



Business & Professional Regulation Subcommittee

**Wednesday, February 20, 2013
9:00 AM
12 HOB**

Action Packet

COMMITTEE MEETING REPORT
Business & Professional Regulation Subcommittee
2/20/2013 9:00:00AM

Location: 12 HOB

Summary:

Business & Professional Regulation Subcommittee

Wednesday February 20, 2013 09:00 am

HB 493	Favorable	Yeas: 10	Nays: 0
PCB BPRS 13-01	Favorable	Yeas: 11	Nays: 0
PCB BPRS 13-02	Favorable	Yeas: 11	Nays: 0

Committee meeting was reported out: Wednesday, February 20, 2013 4:17:14PM

COMMITTEE MEETING REPORT
Business & Professional Regulation Subcommittee
2/20/2013 9:00:00AM

Location: 12 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Debbie Mayfield (Chair)	X		
Ben Albritton	X		
Karen Castor Dentel	X		
W. Travis Cummings	X		
Dwight Dudley	X		
Dane Eagle	X		
Joseph Gibbons	X		
Mike La Rosa	X		
Kenneth Roberson	X		
Darryl Rouson	X		
Cynthia Stafford	X		
W. Gregory Steube	X		
Carlos Trujillo	X		
Totals:	13	0	0

Committee meeting was reported out: Wednesday, February 20, 2013 4:17:14PM

COMMITTEE MEETING REPORT
Business & Professional Regulation Subcommittee
2/20/2013 9:00:00AM

Location: 12 HOB

HB 493 : Security of Protected Consumer Information

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ben Albritton	X				
Karen Castor Dentel	X				
W. Travis Cummings	X				
Dwight Dudley			X		
Dane Eagle	X				
Joseph Gibbons	X				
Mike La Rosa	X				
Kenneth Roberson				X	
Darryl Rouson	X				
Cynthia Stafford	X				
W. Gregory Steube	X				
Carlos Trujillo			X		
Debbie Mayfield (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Security of Protected Consumer Information

Lovett, Grace (Lobbyist) (State Employee) - Information Only

Director of Legislative Affairs, Department of Agriculture & Consumer Services

PL-10 The Capitol

Tallahassee FL 32399

Phone: 850-617-7700

Security of Protected Consumer Information

Scoonover, Chris (Lobbyist) - Proponent

Lexis Nexis

101 E. College Avenue, Ste. 303

Tallahassee FL 32303

Phone: 850-222-9075

Daughton Jr., James (Lobbyist) - Proponent

Consumer Data Industry Association

215 S. Monroe Street

Tallahassee FL 32301

Phone: 850-205-9000

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2/20/2013 9:00:00AM

Location: 12 HOB

PCB BPRS 13-01 : Department of Agriculture and Consumer Services

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Karen Castor Dentel	X				
W. Travis Cummings	X				
Dwight Dudley	X				
Dane Eagle	X				
Joseph Gibbons	X				
Mike La Rosa	X				
Kenneth Roberson				X	
Darryl Rouson	X				
Cynthia Stafford	X				
W. Gregory Steube	X				
Carlos Trujillo			X		
Debbie Mayfield (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Department of Agriculture and Consumer Services
 Lovett, Grace (Lobbyist) (State Employee) - Information Only
 Director of Legislative Affairs, Department of Agriculture & Consumer Affairs
 PL-10 The Capitol
 Tallahassee FL 32399
 Phone: 850-617-7700

COMMITTEE MEETING REPORT
Business & Professional Regulation Subcommittee
2/20/2013 9:00:00AM

Location: 12 HOB

PCB BPRS 13-02 : Timeshares

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Karen Castor Dentel	X				
W. Travis Cummings	X				
Dwight Dudley	X				
Dane Eagle	X				
Joseph Gibbons	X				
Mike La Rosa	X				
Kenneth Roberson				X	
Darryl Rouson	X				
Cynthia Stafford	X				
W. Gregory Steube	X				
Carlos Trujillo			X		
Debbie Mayfield (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Timeshares

Johnson, Carolyn (Lobbyist) - Proponent
 Policy Director, Florida Chamber of Commerce
 136 S. Bronough Street
 Tallahassee FL 32311
 Phone: 850-521-1235

Timeshares

Gamel, Jason - Proponent
 VP-State Government Affairs, American Resort Development Association
 4901 Vineland Road, Ste. 635
 Orlando FL 32811
 Phone: 407-595-5852

Timeshares

Gruber, Kurt (Lobbyist) - Information Only
 American Resort Development Association
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 Orlando FL 32836
 Phone: 407-649-4042

Committee meeting was reported out: Wednesday, February 20, 2013 4:17:14PM

COMMITTEE MEETING REPORT
Business & Professional Regulation Subcommittee
2/20/2013 9:00:00AM

Location: 12 HOB

Workshop

Homeowners' Associations

Committee meeting was reported out: Wednesday, February 20, 2013 4:17:14PM

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Business & Professional Regulation Subcommittee
2/20/2013 9:00:00AM

Location: 12 HOB

Presentation/Workshop/Other Business Appearances:

Workshop on Homeowners' Associations

Bergemann, Jan (At Request Of Chair) - Information Only
CCFJ President
1156 Tall Oaks Road
Deland FL 32720
Phone: 386-740-1503

Workshop on Homeowners' Associations

Dunbar, Pete (Lobbyist) (At Request Of Chair) - Information Only
215 S. Monroe Street
Tallahassee FL 32301
Phone: 850-222-3533

Workshop on Homeowners' Associations

Buck, Douglas (Lobbyist) (At Request Of Chair) - Information Only
Florida Home Builders Association
201 E. Park Avenue
Tallahassee FL 32301
Phone: 850-224-4316

