GALT MILE NEWS

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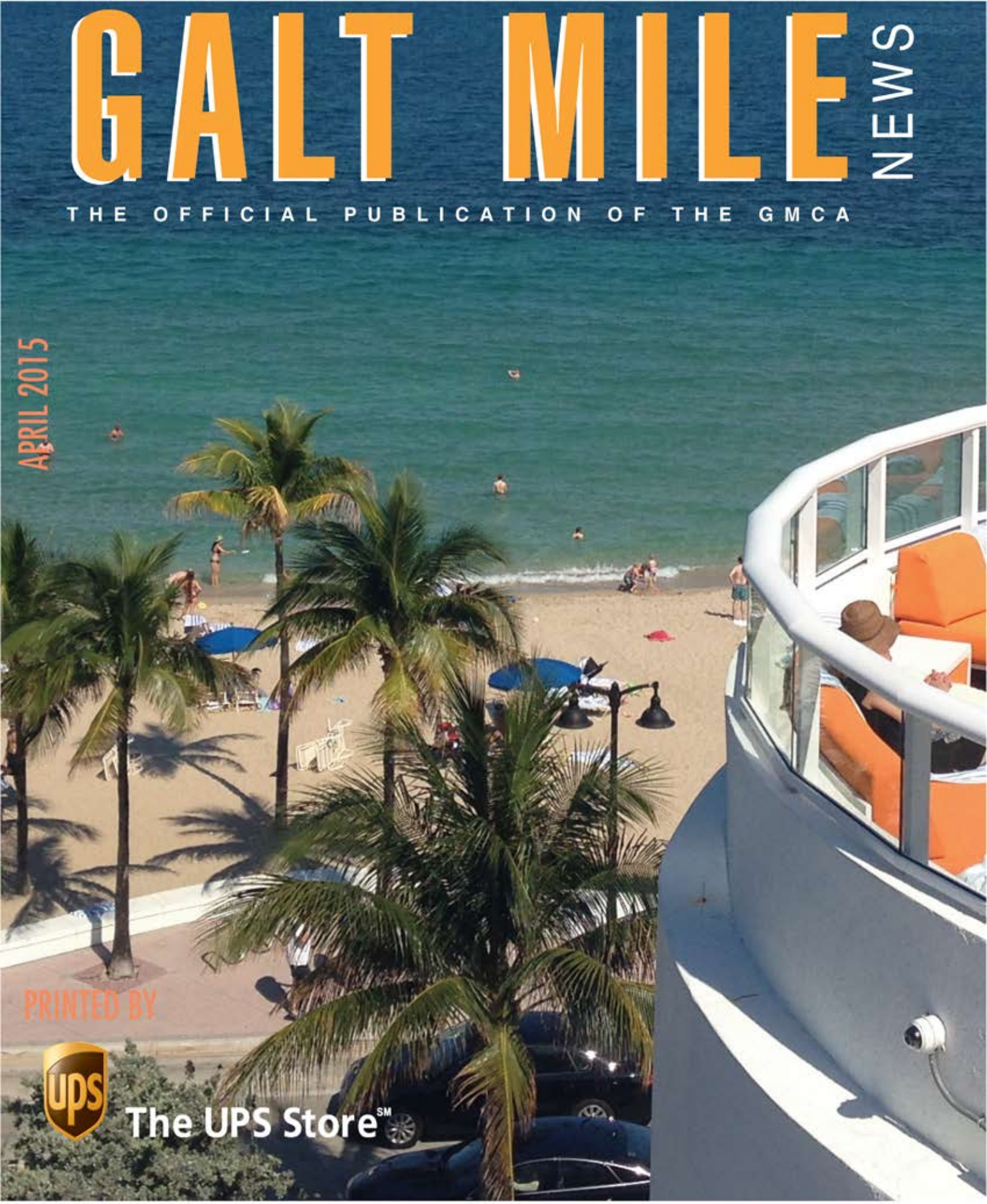
APRIL 2015



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DEVELOPER STATUTES SADDLE UNIT OWNERS WITH DEFECTS

By Eric Berkowitz

When mortgage bankers cold cocked the world economy, and eliminated disposable income from the average family budget, overnight, millions of people could no longer afford their own homes; much less buy a new one. With the housing market at a standstill, developers with time on their hands turned their gaze to Tallahassee, where they are deified by lobbyists and worshipped as campaign cash cows by lawmakers. Fed up with court-ordered penalties for delivering substandard construction, in 2009, developer trade associations embarked on a multi-year strategy to block defrauded homeowners from plundering future profits. Since the courts refused to back off when developers were caught violating State law, they would buy some play for pay politicians to circumvent the offending statutes.

Implied Warranties

Since home buyers who purchase their dream homes in a new community have neither the access nor acumen to meaningfully inspect roads, catch basins, culverts, drainage facilities, street lighting or underground utilities that critically impact a home's habitability, they are forced to rely on developer representations that these complex common appurtenances are fully functional, code compliant and free of defects.

If they later discover that roadways, retention ponds, power lines, and sewer systems throughout a subdivision are plagued by defective construction, they were traditionally protected by an implied warranty. These implied warranties provided homeowners with legal grounds for requiring the developer to bring the defective common elements up to code and re-engineer or repair substandard offsite appurtenances marketed as fully operational.

During the 2012 legislative session, construction industry trade associations launched a plan to prohibit common law implied warranties of fitness, merchantability and habitability from applying to residential construction. While lobbyists could draft the legislation, they would still need to recruit "motivated" lawmakers to file bills in both houses. After researching potential candidates, the Florida Home Builders Association (FHBA) and the National Association of Home Builders (NAHB) hand-picked former Bradenton Senator Michael Bennett - an electrical contractor looking for a new employer since term limits would snuff his career as a lawmaker later in 2012 – and Statehouse Representative Frank Artiles – a Miami general contractor.

To shield their benefactors in the building trades from liability, the two lawmakers had to redefine construction defects as a blameless side effect of life in the Sunshine State. Armed with the lobbyist's language, Bennett filed SB 1196 in the Senate and Artiles filed companion bill HB 1013 in the Statehouse. Incredibly, they marketed the bills as a consumer friendly effort to spur new development.

With the help of key lawmakers who also benefitted from the building lobby's largesse, including some vetting committee chairs, the bills were carefully escorted to fruition. While testifying against these anti-consumer bills, activist association attorneys Donna DiMaggio Berger and Yeline Goin watched lobbyists short-circuit the legislative process to circumvent perceived obstacles.

