for removal of appliances, furniture and hazardous waste (car batteries, paint, solvents, adhesives, pesticides, lighter fluid, computers, cell phones, fluorescent light bulbs, etc.)

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# Truman Annex Property Owners' Associations

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## Shipyard

Summer has arrived and with it comes warm days and nights and rain. Despite the lowest amount of rain in 80 years the Shipyard grounds are still looking good. Many of the water and salt tolerant plantings continue to thrive and, with the expected rainy season just around the corner, the rest will bounce back.

The painting cycle has been completed and we're happy to report the project came in early and under budget. We expect

some additional improvements this summer with signage in the parking lots and additional plantings in the pool area.

Our recycling efforts continue to improve. The association office now has available small recycling bins for **every** Shipyard owner. They fit in the lower space in the kitchen (e.g. under the sink) and are much easier to transport to the recycling area. We encourage all owners to make arrangements to have a bin placed in their unit.

Lastly, with the summer comes the occasional (we hope) tropical "event." Please be sure to have a plan in place so that your unit is properly protected. Outside furniture (especially with glass tops) and other items can act as missiles when the winds blow. Please make arrangements to have these things brought inside your unit.

Sincerely,  
Mike Caron  
President, Shipyard

## Hurricane Season Reminders

Hurricane season in the Atlantic, Caribbean and the Gulf of Mexico runs from June 1st to November 30th each year. ALL outdoor items should be taken inside including but not limited to patio furniture and potted plants. In the event that such items are taken by the wind and cause damage, the owner of the items causing the damage will be held responsible. Please make arrangements to have someone look after your home when you are away. The TAMPOA maintenance staff will not be able to help you as they are responsible for securing the Association property.

Approved hurricane shutters may be kept closed from the middle of August through the middle of November, once a hurricane warning or watch has been issued for Key West, provided that all reinforcing hardware has been painted to match the shutters. Storm panels should not be installed until a warning is issued and they should be removed within 72 hours after the storm has passed. Thank you!