Workshop on Homeowners' Associations

Glazer, Eric - Information Only
Attorney, Cyber Citizens for Justice
3113 Stirling Road
Ft. Lauderdale FL 33312
Phone: 954-983-1112

Workshop on Homeowners' Associations

Ferguson, Diana (Lobbyist) - Information Only
Attorney, Community Advocacy Network
119 S. Monroe Street, Ste. 202
Tallahassee FL 32301
Phone: 850-681-6788

Workshop on Homeowners' Associations

Stenfield, Kevin (State Employee) - Information Only
Deputy Director, Department of Business and Professional Regulation
1940 N. Monroe Street
Tallahassee FL 32303

Workshop on Homeowners' Associations

Cochran, Michael (State Employee) - Information Only
Director, Department of Business and Professional Regulation
1940 N. Monroe Street
Tallahassee FL 32303

Workshop on Homeowners' Associations

Moran, Kelly (At Request Of Chair) - Information Only
Community Association Manager, Associa
14957 Old Pointe Road
Tampa FL 33613
Phone: 813-787-7955

Committee meeting was reported out: Wednesday, February 20, 2013 4:17:14PM

Written Statement of Kelly Moran, CMCA, AMS, PCAM to the Business and
Professional Regulation Subcommittee, Florida House of Representative

February 20, 2013

Prepared by Kelly Moran, CMCA, AMS, PCAM
Vice President, Rampart Properties
&
Andrew S. Fortin, Esq., VP Government Affairs,
Associa

This written statement is offered in support of the oral testimony of Kelly Moran, before the Business & Professional Regulation Subcommittee of the Florida Legislature on February 20, 2013.

Kelly Moran is Vice President of Rampart Properties, an Associa Company. She has managed the Tampa branch office for Rampart Properties for the past eleven years. She is a licensed manager in the State of Florida since 1995 and holds the designations of CMCA awarded by NBC-CAM, AMS and PCAM awarded by Community Associations Institute (CAI). She volunteers her time and expertise in the industry as a National Faculty member for CAI's Professional Management Development Program. Kelly's past CAI involvement includes: Suncoast CAI Chapter Membership Committee Chair, Manager's Committee Chair, Board of Directors (3 years), Board Member for Association of Professional Community Managers – 3 years (APCM) and Board of Trustees – one year (CAI National). In addition, Kelly is Vice-Chair of the Regulatory Council of Community Association Managers for the State of Florida.

Rampart Properties is part of Associa. Associa is North America's largest community association management firm and serves its clients with local knowledge, national resources and comprehensive expertise. Associa operates more than 150 branch offices in the United States, Canada and Mexico with six offices and hundreds of managers serving Florida. Our employees are actively engaged in working with industry trade associations, elected representatives and commissions to inform public policy challenges and work to ensure vibrant community associations in Florida and across the country. This paper has been informed by our work at the local, state and national level.

Background:

The focus of this hearing is the uncertain impact of homeowners associations (HOAs). While there are many uncertainties related to homeowners associations in Florida, there are also many certainties. Homeowners associations play a vital role in Florida's housing market. They allow the state to cope with incredible growth, limit the burden of such growth on taxpayers and empower residents to make decisions about how a community should be governed. Estimates of the impact of community associations on the state of Florida are staggering. Applying national data¹ to Florida you get the following estimates of the impact:

- More than 3.8 million residents live in more than 19,000 community associations
- These residents assess themselves more than \$4 billion a year to provide for services, amenities and future maintenance needs that would otherwise fall on state or local government.
- Approximately 123,000 elected volunteers serve on homeowner association boards and their service contributions are estimated to be valued at more than \$52 million dollars per year.
- According to the American Enterprise Institute a residence in a homeowners association is worth on average 5% or more than a home not located in a community association².

¹ National Statistics, Community Associations Institute, www.caionline.org, 2012

² *Do Homeowners Associations Raise Property Values? What are Private Governments Worth?*, By Amanda Agan, Alexander Tabarrok, Regulation, Fall 2005, p. 17.

- National statistics indicate that the vast majority of residents in community associations are happy with their community and feel their elected boards are responsive to their needs. This data has changed little over the last ten years.

Because community associations deal with people's homes and lifestyles, they can be a touch point for contentious disputes that generate outreach to legislators. Existing national data indicates that such disputes are not common, but where they do occur, they can be stressful to residents, their boards and even elected representatives. This document will address the concerns expressed by the committee as well as highlight the challenges that Associa sees as driving issues within the homeowners association marketplace.

Challenges Facing HOAs and Residents:

From an industry standpoint, there are two primary factors that currently drive challenges for HOAs and their residents. The first challenge is the lingering impact of the housing crisis. The second challenge is that when conflict in a community association occurs, resolving such disputes can be costly, time consuming and can tear apart an HOA's sense of community. That said, this committee's focus on these issues provides a unique opportunity to create a framework to assess, evaluate and work to resolve issues that face Florida HOAs and their residents.

The first factor that serves to create challenges for residents of homeowners associations in Florida arises from the repercussions of the housing collapse. The housing crisis, and accompanying economic crisis, was the single worst economic event since the Great Depression. In fact, the decline on housing prices following the 2008 crisis was actually greater than what occurred during the Great Depression. For residents this has fostered a sense of frustration due to lost equity and a reduced marketability of their property. For homeowners associations the economic crisis created an additional challenge in terms of collecting assessments from distressed homeowners, bank-owned properties and those in default on their mortgages. As properties within an HOA are linked by their obligation to maintain common elements and amenities, the economic challenges have been amplified within these communities.