For instance, when Artiles' HB 1013 was scheduled for a February 2nd hearing in the House Business and Consumer Affairs Subcommittee chaired by Representative Doug Holder – where anti-consumer bills buy a boatload of bad press, Berger reported how lobbyists got the bill pulled and re-referenced to the Judiciary Committee, its final pit stop in the Statehouse and the parent body of the Civil Justice Committee, where the bill had already been approved three days earlier. Governor Rick Scott cheerfully signed the bill into law on April 27, 2012 and it became effective on July 1, 2012.

What did this mean to association homeowners? The law victimizes anyone who must rely on developer representations when buying a home, whether in a homeowner association, condominium, co-op, timeshare or a mobile home park. Since association members are assessable for repairing or correcting defective common elements, this law shifts liability for a developer's negligence to associations and their members. It infers that condo and co-op owners who discover that their new building's drainage system fills the kitchen sink with sewage have only themselves to blame – and should have somehow run a diagnostic on the interred utilities before buying their units.

Stripped of implied warranty protection, the only remaining legal recourse for buyers in new communities, condominiums or cooperatives is a private cause of action for breach of the building code under section 553.84. For selling a non-functional neighborhood drainage system, a spontaneously collapsing road bed, or a condo roof insulated with flypaper, the developer might pay a modest fine. It's less than clear how this will benefit consumers, as claimed by its sponsors.

Continued on page 4

Association Advocate Donna Berger Updates Property Managers at Seawatch Restaurant in Lauderdale-By-The-Sea

Deifying Design Professionals

The crusade to subvert statutory protections against defective construction continued in 2013, when the Design trades marshalled their legislative resources to inoculate design professionals against liability for defective work product. Reviving legislation vetoed by the Governor in 2010 and killed in committee in 2011, Palm City Senator Joe Negron filed Senate Bill 286 - entitled "Design Professionals".

Enacting SB 286 would enable architects, interior designers, landscape architects, engineers, & surveyors (later amended to include geologists) to dispense with liability simply by using specific language that states as much in a contract (in an uppercase font sized at least 5 points larger than the rest of the text). The bill didn't even carry the pretense that a design professional would still have a statutory incentive to avoid committing malpractice; since it would block victims from filing against a violator's malpractice insurance.

Prior to Negron's bill, although companies could limit their liability in a contract under Florida Law, licensed professionals could not contractually mitigate their "duty of care" to an injured party. While contractual agreements limited liability for law firms, engineering firms, hospitals and accounting firms through which they do business, individual lawyers, engineers, doctors and accountants remained personally liable for malpractice or negligence.

Skull-blocked by a bill that would openly invite malpractice, Construction Law Specialist Sanjay Kurian of Becker Poliakoff said "No other class of professional has ever been so completely financially insulated from damages caused by their negligence, wrongful acts, or misconduct. As doctors, lawyers, and accountants are precluded by statute from limiting exposure for their own negligence."

This being his third bite at the apple, Negron knew that a sister bill in the Statehouse would be scrutinized in the Civil Justice Subcommittee, the Business & Professional Regulation Subcommittee and the Judiciary Committee. Scouting a dance partner who brought the required "influence" to the table, he recruited Naples Representative Kathleen Passidomo to file House Bill 575 – the companion legislation in the Statehouse. Not surprisingly, Passidomo sat on the House Civil Justice Subcommittee and served as Vice Chair of the House Judiciary Committee.

To help Negron avoid the pitfalls that doomed the bills' earlier incarnations, his backers opened the Design Trades cookie jar. As an emollient to the vetting process, Negron and Passidomo brokered "cooperation" between key members of each review committee and Design Trades lobbyists who "assist" sympathetic politicians with campaign support.

With the wheels greased, after whizzing through both houses, the legislation was signed by Governor Rick Scott on April 24, 2013 and became effective on July 1, 2013. Since malpractice no longer serves as a deterrent to an engineer's negligence, associations are admonished to contractually leverage their firms, despite the fact that they are often empty shells bereft of assets. Building on this anti-consumer momentum, the campaign to strip homeowners of protection against construction defects continues in the current legislative session – although this newly filed exploding piñata specifically targets associations.

Statute of Repose – Targets Condos and Co-ops

On January 22, 2015, Statehouse Representative Jay Fant (R – Jacksonville), whose family-owned bank failed in 2012, filed House Bill 501 entitled "Limitation of Actions". A bill summary on the Statehouse website claims it "Reduces period during which action must be brought for latent defect in design, planning, or construction of improvement to real property; provides applicability" A month later, Senator Kelli Stargel (R – Lakeland) filed Senate Bill 1158 on February 23, a companion bill in the other chamber.

As currently provided in Section 95.11(3)(c), Florida Statutes, construction-related claims are subject to a statute of limitations of 4 years, as well as a statute of repose period of 10 years. The 4-year time period of the statute of limitations and the 10-year span after which the statute of repose expires begins to run from the latest date of the following events:

1. Actual possession of the improvement by the owner;
2. Issuance of a Certificate of Occupancy;
3. Abandonment of the construction, if not completed; or
4. Termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer.

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An exception to the statute of limitations is provided for hidden or concealed defects which are not discoverable by reasonable and customary inspection, and oblivious to the owner. Under those circumstances, the 4-year statute of limitations does not begin to run until the latent defect is discovered or would have been discovered with due diligence.

The statute of repose differs significantly from the statute of limitations. While the statute of limitations limits the time within which an action may be brought, based upon the accrual of a cause of action, the statute of repose sets a final deadline for an owner to seek any manner of legal redress for faulty construction, whether for new construction or renovations. It imposes an absolute bar on claims after the repose period expires, regardless of the circumstances. As remarked in a February 25th House Staff Analysis, "Courts construe a cause of action rescinded by a statute of repose as if the right to sue never existed."

The repose period in Florida was 15 years until reduced to 10 years in 2006, and if Fant's gift to developers is successful, the time within which construction-related claims may be brought will be further reduced to 7 years. While Fant soft-peddled his bill to lawmakers in the House Civil Justice Subcommittee, suggesting that most defects become apparent within a few years of construction, Engineers Ronald Woods, P.E. of Woods Engineering and Tom Miller, P.E. of Structural Engineering and Inspections, Inc. disagreed, affirming how those defects that are most costly to mitigate are often discovered 8 to 10 years after a construction project. Associations regularly encounter such defects years after a concrete restoration, roof replacement, elevator modernization and/or other budget-busting improvement projects.

In his testimony, Former Senator Fred Dudley disputed Fant's contention that his bill had no taxpayer impact. Dudley decried how a truncated statute of repose would force taxpayers to underwrite developer defects in hospitals, government buildings, bridges and schools. While HB 501 reduces the window of opportunity for businesses, local governments, homeowners or any property owner to enforce remedies against developers for latent construction defects, association advocates disclosed an impact that wasn't readily apparent, and far more insidious.

