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Lawmakers combine bills in bid to spur condo reform

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Two Florida legislators have merged bills in the hopes of giving condo owners the ability to opt out of requirement that's forcing them to retrofit older buildings with fire sprinkler systems.

Rep. Maria Sachs, D-[Delray Beach](#), merged a bill she created, HB 1317, with HB 561, a bill sponsored by Rep. Ellyn Bogdanoff, R-Fort Lauderdale. The resulting bill would give condo owners the right to vote on whether to retrofit their building with fire sprinkler systems and push back the retrofit deadline from 2014 to 2019. In addition to the sprinkler retrofit language, the bill also contains provisions that would eliminate the mandatory insurance requirements for individual owners, allow associations to purchase telecom and Internet services the way they do cable services, and allow condominium associations to suspend delinquent owners' voting rights as well as their right to use the common areas.

"In order to get this done, [the bills] have to be in sync," Bogdanoff said.

HB 561 has quickly become the session's golden condo bill, supported by millions of condo owners, city and county governments with large condo populations, and many community association advocates.

Sachs' merged bill also incorporates the Distressed Condominium Relief Act, which would provide regulatory provisions to bulk assignees while repealing provisions relating to emergency operation plans in certain condos and other multifamily dwellings.

Some condo law experts say the bill is too big. Donna Berger, partner at the law firm of Katzman Garfinkel & Berger, said she typically does not like large bills because the lack of a line item veto procedure hurts their chances once they reach the governor's desk. Often, she said, proponents of large bills try to accomplish too much at once.

"It is always problematic. We try to caution legislators to avoid [merging bills]," Berger said. "We don't have line item veto in Florida, so to have [the bill] go down in flames because the governor doesn't like one idea would be unfortunate."

Legislative bills can have a better chance of gaining passage and approval by the governor if they are shorter and more concise. But often new bills are attached to others that are speeding through the legislative process.

Berger said that despite its large scope, the merged bill has an advantage in that it began gaining momentum when it was small and has been growing steadily. That may help it pass through the committees.

"The distinguishing thing about what's happened to [HB 561] is that it had a narrow focus that others started piling onto because they see it has wheels," she said. "It didn't come out of the gate at 200 pages."

Rep. Julio Robaina, R-Miami, is known for creating community association bills that are more than 100 pages long. He said he packs many bills full of changes because, as a state representative, he is only allowed six bills. He said he



doesn't think the practice hurts the bills' chances of passage, because many bills undergo changes during the legislative process.

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