Assessment collections remain a key source of complaints against HOAs. Mandatory assessments fund services, required insurance and amenities provided to residents. When distressed homeowners are not able to pay assessments, association costs must be allocated against a smaller pool of residents. Many HOAs in Florida have seen their assessment issues compounded by lenders who foreclose on a property but do not pay assessments. According to a national survey, up to 75% of all bank-owned properties are not paying assessments³. To make matters worse, changing mortgage lending rules are now looking at association assessments as part of the mortgage underwriting process.

As a result of the financial crisis, federal underwriting rules for mortgages have changed dramatically or are in flux. These changes have had a profound impact on community associations. For the first time lenders are being required to examine not only the financial health of the borrowers, but also the

financial health or impact of association assessments. This has been most noticeable in the FHA condominium insurance program, but also is now being factored into mortgage calculations for purchases of single family homes in HOAs. This development is important as it has emerged as a driver of complaints by residents.

This new paradigm has established increasingly tighter federal mortgage underwriting for factors such as assessment delinquencies, budgets and reserves. FHA initially required no more than 15% of units in a condominium association could be more than 30 days late in assessments.⁴ The result is that condominiums and HOAs began more aggressive collection efforts to ensure marketability of homes in their association. In addition to FHA requirements, pending mortgage rules that are scheduled to become effective in 2014 will examine special and regular assessments as part of any mortgage underwriting decision for purchase in an HOA. Thus, associations have stepped up their collection efforts which have resulted in attempts by state legislatures to curb association collection powers.

This has set up a self-re-enforcing spiral of tighter federal regulations for underwriting in community associations, followed by stricter enforcement of assessment obligations by associations resulting in complaints to state legislatures and greater restrictions on an association's ability to collect assessments. Stepped up assessment enforcement has been a key driver in homeowner complaints against associations but has been driven by fundamental changes in the mortgage marketplace. Any effort to address perceived problems within HOAs in the state would benefit from an examination of this state/federal dynamic.

Dispute Resolution:

Florida does not have an HOA problem; Florida has an HOA *dispute resolution* problem. Fair and affordable dispute resolution is a major challenge facing residents of community associations. As noted, data supports that a super majority of residents in a community association enjoy and support the value the association brings to their community. That said, when disputes arise, resolution can be time consuming and costly.

The biggest challenge residents of homeowners association face is finding a fair, efficient and cost effective means for dispute resolution. The primary avenue for resolution of disputes in an HOA is litigation. A dispute between a homeowner and a board is considered a private contractual dispute and requires the parties to resolve the matter by negotiation or litigation. The results of which are best illustrated by a recent national story from Virginia in which a dispute over political signage in a townhome community left the association facing \$400,000 in legal expenses, bankrupting the community. It should not take \$400,000 to resolve a simple conflict between neighbors⁵. The state can, and should, explore ways in which homeowners, association boards and managers can be empowered to work together to resolve disputes in a fair and efficient way that does not involve the expense and time of litigation.

⁴ FHA Mortgagee Letter 2009-46(A)

⁵ Feud Over Sign Could Force Fairfax's Old Belle Haven to Sell Square, Washington Post, February 9, 2013

In addition to litigation expenses, elements of the Florida Bar have been working counter to the needs of consumers of legal services in Florida's HOAs. Most recently the Real Property, Probate and Trusts Section of the Florida Bar petitioned the Bar's Unauthorized Practice of Law (UPL) committee to reclassify more than 15 activities lawfully performed by community managers as the practice of law⁶. In most cases, this action was taken without evidence of consumer harm or case law support. If this effort is successful in bypassing the legislative process, associations will face increased expenses by being required to engage an attorney for tasks as simple as sending out a pre-lien letter on past due assessments. The net effect is that on matters of general operations, associations are finding their options further constrained by outside forces seeking a market advantage.

Some states, including Florida, have attempted to facilitate dispute resolution by establishing an ombudsman office. To date such programs have failed to live up to their promise. In a recent industry white paper on Ombudsman programs, the Community Associations Institute found that:

“Establishing a state ombudsman office...adds complexity to dispute resolution within a community... [A] state ombudsman program moves the center of gravity for dispute resolution from the community, to a state level office. Such a move typically adds complexity and expense to the dispute resolution process.”⁷

The existing ombudsman program, while founded with good intent and run by competent employees, has not met expectations. One of the most important elements of the overall approach, providing education for board members across the state, has atrophied after the state took over the education process. Funds raised by the program have frequently been diverted to general fund expenditures, which has undermined trust in the state's commitment to this program. This failure to use the funds as intended will likely make most residents, associations and the management companies who support them suspicious that any efforts to expand state oversight of HOAs are really just efforts to pass a hidden tax on HOA residents.

Specific Concerns of the Committee:

Through the lens of the current challenges facing Florida HOAs, we can address the questions posed by the committee. The concerns outlined 7 broad areas of HOA governance, operations and development and touch on matters including the role of HOAs in the state, records access, board ethics, financial protections, developer control, developer turnover and equitable relief.

Impact of Homeowners Associations on the State:

The first issue posed by the committee has been framed as the “uncertain” impact of homeowners associations on the state and the need to engage in research to fully grasp the role that such organizations play in the Florida housing market. While there are many specifics that are unknown about homeowners associations in the state, which would help quantify the issues that should or could

⁶ March 28 2012 Petition to the Florida Bar Committee on the Authorized Practice of Law from the Real Property, Probate and Trusts Section of the Florida Bar.

⁷ Memorandum on Offices of Community Ombudsman, Community Associations Institute, December 2011.

be addressed by the legislature, there are also many certain, positive impacts that associations play in the state.

As noted above, industry statistics show that HOAs have a positive and broad impact on Florida residents. However, it has been noted that no state agency keeps record of how many mandatory homeowners associations exist in the state. This lack of data makes it difficult to estimate the impact of any proposed regulation on such communities. Associa could not agree more.