By exploiting the statutory time constraints that currently govern developer "turnover" (the process that shifts control of an association from the developer to the unit owners), Fant's bill wouldn't simply diminish the window available to associations for prosecuting substandard construction claims, but slam that window shut – and force condo and co-op homeowners to pay for all developer construction defects, latent or blatant. The House Staff Analysts explained how Fant's association mouse trap would work.

A developer must first turn over control of an association to the unit owners before a condominium or cooperative association can sue the developer to correct common element construction defects or enforce statutory warranties contractually due to unit owners from the developer.

However, Section 719.301(1)(e), Florida Statutes, empowers a developer to delay turning over control of a cooperative until 7 years after creation of the cooperative association. Section 718.301(1)(g), Florida Statutes, provides that a developer may retain control of a condominium until 7 years after recording a "certificate of a surveyor and mapper" or certain instruments that transfer title to condominium unit owners.

Citing how Fant's bill would protect culpable developers by trampling the rights of association homeowners, the House Staff Analysis states, "By shortening the statute of repose to 7 years, if a developer retains control over an association up to the statutory maximum of 7 years before turnover to the unit owners, potential claims and/or causes of action which the unit owners might otherwise have been ready, willing, and able to pursue may be barred – and those liable on such claims may avoid legal action." Game over.

Continued on page 8

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APRIL/MAY

SUN	MON	TUE	WED
19 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Hatsume Fair - 2015 Morikami Museum and Japanese Gardens 11 a.m. to 6 p.m. Info.: 561-495-0233	**20** BINGO SouthPoint 7 p.m. Info.: 954-563-6353 Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033	**21** BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 Fort Lauderdale City Commission Meeting City Hall Regular Agenda: 6 p.m.	**22** BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Riverwalk Noon Tunes Performer: Andrew Morris Band (Country) Huizenga Plaza Noon to 1:30 p.m. Info.: 954-468-1541 X 205
26 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Walk Like MADD & MADD Dash Huizenga Plaza 7: 30 a.m. Info.: 954-448-7880	**27** BINGO SouthPoint 7 p.m. Info.: 954-563-6353 17th Annual Riverwalk Spring Get Downtown YOLO Plaza 5 to 8 p.m. Info.: 954-468-1541 X 205	**28** BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	**29zz** BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Riverwalk Noon Tunes Huizenga Plaza Noon to 1:30 p.m. Info.: 954-468-1541 X 205
3 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 **Sunday Jazz Brunch** Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-396-3622 2nd Annual Classic Car & Truck Roundup Bergeron Rodeo Grounds, Davie 10 a.m. to 4 p.m. Info.: 954-563-4000	**4** BINGO SouthPoint 7 p.m. Info.: 954-563-6353	**5** BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	**6** BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Riverwalk Noon Tunes Huizenga Plaza Noon to 1:30 p.m. Info.: 954-468-1541 X 205
10 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Mother's Day Brunch Benefit Flamingo Gardens 10 a.m. - 2 p.m. Tix.: 954-473-2955	**11** BINGO SouthPoint 7 p.m. Info.: 954-563-6353 Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m.	**12** BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	**13** BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Riverwalk Noon Tunes Huizenga Plaza Noon to 1:30 p.m. Info.: 954-468-1541 X 205
17 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 USTA National Open Clay Court Championships (Through 5/22) Jimmy Evert Tennis Center (Holiday Park) 8 a.m. Info.: 954-828-5378	**18** BINGO SouthPoint 7 p.m. Info.: 954-563-6353	**19** BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	**20** BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Riverwalk Noon Tunes Huizenga Plaza Noon to 1:30 p.m. Info.: 954-468-1541 X 205

APRIL 18-19: Hatsume Fair - 2015, Morikami Museum and Japanese Gardens, 11 a.m. to 6 p.m., Info.: 561-495-0233
APRIL 24: V-Twin City Bike Night, V-Twin City Bikes (1771 E. Sunrise Blvd.), 6 to 11 p.m., Info.: 305-803-1115
APRIL 24: Boca/Deerfield Dog Rescue Bus Loop, Two Georges at The Cove, 6 to 11 p.m., Info: 954-574-6000
APRIL 24 - 26: 2015 USA Diving Region 3 Championship, Coral Springs Aquatic Complex (12441 Royal Palm Blvd.), 7 a.m. to 7 p.m., Info.: 954-801-8469
APRIL 25: 7th Annual Spin-A-Thon, Esplanade Park, Registration: 9 a.m., Spinning Event: 10 a.m. to 4 p.m., After Party: 4 to 6 p.m., Info.: 954-639-5005
APRIL 25: 2nd Annual CERT Competition, Fort Lauderdale Fire-Rescue Station 53, 8 a.m. to 4 p.m., Info.: 954-828-6702
APRIL 26: 15th Annual Sweet Corn Fiesta, Yesteryear Village on the South Florida Fairgrounds, WPB, 11 a.m. to 6 p.m., Info.: 954-996-0343
MAY 1: Sunfest 2015 TGI 5K, Palm Beach Atlantic University, 5:30 p.m., Info.: 561-659-5980
May 1-3: Miami International Jazz Fest 2015, For Venues/Times: 305-491-3588
MAY 2-3: Fort Lauderdale Gun & Knife Show, War Memorial Auditorium, Info.: 954-828-5380

