

Law Office of Jonathan James Damonte, Chartered
Legislative Report
2019 Legislative Session



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Jonathan James Damonte, Esq.
Jonathan James Damonte, Chartered
12110 Seminole Blvd.
Largo, FL 33778
(727)586-2889
jdamonte@damontelaw.com



CONDOMINIUM
AND PLANNED
DEVELOPMENT LAW

OVERVIEW OF 2019 FLORIDA LEGISLATIVE SESSION

- ❖ 1,861 bills filed by Florida state legislators
- ❖ 195 bills passed by both House and Senate Chambers
- ❖ \$91.1 billion budget passed
- ❖ Major community associations bill HB 1075 stalled
- ❖ Emotional support animal documentation bill SB 1128 stalled



Checking out Bills & Laws

- ❖ Governor's website: www.flgov.com
 - ❖ Scroll down on the right side panel and click on the "2015 Bill Actions" icon
- ❖ Legislature: www.leg.state.fl.us
 - ❖ Click on "Senate" or "House" and search by Bill number or text

2019 Legislative Changes for Community Associations

- ❖ (1) HB 7103 Fire Sprinkler Retrofitting: Extends the date for completion of a condominium's retrofitting with a fire sprinkler system or Engineered Life Safety System (ELSS).
- ❖ (2) HB 1159 Tree Trimming: Prohibits local governments from requiring notices, applications, approvals, permits, fees, or mitigation for pruning trimming or removal of trees on residential property if property owner obtains specified documentation. It also deletes a provision that authorizes electric utilities to perform certain right-of-way tree maintenance only after certain local government approval and creates the Property Owner Bill of Rights and requires county property appraisers to provide specified information on their websites.



- ❖ (3) HB 1009 Corporations and LLCs: Prospectively revises the process for shareholders to make and substantiate complaints. It also revises the regulations surrounding derivative proceedings (a lawsuit brought by a shareholder on behalf of a corporation against a third party). The bill provides for staggered elections of directors and revises the system for removal of directors and filling of vacancies on the board of directors. The reinstatement procedures for foreign corporations are also amended by the bill. Minutes, financial statements, shareholder lists and audits within the last 3 years must be maintained by the corporation. Upon the written request of any shareholder, a corporation shall deliver within 5 business days or make available to the requesting shareholder the corporation's annual financial statements for the most recent fiscal year or notify the shareholder that the annual financial statements have not yet been prepared.
- ❖ (4) SB 82 Vegetable Gardens: Prevents local governments from regulating residential vegetable gardens.



- ❖ (5) HB 207 Impact Fees: Revises minimum requirements for adoption of impact fees by specified local governments, and exempts water and sewer connection fees from the Florida Impact Fee Act.
- ❖ (6) HB 437 Community Development Districts: Authorizes certain lands within a county or municipality which a petitioner anticipates adding to a new community development district to be identified in a petition to establish a new district. It also provides detailed procedures for amending boundaries of a district to add land and authorizes community development districts to merge with another type of special district created by a special act or by filing a petition for the establishment of the new district. The bill also authorizes community development district merging with another type of district to enter into merger agreements for certain purposes.

- ❖ (7) SB 548 Electronic Legal Documents: Most types of documents will soon be witnessed and notarized electronically in Florida through a remote online notarization (RON) service provider. Online notarization will be conducted through audio-video communication technology. The notary must retain a copy of the audio-video communication. The notary can also supervise the witnessing of documents online in a similar manner to notarizing the signature of the principal signor. The remote witnesses need not be in the physical presence of the signor or notary. A remote witness must be a resident of and physically located within the U.S. or a territory of the U.S. If the principal signor is a “vulnerable adult” as defined in section 415.102 F.S. the witnesses must be in the presence of the principal signor. If a vulnerable adult is not in the presence of the principal signor, then the witnessing is still invalid. Remote witnessing requires that the witness hear the signer acknowledging the signer’s signature. An electronic will can be admitted to probate if filed through the e-filing portal and is deemed to be an original of the electronic will. A paper copy of an electronic will which is certified by a notary public to be a true and correct copy can also be admitted to probate as an original. Self-proof affidavits for wills can be electronically witnessed and notarized, if the electronic record that contains the will is held by a qualified custodian at all times before being offered to probate. An electronic will or codicil is revoked by deleting or obliterating an electronic record, with the intent to revoke, as provided by clear and convincing evidence. Note that “super” power of attorney documents still cannot be witnessed and notarized electronically. The new law takes effect January 1, 2020.



Other Notable Legislative Changes

- ❖ HB 19 Drug Imports: Allows drugs approved by the U.S. Food and Drug Administration to be imported into Florida by Canada and other countries.



- ❖ HB 7125 Felony Theft Threshold: Increases the amount of a theft that it would take to be charged with a felony from \$300 to \$750, the first time it has been raised since 1986. It also eliminates or reduces driver's license suspensions as a criminal penalty.
- ❖ HB 771 Plastic Straws: Prohibits local government entities from adopting or enforcing ordinances and regulations relating to single-use plastic straws.
- ❖ HB 7089 Amendment 4: Requires felons to pay restitution, fines and fees before they can register to vote after the passage of last year's Amendment 4 ballot measure.
- ❖ SB 1552 Red Tide: Investments of \$3 million per year for six years in red tide mitigation.
- ❖ HB 7103 Affordable Housing: Limits the ability of local governments to set ceilings for rents or home sale prices.
- ❖ HB 453 Scooters: Limits how local jurisdictions can regulate motorized scooter sharing services by establishing instead a state-wide framework that would regulate the system.



- ❖ SB 426 Firefighters: Provides certain benefits to firefighters who are diagnosed with cancer and benefits to the families of firefighters who die as a result of cancer or cancer treatment.
- ❖ SB 168 Sanctuary Cities: Prohibits local governments from not cooperating with federal officials, which would require local law enforcement to hold undocumented workers at least 48 hours past their detainer sentences while awaiting federal authorities to pick them up for deportation. Gives the Florida attorney general the power to pursue civil action against governments that don't cooperate.

- ❖ SB 7012 Vaping: Implements constitutional amendment that banned vaping in indoor workplaces.
- ❖ SB 186 Mass Shootings: Prohibits the disclosure of photos, video or recordings that capture a mass shooting.
- ❖ HB 7123 Disaster Preparedness: Offers seven-day sales tax breaks from May 31 through June 6, for items related to hurricane preparation.
- ❖ HB 7123 Commercial Leases: Reduces the sales tax on commercial leases from 5.7 percent to 5.5 percent.
- ❖ HB 411 Ride Shares: Allows Uber, Lyft and other ride share services to provide non-emergency trips to the hospital for Medicaid patients.
- ❖ HB 107 Texting: Makes driving while texting a primary offense, meaning law enforcement can stop motorists for just that offense.





Recommendations:

1. Review and update the Association's records retention policies regarding meeting minutes, financial reports, accounting documents and shareholder lists.
2. Ensure your organization is ready to comply with the new law governing corporations and LLCs.
3. Determine the updated required completion date for fire sprinkler retrofitting for your community. (Condominiums)
4. Review tree trimming needs as part of community storm preparedness.
5. Save time and money by learning how you can begin having documents signed, notarized and witnessed online.
6. Review insurance needs, reserves funding and facilities condition to storm-proof your community.
7. Contact our offices for information on revising your community rules and enforcing the rules that are already in place.



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