Because a homeowners association deals directly with a person's home, they can generate passionate disputes. While data indicates that such disputes are infrequent, when issues arise they generate news coverage and political pressure to address a perceived problem, even if it is an isolated one. Prior to enacting or expanding state government control over community associations, or imposing mandates on management companies, it would be wise to undertake a study of the role community associations play in Florida. Such comprehensive data will identify the areas in which government intervention, if any, would have the potential for the greatest positive impact.

Pennsylvania recently undertook such a study to examine if there were any financial synergies for cooperation between common interest communities and local government on infrastructure issues. Despite the narrow scope of that study, the efforts of Pennsylvania can be instructive to this body.

In 2009 the state legislature passed HR 350, which undertook a comprehensive study of HOAs in that state. HR 350 established a commission that was required to study the:

- number of common interest communities in each county
- number of each common interest community in each municipality
- approximate amount of state taxes paid each year by residents of common interest communities
- amount and age of infrastructure within these communities
- impact of allowing common interest communities access to state funds for infrastructure improvements

While the issues facing Florida may not overlap with the concerns facing Pennsylvania, the debate on the role, impact, need and form of any additional government intervention in HOAs would be greatly informed by undertaking a similar study in Florida. Such a study would quantify the benefits and challenges for residents and HOAs. It would also allow this committee to quantify the complaints against the total universe of associations and residents in this state. Such information would ensure that any additional intervention, if needed, would be developed with full knowledge of the role of an association and the true scope of perceived challenges.

A study undertaken by a commission that includes industry stakeholders would be preferable to a state issued mandate that would require community managers to undertake a census of associations on behalf of the state. First, it would ensure that any such survey would reach both managed and self-managed communities. Second, it would not unduly burden management companies by forcing them to

gather data for the state, without compensation. Finally, it could engage key stakeholder groups in gathering and analyzing data.

Records Access:

The committee notes that “there have been complaints that homeowners have had difficulty accessing association documents.” Florida Statute section 720.303(5) currently requires that associations provide access to records for residents. Florida is one of 13 states with such a requirement. Under existing Florida law, the association must allow a resident access to such records within 10 days of a written request. The association can be fined \$50 per day for noncompliance and copy fees are strictly regulated at no more than fifty cents per page. In relation to other states, Florida’s provisions under 720.303(5) are progressive and provide a fair and balanced process to ensure access by residents to appropriate association documents.

It has been suggested that residents be given the right to photograph documents with a mobile device at no charge. There have also been suggestions that associations be required to keep documents in the state, allow the documents to be made available electronically and store documents within 45 miles of the association.

Absent data to gauge if association document retrieval is a widespread problem, it is difficult to analyze if any of the proposed solutions would address the perceived issue. Undertaking a comprehensive study of the role of HOAs would allow the committee to assemble data and prioritize actions to address true concerns. Regardless of how records are made available, they must still be maintained, provided to the resident and have a level of supervision to ensure their proper treatment and return. The costs associated with this must be factored into any contemplated policy change.

Board Ethics:

Board ethics is another issue that may require the committee’s attention, specifically the charge that many boards are not acting in the best interests of homeowners. As with the issue of records access, this general concern is not quantified, making it difficult to gauge if board ethics are a common issue among the estimated 123,000 volunteer board members in the state. It would also be relevant to ask who is making such statements and in what context.

The best way to ensure that a board understands and functions within the scope of its authority is to ensure the board members have a proper understanding of the association, its governing documents and bylaws.

There currently exists a vast set of resources for board members to access the needed training and information to understand their responsibilities. In fact, in Florida alone board members have access to online education tools from the Community Associations Institute, Board Member Boot Camp, and access to training programs provided by management companies such as Associa. Associa University, Associa’s online and classroom-based education initiative, offers more than 500 programs for our clients, managers and interested parties. Such programs are often provided at little or no charge for

board members. Thus it seems that the state could examine a role in creating incentives for existing boards to access the many private sector tools already at their disposal.

Equitable Relief/Dispute Resolution:

The final issue brought up by the committee is enforcement and equitable relief. As noted in the background section, based on our experience, Florida does not have an HOA problem, Florida has a dispute resolution problem. Finding a mechanism to empower residents and boards to resolve disputes at a community level would have the greatest impact on improving HOAs in the state. Finding a process to empower residents and boards will require a policy that can overcome cultural, structural and political obstacles.

The underlying challenge for community associations is also their greatest asset: the notion that neighbors govern themselves. This is the most American of values, but one that is challenged by the fact we live in a time when civic engagement and collaboration is neither valued nor visible. Recognizing the culture in which our associations operate will help focus on needed pathways to prevent disputes and address those that arise through the democratic process in these communities.

Structural issues come into play when attempting to address disputes in a community association. As noted above and in the attached report, ombudsman programs have had a mixed record of addressing disputes in community associations. The biggest obstacle is that the government is inserting itself into a private dispute between two parties. Such disputes are treated as matters of private contract and make it difficult for the state or its agent to play a constructive role. Typically, ombudsman programs lack mutuality. The state is empowered only to intervene on behalf of the homeowner, and the association is precluded from using the ombudsman to enforce homeowner compliance with community rules. As noted above, ombudsman programs also serve to relocate the resolution process from the community to a remote state level office which adds cost and complexity for residents.

One challenge faced in expanding the current state regulation from condominiums to HOAs is the apparent lack of commitment to the existing condominium program. Monies raised under the auspices of the condominium ombudsman program have frequently been used for general fund expenditures. This makes it more likely that expanding this program will be viewed as an attempt to pass a new tax on homeowners with only marginal benefits. The private nature of homeowner/association disputes, the lack of mutuality in process and the added complexity of a state level dispute resolution process should guide this committee to examine programs that educate and empower residents and boards to resolve disputes at the community level.