THU	FRI	SAT
23 Yom Ha Atzma'ut	**24** Pompano Beach Seafood Festival (Through 4/26) Atlantic Blvd. & A1A, Pompano Info.: 954-570-7785 5th Annual Deerfield Beach Wine & Food Festival (Through 4/25) Quiet Waters Park 6 to 10 p.m. Info.: 561-338-7594	**25** Kathy Griffin Broward Center 8 p.m. Info./Tix: 954-462-0222 Reef and Beach Clean-Up Anglin's Pier (LBTS) 8 to 9:30 a.m. Info.: 954-616-5909
30 SunFest (Through 5/3) Intracoastal Waterway, along Flagler Dr. from Banyan Blvd. to Lakeview Ave., WPB Info.: 561-659-5980	**1** The Las Olas Wine & Food Festival Las Olas Boulevard 7:30 to 10 p.m. Info.: 954-727-0907 WPB Antiques Festival (Through 5/3) South Florida Fairgrounds, WPB Info.: 941-697-7475	**2** The Color Run Huizenga Plaza, 7:30 a.m. Info.: 954-468-1541 X 205 Household Hazardous Waste and Electronics Drop-off 6011 Nob Hill Road, Tamarac 9 a.m. to 2 p.m. Info.: 954-828-8000
7	**8** Bette Midler (Through 5/9) Hard Rock Live Tix.: 866-502-7529 6th Annual Burger Battle Huizenga Plaza 7 to 10 p.m. Info.: 954-468-1541 X 205	**9** Florida Gun & Knife Show (Through 5/10) South Florida Fairgrounds, WPB Info.: 321-777-7455 10th Annual African Violet Show & Sale Flamingo Gardens 9:30 a.m. to 4:30 p.m. 38th Annual Run For The Roses Hollywood Boardwalk - Charnow Park, 7 a.m. Info.: 954-461-5515
14 Watch Out Ivy!: When Ivy Stranahan Went Undercover for the Government Broward County Main Library Info.: 954-357-8243	**15** Kings of Chaos Hard Rock Live, 8 p.m. Tix.: 800-745-3000 Girl Choir of South Florida: She Sings! Broward Center for the Performing Arts, 8 p.m. Tix.: 954-462-0222	**16** Covenant House Florida 5K on A1A The Parrot Lounge 6 to 9 a.m., Start: 7 a.m. 954-568-7916 24th Annual Island City Canoe Race Colohatchee Boat Ramp 10 a.m. Info.: 954-390-2175
21	**22** Ft. Lauderdale Spring Home Design And Remodeling Show (Through 5/25) Broward County Convention Center Info.: 305-667-9299	**23** 18th Annual Downtown Delray Beach Craft Festival The Tennis Center (Atlantic Ave. Downtown Delray Beach) 10 a.m. to 5 p.m. Info.: 954-472-3755

UPCOMING EVENTS IN OUR AREA

May 24
Free Dance Lessons with Danny Carter
Anglin's Square, 5 to 7 p.m.
Info.: www.LBTSevents.com/calendar

May 25
Memorial Day KidzFest
Flamingo Gardens, 9:30 to 4:30 p.m.
Info.: www.flamingogardens.org/Events

May 25
5th Annual Deerfield Beach Wine & Food Festival
Quiet Waters Park, 1 to 9 p.m.
Info.: 561-338-7594

May 30-31
Blooms and Butterflies (Butterfly Release)
Museum of Science and Discovery
Noon to 4 p.m.
Info.: 954-713-0930

June 13
The Gipsy Kings
Hard Rock Live, 8 p.m.
Noon to 4 p.m.
Tix.: 954-713-0930

FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT WWW.GALTMILE.COM

Tuesdays/Saturdays: Sunrise Paddleboard Bonnet House Eco Tour, 928 NE 20 Ave., 10 a.m., Info.: 954-440-4562
Fridays: Aruba Beach Café's Friday Fun Fest Pig Roast, 4 to 7 p.m.
First Saturday of Every Month: Beach Cleanup, Commercial Blvd. & the Beach LBTS (Meet at Pavilion), 9 to 9:30 a.m., Info.: 954-776-1000
First Saturday of Every Month: North Beach Art Walk, 3280 NE 32nd St, 7 to 11 p.m., Info.: 954-537-3370
Second Saturday of Every Month: Beach Sweep, 9 a.m. to 12 p.m., Info.: 954-474-1835
Mondays: Food Trucks at Artspark, 5:30 to 10 p.m., Youngs Circle in Hollywood
Sundays: Tour-the River Ghost Tour, Stranahan House & Water Taxi, 7:30 p.m., Tix.: 954-524-4736
Saturdays: Saturday Night Under the South Florida Stars, Fox Astronomical Observatory at Markham Park, Sunset to Midnight, Info.: 954-384-0442
Daily: Yoga on the Beach, Ocean Manor Resort (4040 Galt Ocean Dr.), 9:30 a.m. (weather permitting), Mats supplied, $10 donation, Open to the Public, Info.: 754-779-7519 or 516-840-1455

In allowing developers to wait until a 7-year statute of repose expires before turning over control of an association, by the time that unit owners finally have a right to sue the developer – even for clearly observable construction defects – they are legally barred from doing so after the repose period runs out. If a developer confessed on CNN to using scotch tape instead of nails, no claims could be brought. By reducing the repose period to seven years, Fant's bill will allow developers to dodge responsibility for defective construction, and saddle unit owners with the cost of repairs.

If enacted, HB 501 has an effective date of July 1, 2015. The 7-year statute of repose will apply to all actions commenced on or after that date, regardless of when the cause of action accrued. When members of the Civil Justice Subcommittee grew nervous about approving a wholesale evisceration of association remedies to developer defects, on February 16, Fant offered a Committee Substitute containing an amendment that marginally softened its initial impact.

Specifically, any action that would not have been barred by the existing statute of repose but will be barred by Fant's newly-enacted statute will not be immediately disallowed. Instead, such actions may be commenced before the first anniversary of the amendment, on July 1, 2016, after which any actions not yet filed will be forever barred. Since Subcommittee Chair Kathleen Passidomo (R – Naples) banked contributions of more than $83,000 last year from Finance, Construction and Realty interests, her support, and Fant's one-year concession bought the single vote he needed to insure committee approval by a vote of 7 Yeas vs. 6 Nays on February 17th.

At a March 5th legislative update convened at the Seawatch Restaurant in Lauderdale-by-the-sea, Community Association Leadership Lobby (CALL) association advocate Donna Berger told 35 attending condo and co-op property managers that HB 501 was "among the worst of this year's legislative proposals that affect community associations," warning "If that passes it will significantly hurt associations. The statute of repose is going to run out and you're not going to even know what hit you as the homeowner."

Observing how "They (developers and construction companies) would be off the hook" after the seventh year following a construction project, Berger exclaimed, "You know who is on the hook? The homeowner. The homeowner is going to be specially assessed for all these defects. The bottom line is, this is a horrible bill that we're hoping will be derailed." She cautiously added, "But we're up against the special interests. So it's going to take a big fight."

Berger's next battleground is the bill's next committee stop – the House Judiciary Committee – where Fant is a rookie member. Unless Berger can quickly marshal CALL's Advisory Board to send the vetting committee members a blizzard of acrimonious emails from associations across Florida, the fight will move to the Senate, where Kelli Stargel's companion bill – SB 1158 – must survive review by the Senate Committees on the Judiciary, Regulated Industries and Rules.

Berger also observed that if the bill is enacted, Florida's 7-year statute of repose would be the shortest in the entire country. Ironically, two lawmakers who were recently recognized by CALL for supporting pro-association legislation faced off in the Civil Justice Subcommittee. District 93 Statehouse Representative George Moraitis led the charge against the bill, remarking "How do you go home and face your constituents after voting for a bill like this," while Committee Chair Kathleen Passidomo sucker punched her association constituents by lining up support for developers. Although Passidomo cut a deal to approve the bill, she warned Fant that if he didn't correct the adverse impact his bill has on associations, she would oppose it when reviewed by the Judiciary Committee – where she serves as Vice Chair.

In his committee testimony, Fant claimed that until just before the hearing - he didn't know that his bill would deprive association homeowners of the right to bring legal action for latent defects, and expressed his intention to meet with association advocates to address this "unintended consequence". Along with Yeline Goin from CALL, also attending the hearing was Travis Moore, an association advocate representing the Community Associations Institute (CAI). Since the bill was sent to the Judiciary Committee on February 26th, Goin and Moore have little time to convince Fant that he should make good on his promise, and exempt associations from his 7-year repose period. They will need your help.

Time to Step Up

Although the bill is most damaging to pre-turnover associations, it will affect all construction, and diminish the time available to discover and remedy latent defects in your building. When associations perform concrete restorations, roof replacements, drainage upgrades, deck waterproofing and other costly projects with an estimated useful life of 10 – 15 years and despite proper maintenance, evidence of shoddy construction begins surfacing after 7 or 8 years, HB 501 will protect the culpable contractor while every association homeowner is assessed $tens of thousands toward the $multi-million repair costs.

Most unit owners will suffer a double whammy, as this bill also threatens every Florida taxpayer. The $billions in repair costs for latent defects afflicting schools, bridges, hospitals, highways and other public works projects will be chalked off the contractor's punch list - and slipped neatly into your tax bill.

As CALL, CAI and other association advocates mobilize motivated unit owners from all over Florida to ask vetting committee members to quash this danger to millions of Florida association homeowners, they will likely leave the heavy lifting to a handful of activist communities – such as the Galt Mile – where sleepy retirees react poorly to threats from Tallahassee.

If you have a few minutes, go to this article on the Galt Mile website (www.galtmile.com), where it is followed by links to the membership websites for each of the bills' House and Senate vetting committees, as well as the telephone numbers, email addresses and websites of their respective Committee leadership. To avoid being unnecessarily assessed for defects that usually surface down the road, bang out a few emails now. If the vetting committees are peppered with messages opposing the bill, it will die on the calendar - get a one-way ticket to the cornfield - and snap the universe back into balance. 2 million Florida unit owners (including all your Galt Mile neighbors) will be in your debt, along with every property owner in the State! Not a bad way to fritter some spare time on a Sunday afternoon.•

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Lawmaking Realtors Pursue Profits

By Eric Berkowitz

By the first week in April, most of the 2015 legislative session's roughly 30 association-related bills were sent back to the freezer. Of the handful that remained in play, arguably the worst for condominiums and cooperatives are House Bill 501 - filed by Statehouse Representative Jay Fant (R – Jacksonville), and companion Senate Bill 1158 - filed by Senator Kelli Stargel (R – Lakeland). While transferring liability for substandard construction and latent defects from corner-cutting developers to taxpayers, the bills would surgically strip association homeowners of their rights before plundering their budgets (see other article). Association advocates and civil engineers postulate that these bills will drain $million from association budgets while adding $billion to taxpayer TRIM notices. Several other surviving bills vary with respect to their impact on associations.

Feathering the Family Business

Among the most controversial are HB 611 filed by Rep. John Wood (R - Winter Haven) and companion SB 736 filed by Sen. Kelli Stargel - known as the "estoppel certificate" bills. Owners of properties governed by a community association must provide buyers or lenders with a statement of their financial status with the association prior to selling or refinancing their homes. The statements prepared for buyers and lenders differ substantially, as lenders additionally solicit information about the association's financial stability (i.e. insurance coverage, FHA certification status, delinquency levels, funded reserves, rent restrictions, etc.).

In Florida, unit owners are jointly and severally liable with the previous owner for debts on a condominium property. To comply with State law (s. 718.116(8), F.S.), a condo seller (usually through a realtor or title company) will request the association to verify the property's status as of a certain date by disclosing assessments or fees due to the association, liens against the property and other outstanding debts. The resulting document is known as an estoppel certificate. Its primary purpose is to protect the association's other members by insuring that monies due to the association are accounted for in a sale or loan agreement. Florida law allows community associations to charge a "reasonable" fee to prepare an estoppel certificate.

Since the estoppel certificate also protects prospective buyers against misrepresentations of a property (inadvertent or deliberate), overly aggressive realtors view the process as a burdensome sales impediment. Drafted by realtors and supported by title companies, the legislation was designed to flip the script, and shift the cost of preparing estoppel letters from the realtors' paying customers (sellers) to the associations – an attempt to saddle the seller's neighbors (that's us) with the expense.

Not surprisingly, Wood is a Winter Haven realtor (John Woods Realty, Inc.) and Stargel operates WWJD Properties and Rustic Properties, Polk County real estate firms she owns with husband – Broward Circuit Court Judge John Stargel – a manager or managing member in several other real estate companies, including Green Star Properties, Polk Premier Properties and SMS Properties. Lawmakers are prohibited from filing legislation from which they, or their family members, derive a financial benefit. After filing 4 bills in 2013 that would have enhanced her profits by altering the state's property laws, when the associated press questioned Stargel about her highly publicized conflict of interest, she denied violating any ethics rule, claiming that the bills didn't specifically benefit her – "Nothing in this bill is specific to just me, or narrowly drafted in a way that could be construed to just me." Gee Whiz! In any event, the State of Florida would be oblivious to her conflict, since she never listed her real estate business interests on the financial disclosure form she submitted to the ethics commission. OOPs!

Estoppel Dogma

Although some of the bills' pitfalls were marginally softened when association advocate Yeline Goin brought them to the attention of vetting committee members, the legislation is still rife with fiscal bear traps for associations. Some of the remaining dangers are as follows:

State House Representative John Wood

FLorida Senator Kelli Stargel

1. The legislation will prohibit the association from being paid as a condition of delivering the estoppel certificate. Instead, the bill will require that the estoppel fee be paid to the association from the proceeds at closing.

If a prospective sale doesn't close, the association is left holding the bag. In other words, when title companies solicit numerous estoppels without paying for them, the costs would be shifted to the association, and ultimately to its members. Even if the sale closes, the bill's restrictions would require associations to chase down and assess the former owner (good luck with that), and absorb any resulting collection costs.

The current procedure, which has efficiently protected buyers, lenders and associations, is that the fee is paid at the time the work is done.

2. The bill states that the estoppel certificate must be valid for 30 days. This provision bars the association from adding any special assessments or fees that accrue during the 30 day window - but were not yet levied when the certificate was issued. Unless the bill is amended to provide for a method of updating the certificate as necessary, those charges or fees wouldn't be paid by the seller to whom they were assessed - but passed on to the membership.