Finally, political obstacles stand in the way of empowering residents and boards to resolve disputes. At a time of tremendous economic change, all industries have had to adapt to a changing marketplace. The legal profession in Florida is no different. Litigation is not always an efficient process for resolving disputes, and alternative dispute resolution mechanisms need to be employed to help our communities.

Unfortunately, as our clients seek alternatives to expensive litigation where appropriate, elements within the Florida Bar Association have been working to require associations' greater use of attorneys

for even the most mundane of tasks. Specifically, the Real Property, Probate and Trusts section of the Florida Bar has recently sought to classify more than 16 lawful activities of community managers as the practice of law and the sole purview of attorneys, which would make it difficult and expensive for boards to obtain professional assistance they need in dispute resolution or governance matters.⁸ While community associations need the state to empower their residents and boards with access to alternative dispute resolutions, factions in the legal community are attempting to use the self-regulatory nature of the bar to mandate work be sourced solely to attorneys. This powerful lobby may oppose efforts to find affordable, effective alternatives to expensive litigation.

Looking at the cultural, structural and political landscape, an appropriate response would be to examine the scope and nature of challenges to dispute resolution in community associations and to shape policy proposals that map our dispute resolution pathways from the board to the courtroom. Such mechanisms could include: mandating that community dispute resolution processes be adopted by all HOAs, exploring pilot programs to establish county or community based ADR forums and examining the use of accredited dispute resolution professionals.

Conclusion & Recommendations:

Based on the dynamics observed from both a state and national perspective, we feel that this committee is well positioned to address perceived problems within Florida's HOAs. First, prior to any action to further regulate HOAs, the state should undertake a comprehensive study to ensure that additional government intervention in locally elected HOA boards is based on a full understanding and quantification of challenges. Compelling, negative stories of board or homeowner abuses in HOA governance may get our attention, but these challenges need to be seen in the context of the total number of HOA residents, the benefits provided to all taxpayers and the existing resources available to such communities.

The best place to begin such an analysis would be a study that gathers data on the full impact of HOAs on the state, identifies and quantifies benefits and challenges and examines existing mechanisms that can be deployed to support residents. In addition, we think it important to address the issue of how the state has spent funds raised with the intent to protect condominium owners, as many of the funds allocated to provide state help for condominium residents have been used for purposes other than for what they were intended. Such an audit would support the analysis of what we can do in the future by looking at the effectiveness of state intervention in the past.

⁸ Associa Statement to the Unauthorized Practice of Law Committee, Florida Bar Association, June, 2012. (Attachment)

CYBER CITIZENS FOR JUSTICE, INC.



“From Justice As A Foundation All Rights Flow”

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2012 FLORIDA SURVEY

OF

POSSIBLE LEGISLATIVE REFORMS

FOR

HOMEOWNERS' ASSOCIATIONS

(FS 720)

CYBER CITIZENS FOR JUSTICE, INC.

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“From Justice As A Foundation All Rights Flow”

Boynton Beach, November 19, 2012

To Whom It May Concern:

Cyber Citizens For Justice, Inc. (CCFJ) is delighted to release the results of its 2012 survey of Interested Parties’ Reactions to Various Legislative Reforms for Florida Homeowners’ Associations. This report was carefully prepared to be objective, thorough, informative and readable. Both a summary overview of the report and the complete details are available online at:

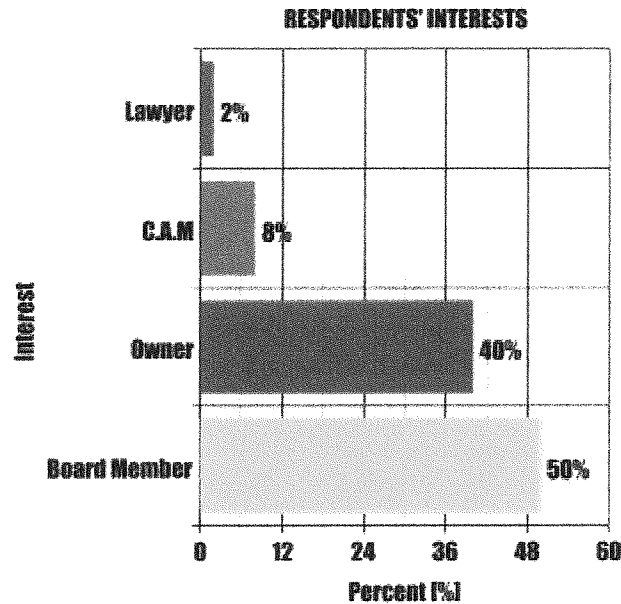
<http://www.ccfj.net/CCFJHOASurvey12.html>

Before citing a few highlights to stimulate your interest in reading the report, CCFJ’s Board of Directors wants to publicly thank all the participants for taking the time to respond and for their trust and frankness, regardless of the views they expressed. We also want to thank the volunteers who compiled and analyzed the data and reported the results based on that analysis.