3. The bill provides that the association waives any right to collect any amounts in excess of the estoppel certificate against anyone who in good faith relies on the certificate. This would include the unit owner. This is one of several engineered loopholes for delinquent owners planted in the legislation by Woods and Stargel. Current law allows the association to collect delinquent fees against an owner, notwithstanding whether or not it is recorded in an estoppel certificate. If an assessment or fee is inadvertently omitted from a complicated estoppel certificate, this unintentional error would magically wipe out the seller's debt – which would then be absorbed by the association's members. The estoppel process was never conceived as a vehicle for punitively mitigating a seller's debt.

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City

COMMISSIONER BRUCE ROBERTS

APRIL 2015 Newsletter

In his March - April 2015 Newsletter, City Commissioner Bruce Roberts introduces Lewis Landing as the City's newest Park, notes technological improvements to Fort Lauderdale's online Property Information Reporter, applauds the City's participation in the League of American Bicyclists' Bicycle Friendly America program, expresses his intention to serialize planned infrastructure improvements in his newsletters - beginning with the Bridge Master Plan and recognizes the Transportation and Mobility Department for having snagged the Broward Metropolitan Planning Organization's prestigious Transit Priority Award. The Commissioner opens his message to constituents with an enigmatic heads-up for those disturbed by paralyzing noise – either from heightened seasonal air traffic at Executive Airport or federally mandated train horns. Their respective endgames differ as night and day.

Dead End at Executive Airport

When planners spent $791 million to lengthen a runway at Fort Lauderdale/Hollywood International Airport (FLL), and another $650 million to rehabilitate the airport's terminals, the expenditures were abetted by a $250 million settlement for neighborhood residents living in the adjacent Dania Beach community. Driven nuts by living for decades with scores of daily brain rattling landings and takeoffs – the funds would equip their homes with new sound-cancelling roofs, heavily insulated impact glass windows, extensive weather stripping and central air/ventilation systems. Operating as a self-sustaining Enterprise Fund, FLL is one of South Florida's most lucrative economic engines.

While clocking in a respectable 500 daily flights (182,237 in 2014), Fort Lauderdale Executive Airport (FXE) is a fiscal pipsqueak juxtaposed to Broward's big dog air hub. The $16.4 million recently spent on replacing its ancient control tower tested the limits of the City Commission's support for the facility. Residents living or working near the airport have no illusions about a regulatory windfall mitigating their homes.

Instead, a multi-faceted Noise Compatibility Program (NCP) was cobbled together (and approved by the FAA) for Executive Airport. The City deployed an advanced version of the Airport Noise and Operations Monitoring System (ANOMS), initiated 24/7 monitoring and enforcement of Noise Abatement procedures for aircraft and organized noise control workshops for pilots. By restricting the use of certain runways at night, controlling the timing and direction of neighborhood overflights, prohibiting engine run-ups on ramps and curbing repetitive landing and practice approach operations, the City delivered modest short term relief to local residents.

To more permanently remediate debilitating airport noise, City planners propose a joint City/County revision of land use regulations to control development around the airport. In addition to rezoning non-compatible properties – if and when the opportunity arises (i.e. by attrition) - incorporating noise requirements into the Design Review (DRC) process for new development would promote sound-cushioning structural mitigations, ultimately morphing the airport perimeter into a noise-resistant zone.

Absent these costly structural improvements, noise problems at Executive Airport will remain a persistent dilemma in nearby residential and commercial neighborhoods, and inoculating the community against airport noise by leveraging the DRC review process could take decades to bear fruit. While Roberts' invitation to report noise incidents may deter future abuse by flying scofflaws, there is no antidote for seasonally heavy air traffic.

County-wide Quiet Zone to Cut Cacophony

Roberts' summary of the train horn issue is a post script to a February 25 memo drafted by City Manager Lee Feldman. Responding to complaints that the shattering blasts of train horns mounted on newly purchased locomotives seem more ferocious than those emitted by their predecessors, Feldman notes that a planned investigation by the Federal Railroad Administration (FRA) will ascertain whether the new train horns comply with federal law. Since Broward will soon benefit from a county-wide Quiet Zone, the issue may be moot.

All Aboard Florida (AAF) - a subsidiary of Florida East Coast Industries (FECI) - is a planned high-speed passenger-rail service connecting Miami and Orlando with stops in Fort Lauderdale and West Palm Beach. In addition to the significant new stream of tourism revenue, the State and regional economies will benefit from major infrastructure improvements along the route and myriad new construction jobs. However, a daunting drawback dogged the project. People who live or work in neighborhoods where local streets intersect the tracks feared a relentless auditory assault by brain-numbing train horns.

In 2011, the Federal Railroad Administration (FRA) implemented a requirement that locomotive horns issue 15 - 20 second blasts as a warning to drivers at public highway-rail crossings. This FRA Train Horn Rule (49 CFR Part 222) mandates a blast volume between 96 and 110 dB (decibels). Physicians and research scientists at the Centers for Disease Control (CDC) consider sound levels above 85 dB hazardous. While a 9 second blast at 120 dB can turn your ears into broccoli, repeated exposure to slightly lower volumes can cause Noise Induced Hearing Loss (NIHL).

Fortunately, Federal Law also provides for the designation of "Quiet Zones", sections of rail line, at least a half-mile in length, that include one or more public rail crossings at which approaching locomotives are not required to sound their horns - subject to the Locomotive Engineer's discretion. To offset the increased risk of omitting the warning blast, federally approved Quiet Zones require supplemental safety measures (SSM) by local jurisdictions.

Ordinarily, railroad crossings have a set of two gate arms, each of which blocks traffic on one side of the tracks. When a train approaches, the arms swing down across their respective oncoming traffic lanes. Unfortunately, it doesn't prevent self-medicating motorists from playing "Chicken" by jumping into the adjacent unblocked lane to skirt the lowered gate and beat the train. To secure a "Quiet Zone" designation, a city or county must make the crossing idiot-proof via one of 5 optional FRA-approved SSMs.

They can create a 4-gate quadrant system by adding two more gates, thereby blocking all lanes in either direction on both sides of the track. A consulting traffic engineer might alternatively recommend installing raised concrete mediums to block lane-jumpers. To save the cost of additional equipment, a more drastic accommodation would alter crossing sites into one-way venues, with both standard gates placed on the same side of the track to block all lanes of oncoming traffic. Finally, intersecting thoroughfares can be temporarily or permanently closed, obviating the need for a nerve-frying warning blast.

Depending on the number of crossings and the types of safety features, the Federal Rail Administration has estimated that site enhancement costs for a city or county would minimally average $30,000 apiece.

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However, if intersecting crossing sites are wider than two lanes, fully fleshed out Quiet Zone SSMs can cost local governments between $150,000 and $250,000 per rail crossing.

Since AAF initially refused to spend more than the $1.5 billion already committed by FECI, and the State typically offers no grant opportunities for Quiet Zone improvements, to avoid force feeding the entire nut to local taxpayers, last April, Commissioner Roberts informed the Galt Mile Advisory Board that Broward and Palm Beach County MPOs were stalking a Federal TIGER grant (Transportation Investment Generating Economic Recovery) to defray costs. If they hit pay dirt, the $22 million they asked for would substantially lower the taxpayer bite for modifying the 65 crossing sites in Broward and 115 in Palm Beach County with SSMs (supplemental safety measures).

As fate would have it, before the U.S. Department of Transportation (USDOT) rejected the TIGER grant application on September 12, 2014, at Quiet Zone workshops held in July and August, Broward MPO learned about a loophole in the FRA Train Horn Rule that would enable county-wide Quiet Zones without installing 65 SSMs (quadrant gates or raised medians) at $30,000 - $250,000 a pop. Armed with an extra $60 million from AAF for safety features at every grade crossing, and a gander at their lobbyists' FRA regulatory playbook, Broward would only need to incrementally modify some of its 65 crossing sites to qualify for a county-wide exemption.

The FRA maintains a nationwide Quiet Zone Risk Index (QZRI) for every U.S. crossing site as well as a Nationwide Significant Risk Threshold (NSRT) – a national average risk statistic subject to annual FRA review. By compiling accident statistics at crossing sites with and without train horns into an algorithm, each individual risk index can be adapted to reflect the impact of those train horns (RIWH). If the risk index of a crossing site is lower than the NSRT or the RIWH, the site becomes eligible for Quiet Zone designation. By using the average QZRI of all 65 Broward crossing sites as the basis for eligibility, and comparing it to the RIWH for each site, the Broward MPO was able to calculate a county-wide RIWH threshold. By applying SSMs to those sites most at risk, MPO officials reduced the county-wide risk index below the RIWH threshold, thereby qualifying all 65 crossing sites for quiet zone status. Although Broward MPO budgeted $4.2 million for quiet zones, they may only spend a total of roughly $1 million, freeing any unused funds for reallocation.

In a September 18, 2014 letter to MPO Board members and City Managers, Broward MPO Executive Director Gregory Stuart spelled out how they would accomplish this. By eliminating the crossing at NW 2nd Street in Fort Lauderdale (near the new station), and adding quadrant gates or raised medians to high risk crossings listed in the letter, they would bring the countywide index below the RIWH threshold. Crediting AAF for this Machiavellian work-around, Stuart said "This partnership allows us to further enhance the corridor above and beyond what is needed for a county-wide quiet zone." With a working formula on the table, Miami and Palm Beach MPOs also partnered with AAF to mute train horns along the AAF route in their respective counties.

One Up, One Down

*Unlike the noise problems at Executive Airport, where a shoestring plan for marginal improvement is subject to development and market vagaries over the next decade (or longer), Broward's train horn cacophony will desist when AAF lays the new Broward track and installs the SSMs; shortly after drooling shareholders in FECI parent company Fortress Investment Group incant "Show me the money!" Read on for Commissioner Roberts' April 2015 message to constituents... – [editor]**

APRIL 2015 DISTRICT 1 NEWSLETTER
COMMISSIONER BRUCE G. ROBERTS

Noise Concerns: Working to Minimize the Impacts of Seasonal Air Traffic: During winter months, from November through April, seasonal air traffic can increase significantly at Fort Lauderdale Executive Airport (FXE). This time of year is also when neighbors like to save energy by turning off their air conditioners and opening their windows, which makes aircraft noise more noticeable. The City would like to remind neighbors that we are aware of the potential increase in noise that season air travel may have on our neighbors. As a result, the Noise Abatement Office distributes notices and contacts aircraft operators to remind them of the program's guidelines to help lessen aircraft noise that may occur in neighborhoods during this time. To report excessively loud aircraft you may do so by calling FXE's Noise Abatement Hotline at 954-828-6666 24-hours a day, seven days a week. Also, in the near future we will set a neighbor meeting with our City staff and FAA officials to discuss this issue.

Reporting Train Noice: 850-414-4500: Many people have called to report that the train horns have gotten louder. Our staff spoke with the FDOT Rail Office who stated that when individuals call they should have the following information for follow up: which track the train is using – FEC (East-railroad tracks along Dixie Highway) or TriRail/CSX (West-railroad tracks along I-95); which train is causing the noise (cargo train or TriRail); the date/time and travelling northbound or southbound. If the noise is late at night or early morning so that you are not observing, just call with date/time/approximate location. We hope this helps. Transportation officials are investigating the matter. If you would like a copy of City Manager Lee Feldman's memorandum regarding this issue, please let me know and I can email it to you.

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Technology: Enhanced Online Neighbor Resource: The City is continually trying to expand online services for our neighbors to promote an informed and engaged community. We are proud to announce the release of the new Property Reporter. Formerly known as the Property Information Reporter, this enhanced tool features a modern interface, is mobile-friendly, and provides access to more information than the previous version. The upgraded version provides access to Public Works First Responder crews, FEMA Flood Zones, property tax assessments and aerial or topography maps. And, you can still use the Property Reporter to look up neighborhoods, Commission Districts and sanitation schedules. We invite you to explore the Property Reporter today. http://gis.fortlauderdale.gov/propertyreporter/

Lewis Landing: As a City, we are committed to protecting, preserving, and enhancing our green space. This commitment was echoed by our neighbors during our citywide Visioning process when they identified expanding parks and green space, developing unique and inviting gathering places, and creating active healthy lifestyles, as key priorities for the future of Fort Lauderdale. On January 24th, we took another step toward fulfilling this shared Vision when we opened Lewis Landing, our newest City Park. Located at 630 NW 9th Avenue, the 1.3-acre property is situated on the south bank of the New River in the Tarpon River neighborhood. The park features a pavilion, walking path, boat dock, benches and picnic tables. As part of the grand opening ceremony, a plaque was unveiled dedicated to Surles and Frankee Lewis, the first permanent non-native residents of our area who arrived here in 1792. In addition, award-winning sculptor Nilda Comas unveiled an original commissioned statute of a Tequesta Indian, which proudly stands atop a five foot base near the park's entrance. The bronze sculpture was created as a tribute to the Tequestas, Fort Lauderdale's first inhabitants whom historians believe lived on the park property from approximately 800 - 1200 AD. If you have an opportunity, please stop by Lewis Landing. It is one of our City's most picturesque parks and a place filled with a fascinating history dating back centuries!