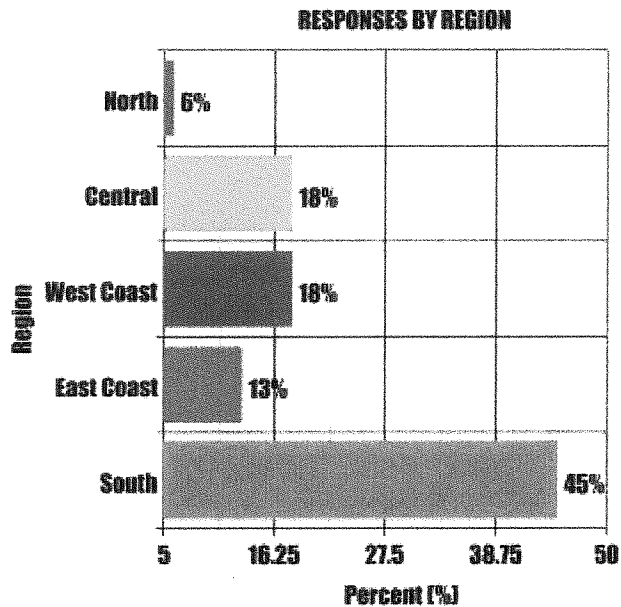
The most important finding of the report was that an unusually high percentage of the 450 respondents — 84.7% or better — favored the passage of all ten (10) proposed reforms. This result held up across all subgroups of respondents in every region as well as by gender, membership or non-membership in CCFJ and seven [7] distinctive traits of their communities. It also is substantially higher than the 75.1% minimum approval rating in our 2008 survey of the desirability for 14 reforms.

The bar graph below shows that 450 Floridians representing a wide range of interests (owners, board members, attorneys, community association

managers and others) shared their views on the ten (10) suggested HOA reforms. This is the second survey to involve so broad a range of interests and to compare and contrast their disparate views in a statistically rigorous and objective manner.



The bar graph below reveals that every region of the state was represented in the survey in rough proportion to its population of homeowners' associations.



On a personal note, our Board is pleased that the findings of the report validated so many of the concerns it had expressed over the years about earlier studies by other organizations. This survey raised the high standard established by our earlier 2008 survey and thus opens the way for more

credible future surveys. This experience also reaffirms our belief that a joint effort by all interested parties and organizations (DBPR, the Florida legislature, CALL, CAN, etc.) would be a cost-effective way to obtain objective information to improve the lot of Florida residents in deed-restricted communities, minimize needless arguments as well as to measure and enhance the performance of the DBPR.

We invite your comments, criticisms, questions and suggestions, with contact information please, so that we may respond as appropriate.

Sincerely,

David I. Goldenberg

David I. Goldenberg, Ph.D.
Secretary
Cyber Citizens For Justice, Inc.
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SURVEY HIGHLIGHTS

Cyber Citizens for Justice, Inc. [CCFJ] surveyed owners of residences in deed-restricted communities in Florida in August – October of 2012. The survey elicited respondents' views about ten [10] possible legislative reforms for Home Owners Associations. 450 usable responses were received and analyzed. Responses which were anonymous or failed to provide an answer to any of the 10 key questions were rejected. Duplicate responses also were rejected. CCFJ's secretary, Dr. David Goldenberg, entered the data into a standard database, then analyzed it and produced this report.

This report and its tables also are available at CCFJ's website at <http://www.ccfj.net>.

Numbers in brackets [#] in the report's tables refer readers to a set of footnotes at the end of this report. Some basic statistical tools were used to analyze the data in order to extract as much information as possible for decision making. Those techniques also are explained in the footnotes.

Summary table 1 shows that all ten [10] reforms are very highly desired. The lowest rating of YES votes was 84.7% in favor of paying a \$4 annual fee for an effective HOA regulatory agency. The highest value was 95.4% in favor of better rules for turning-over or ending developer control of HOAs to allow residents to determine their own governance practices. Another test revealed that the order of asking the 10 key questions did not influence the size of the pro and con votes for those issues.

A huge majority of residents in deed-restricted communities in Florida clearly desire every one of the proposed reforms. Conversely, these results definitely are not the whim of a vocal minority. Samples are drawn from populations and data from the sample are used to estimate the views of the population as a whole. Statistical analyses enable one to estimate the odds that the

population from which a sample was drawn really differs from the sample values or, in other words, that the sample misrepresents the nature of the population. In the survey at hand there's less than one chance in a million that Florida residents in deed-restricted communities actually are neutral on any of the ten issues according to the t-tests. Seven [7] traits of respondents and seven [7] traits of their communities were used to enhance understanding of the analytic results. The respondent traits were:

1. are or aren't an attorney,
2. are or aren't a community association manager [C.A.M.],
3. are a woman or a man,
4. are or aren't a CCFJ member,
5. are full-time or part-time resident,
6. have or haven't served or are or are not presently serving on an association's board of directors, and
7. did or did not make a comment.

See the Key Findings from Table 2-A and Table 2-A for details.

Statistical analysis indicated that residents who had or were served on a community's board of directors held notably different views from those respondents who had not done so.

The seven [7] community traits considered were:

1. type of community [HOA vs. CONDO],
2. region of the state where the community is located [north, central, west coast, east coast and south],
3. size of the community [small, that is less than 500 lots, vs. large, that is at least 500 lots],
4. developer does or doesn't control the board,
5. a CAM is or isn't used,
6. there is or isn't a 55+ age restriction, and
7. pets are or aren't allowed.

See the Key Findings from Table 2-B and Table 2-B for details.

Summary Table 3 sorts and summarizes the 164 comments made.

Tables 4-A and 4-B contrast and analyze the comments by community traits, and respondent traits, respectively.

Given ten [10] issues and 14 traits, 140 cross-tabulations might be amenable to analysis via Chi-squared test. A Chi-squared test would indicate whether or not a given trait influenced the answer to a particular key question. For example, do small and large communities have meaningful different views about the desirability of a proposed change in the law?

Only four [4] or 2.9% of the ratings of the issues almost certainly were influenced by a trait of the respondents or their communities. Moreover, those four issues were in the top five of most desired reforms. A respondent trait, board service, influenced the votes for or against three different issues, namely, turnover of control, a regulatory agency and bank liability. Two traits, region where a community was located and whether or not the community employed a CAM, influenced the votes for or against reforming the eligibility rules for board service.

These results imply that it would be quite misleading to draw any conclusion(s) about the population of residents in Florida deed-restricted communities just from a given region or using a CAM or those with past / present board service since only two community traits [region and use a CAM] and one trait of respondents [past/present board service] sometimes matter. Conversely, the size of a community, its type [HOA vs. Condo], control by a developer, 55+ restriction, or allowing pets didn't impact the votes on the issues of interest. Nor did the other respondent traits matter, that is — full-time vs. part-time residency, gender, CCFJ membership, being an attorney or being a CAM or making a comment. [Note well: the community trait of employing a CAM is not the same as the respondent trait of being a CAM.]

34 or 24.3% of the 140 possible cross-tabulations had too small a value in a cell, that is — less than 5, to calculate a reliable Chi-Square value to use in testing for the presence or absence of a relationship.

The Chi-Square tests of the 102 or 72.9% of remaining cross-tabulations found no credible relationship between an issue and a trait.

KEY FINDINGS FROM TABLE 1

The ten [10] proposed reforms are listed in Table 1 in descending order based on the desirability ratings. The left-most column show the order in which those reforms appeared in the questionnaire. A Spearman Rank Correlation Test value of 0.12 signaled that order in which the reforms appeared in the questionnaire did not influence respondents' valuation of the desirability of those reforms.

- 1. All ten [10] reforms were highly desired with favor ratings ranging upward from 84.7% to 95.4%.**
- 2. Average priorities ranged from 3 to 5. However, many respondents did not assign priorities which implies that they deemed all ten [10] reforms about equally important as well as very desirable. This inference is supported by comments in about priorities which are summarized in Table 3.**
- 3. The favorable ratings of the proposed reforms were subjected to a statistical test to see how likely it was that those ratings were misleading in that the population from which the sample was drawn actually was indifferent about the proposed reforms. If the population was indifferent, then most samples would assign ratings of 50%. The t-test value found for each proposed reform exceeded 6. That signals that there was less than 1 chance in a million that the population was indifferent about each reform.**

TABLE 1

OVERALL YES VS. NO VOTES ON ISSUES 1 - 10

QUESTION	ISSUE [1]		RAW # [2]	APPROXIMATE RATIO [3]		PRIORITY [4]	STANDARD ERROR [5]	t-Value [6]
				IN FAVOR	%			
1	TURNOVER CONTROL	YES	412		95.4%	4	1.01%	45.0
		NO	<u>20</u>		<u>4.6%</u>			
		SUM	432	21 TO 1	100.0%			
6	ELIGIBILITY RULES	YES	406		94.9%	4	1.07%	42.0
		NO	<u>22</u>		<u>5.1%</u>			
		SUM	428	18 TO 1	100.0%			
7	EDUCATION AND TRAINING	YES	404		94.2%	4	1.13%	39.1
		NO	<u>25</u>		<u>5.8%</u>			
		SUM	429	16 TO 1	100.0%			
10	BANK'S LIABILITY	YES	404		93.1%	4	1.22%	35.3
		NO	<u>30</u>		<u>6.9%</u>			
		SUM	434	13 TO 1	100.0%			
2	HOA REGULATORY AGENCY	YES	392		91.4%	3	1.36%	30.4
		NO	<u>37</u>		<u>8.6%</u>			
		SUM	429	11 TO 1	100.0%			
5	HOA OMBUDSMAN	YES	384		89.7%	4	1.47%	27.0
		NO	<u>44</u>		<u>10.3%</u>			
		SUM	428	9 TO 1	100.0%			
8	DUES TO COURT	YES	376		87.2%	5	1.61%	6.9
		NO	<u>55</u>		<u>12.8%</u>			
		SUM	431	7 TO 1	100.0%			
4	ELECTION RULES	YES	369		87.0%	4	1.63%	6.9
		NO	<u>55</u>		<u>13.0%</u>			
		SUM	424	7 TO 1	100.0%			
9	PRESUIT MEDIATION	YES	367		85.5%	5	1.70%	7.3
		NO	<u>62</u>		<u>14.5%</u>			
		SUM	429	6 TO 1	100.0%			
3	\$4 ANNUAL FEE	YES	364		84.7%	5	1.74%	7.4
		NO	<u>66</u>		<u>15.3%</u>			
		SUM	430	6 TO 1	100.0%			

KEY FINDINGS FROM TABLE 2-A

Respondents were asked to characterize their communities in terms of seven traits.

- 1. About 60% of the communities were HOAs.**
- 2. Almost 46% of the communities were in south Florida [Broward, Miami-Dade or Palm Beach counties] while nearly 6% of the communities were in northern Florida. Central and West Coast regions each had just over 18% of the communities with the East Coast accounting for the remaining 13% of the communities reporting. Footnote 7 at the end of this report lists the counties in each region.**
- 3. Each component of the seven community traits responded to a notably different degree than the other(s) according to the t-tests.**