Bicycle Friendly America Program: As part of the League of American Bicyclists Bicycle Friendly America program, representatives from the League, Broward County, Florida Department of Transportation, Broward B-cycle, Neighborhoods, and the City's Parks and Recreation, Police, Public Works, and Transportation and Mobility Departments joined together to discuss best practices for improving bicycling conditions in our City. The meeting focused on educating neighbors on bike safety, encouraging more bicycling, and also included a group ride around Fort Lauderdale to assess the City's biking infrastructure and the challenges bicyclists face. The League will now provide the City with a Bicycle Friendly Community Report Card and an action plan that identifies priorities that will have the greatest impact on helping us become a safer, more comfortable bicycle community.

Project Assessments: In order to better assess, prioritize and finance major infrastructure and capital improvements, your City has evaluated several areas of concern. To keep our neighbors informed of that process which has been ongoing for several years, we will introduce a series of reports over the course of our next newsletters.

Bridge master Plan: In an effort to develop a Comprehensive Bridge Master Plan and to identify funding needs, on July 1, 2014, the City Commission approved the finalized agreement between the City and TranSystems to begin the inspection, evaluation and documentation of the 46 roadway bridges identified for the study. Five City owned bridges were not included in this study because they are currently being replaced by the FDOT. On November 17, 2014, TranSystems submitted a comprehensive bridge assessment plan, outlining the conditions of the 46 bridges and recommending a repair and replacement schedule. These recommendations are based on bridge deficiencies which are broken into six categories: concrete pile deterioration; deteriorated beam concrete superstructure; concrete delamination with exposed reinforcement; concrete delamination with non-exposed reinforcement; expansion joint deterioration; and non-compliance functionally obsolete. Based on the findings, TranSystems has provided both short term and long term recommendations. Short term recommendations are meant to address minor structural issues this year which, if unaddressed, will result in additional structural damage to the bridge. Short term repairs have been recommended for seven bridges at a total of $86,000. Long term, to be completed over the course of the next 20 years, in five year increments, fall into two categories: repair: significant structural repairs intended to extend the service life of the bridge over 20 years; and replacement: if necessary repairs cannot extend the service life of the bridge over 20 years, the bridge will be demolished and replaced.

Long term repairs have been recommended for 25 bridges and replacement has been recommended for 17 bridges at a total cost of $35,136,308. Considering the short and long term recommendations for the initial five years of the master plan, 19 bridges have been identified for repair and two for replacement at a total cost of $4,152,600. Currently, $5,747,741 has been included in the Community Investment Plan (CIP) for bridge repair and replacement for Fiscal Years 2015-2019. As such, staff intends to move forward following the schedule outlined by TranSystems.

Award: Congratulations to the Transportation and Mobility Department for its recent Transit Priority Award presented at the Broward Metropolitan Planning Organization's (Broward MPO) Safe Streets Summit on January 22nd. The City was selected for the award by peers from other municipalities, transportation organizations, boards, and our neighbors for its close work with partner agencies to prioritize access to transit within our community. Voting for this award was an open process that enabled anyone to nominate and vote for the City on the Safe Streets Summit website. With the Water Trolley, Sun Trolley, Uptown Link, Tri-Rail, and the upcoming Wave Streetcar and All Aboard Florida high speed rail, Fort Lauderdale is working with all of our stakeholders to connect people to our City through alternative modes of transportation to achieve our goal of being a fully connected, multimodal community that offers safe access for all users of all ages and abilities.

Office Contact: Robbi Uptegrove – 954-828-5033; email: ruptegrove@fortlauderdale.gov

In addition to hosting two pre-agenda meetings twice a month, I am also available to attend your HOA meetings to update your neighborhood on what is going on in the City as well as answer any questions/concerns you may have. Please contact Robbi to schedule.

Email List: If you would like to be on our email list so that you receive information pertaining to the City – especially District 1 (i.e. news releases, meeting notices, events), please let Robbi know and she will add you.•

"Congratulations to the Transportation and Mobility Department for its recent Transit Priority Award..."

4. The bill reduces the time that the association must comply with a request for an estoppel certificate from 15 days to 10 days. If the association fails to deliver an estoppel certificate as required, the association waives, as to any person who would have in good faith relied on the estoppel certificate, any amounts that would have been due. Incredibly, this waiver also inappropriately applies to the unit owner.
Completing a complex estoppel often requires over 10 days, especially when processing multiple past-due assessments, verifying a recently filed lien, determining the debt position of a delinquent property in default of a mortgage, or projecting expenses for a unit in litigation. If the association is even one day late in issuing the certificate, it waives the right to collect any past-due amounts owed to the association.

While buyers must rely on the estoppel letter to ascertain the fiscal condition of a unit, that's not true for a selling unit owner, who by law, is certifiably and independently notified by the association about every maintenance assessment, unpaid fee, outstanding lien, or other association indebtedness. Since the unit owner does not "in good faith" rely on an estoppel certificate for information about his or her debt to the association, there is no justification for applying the bill's dogmatic waiver language to a delinquent seller.

Seventh Inning Stretch
Association advocates Yeline Goin of the Community Association Leadership Lobby (CALL) and Travis Moore of the Community Association Institute (CAI) aspire to detoxify the bills before House and Senate vetting committees. Instead of insuring that the association is made whole when a delinquent unit is sold, the revised estoppel process would provide delinquent owners multiple opportunities to realize a windfall – an unprecedented "get out of debt card" – fully funded by the association's members.

While testifying against the bills, community association advocates are bumping heads with Title Company lobbyists and the powerful Realtors Association. While the advocates have made some headway in bringing balance to the legislation, to offset the cash liberally distributed to committee members by their opponents, association members from across the State will have to to weigh in against the bills' skewed provisions and their sponsors nest-feathering agenda.

HB 611 must still be reviewed by the House Judiciary Committee, where Wood serves as a member, and SB 736 must be heard by the Senate Committee on Fiscal Policy, wherein Stargel is a member. As the final committee stops before each bill is sent to the floor in their respective chambers, they represent the greatest opportunity to either improve or derail the legislation.

In short, unless you are comfortable with adding a new line item in next year's association budget for estoppel certificates requested and historically paid for by sellers, and don't mind subsidizing their debt, you can join with thousands of other association homeowners and send a few emails objecting to how the bills' punitive provisions would molest your family budget by unfairly increasing the assessment on your home.

If this prospect makes your Galt Mile blood run cold, locate this article on the Galt Mile website (www.galtmile.com), where it is followed by email links to the bills' House and Senate vetting committee members. Either use the contact information to alter your fate – or go see what's playing on HBO.•

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