TABLE 2-A

COMMUNITY TRAITS

TYPE OF COMMUNITY	HOA	APPROXIMATE RATIO [3]		STANDARD ERROR [4]	t-VALUE [5]	NOTABLY DIFFERENT [6]	
		RAW # [2]	%				
	HOA	224		60.1%	4.0	YES	
	CONDO	149		39.9%	-4.0	YES	
	SUM	373	1 TO 2	100.0%	2.5%		
REGION [7]							
	North	24		5.5%	0.05	-890.0	YES
	Central	80		18.2%	0.04	-795.0	YES
	West Coast	80		18.2%	0.04	-795.0	YES
	East Coast	55		12.5%	0.04	-937.5	YES
	South	200		45.6%	0.04	-110.0	YES
	SUM	439		100.0%			
SIZE							
	<500 LOTS	278		65.6%		6.8	YES
	>= 500 LOTS	146		34.4%		-6.8	YES
	SUM	424	2 TO 1	100.0%		2.3%	
DEVELOPER IN CONTROL							
	YES	67		15.1%		-20.5	YES
	NO	377		84.9%		20.5	YES
	SUM	444	1 TO 5	100.0%		1.7%	
USE MANAGER							
	YES	352		78.9%		15.2	YES
	NO	94		21.1%		-15.2	YES
	SUM	446	4 TO 1	100%		1.9%	
55+ RESTRICTION							
	YES	91		20.6%		-15.5	YES
	NO	351		79.4%		15.5	YES
	SUM	442	1 TO 4	100.0%		1.9%	
PETS ALLOWED							
	YES	363		81.6%		17.6	YES
	NO	82		18.4%		-17.6	YES
	SUM	445	4 TO 1	100%		1.8%	

KEY FINDINGS FROM TABLE 2-B

Respondents were asked to characterize themselves in terms of seven traits. All of the differences within those traits turned out not to be notable save for board service.

- 1. Most of the respondents, 98.4%, were not attorneys. Less than 2% were attorneys. There were too few attorneys to analyze their responses separately.**
- 2. Most of the respondents, 92.1%, were not community association managers [CAMs], but almost 8% were.**
- 3. Most of the respondents, 72.3%, were not members of Cyber Citizens for Justice, but nearly 8% were.**
- 4. Almost 90% of the respondents live year round in their community. The rest, 10.6%, were “snowbirds.”**
- 5. Respondents were more often men, 62.5%, than women, 37.5%.**
- 6. Slightly better than half of the respondents had served or were serving on the board of directors of a deed restricted community, not necessarily the one where they currently live.**
- 7. Most of the respondents did not offer a comment but a surprisingly high 36.7% of them did so.**

TABLE 2-B
RESPONDENT TRAITS

		APPROXIMATE		STANDARD		NOTABLY
		RAW # [2]	RATIO [3]	ERROR [4]	t-VALUE [5]	DIFFERENT [6]
			%			
AM AN ATTORNEY	YES	7	1.6%		-80.7	YES
	NO	<u>435</u>	<u>98.4%</u>		80.7	YES
	SUM	442	1 TO 62	100.0%	0.6%	
AM A COMMUNITY ASSOCIATION MANAGER (CAM)	YES	35	7.9%		-32.4	YES
	NO	<u>407</u>	<u>92.1%</u>		32.4	YES
	SUM	442	1 TO 12	100.0%	1.3%	
CCFJ MEMBER [8]	YES	124	27.7%		-10.6	YES
	NO	<u>323</u>	<u>72.3%</u>		10.6	YES
	SUM	447	1 TO 3	100.0%	2.1%	
FULL-TIME RESIDENT	YES	398	89.4%		26.3	YES
	NO	<u>47</u>	<u>10.6%</u>		-26.3	YES
	SUM	445	8 TO 1	100%	1.5%	
GENDER [9]	FEMALE	163	37.5%		-5.4	YES
	MALE	<u>272</u>	<u>62.5%</u>		5.4	YES
	SUM	435	1 TO 2	100.0%	2.3%	
SERVED ON BOARD [10]	YES	229	51.5%		0.5	no
	NO	<u>216</u>	<u>48.5%</u>		-0.5	no
	SUM	445		100%	3.3	
MADE A COMMENT	YES	164	36.7%		-5.8	YES
	NO	<u>283</u>	<u>63.3%</u>		5.8	YES
	SUM	447	1 TO 2	100.0%	2.3%	

KEY FINDINGS FROM TABLE 3

Respondents' comments were grouped into a dozen topics. Most, 77.5%, of the respondents only mentioned a single topic. However, 37 people or 22.5% commented about more than one. Those comments were tabularized alphabetically.

- 1. Seven [7] of the 12 topics, or just over half, garnered 12 or more comments. Those topics were: a specific community, bank liability, boards, the issue of a HOA agency and/or the DBPR, laws/legislation, about a specific question in the questionnaire, and multiple issues.**
- 2. One or two comments were made about seven of the ten [10] key questions in the questionnaire. Most of these comments indicated a need for careful phrasing of appropriate legislation.**

TABLE 3

COMMENTS

<u>CATEGORY</u>	<u>RAW # [2] OF COMMENTS</u>	<u>CAPSULE SUMMARY (SOMETIMES PARAPHRASED)</u>
ABOUT A SPECIFIC COMMUNITY	14	All negative; 3 cite 1 community; all others cited different communities
BANK	13	"Banks liability should be greater [at least 5%] or forced to act sooner", association fees should supercede mortgages
BOARD	23	term limits, higher & enforced fiduciary standard, mandatory training, at least 1 director a resident no employees of developer, no board appointment(s) by CAM, no musical chairs, enforce rule against board disregarding required homeowner approval of improvements & contracts or ignoring quorum requirement, hold directors personally for costs of improper decisions, at least 5 directors, opnly residents as directors, if board doesn't enforce a rule then drop it, limit duration of developer control of boards & master associations, when development is 75% complete the residents should vote to decide their future governing status without votes from undeveloped lots
HOA AGENCY / DBPR	12	regulatory agency too complicated & mediation too slow — small claoms court better, DBPR ineffective in rooting out corruption, need a way to enforce rules inexpensively, need effective oversight of condos statewide need a way to enforce rules inexpensively, need effective oversight of condos statewide, DBPR only helps board lawyers & CAMS instead of residents, condos statewide, DBPR only helps board lawyers & CAMS instead of residents, dissolve HOAs CDDS, make DBPR enforce FS 718 or abolish it, don't need/want another powerless or ineffective regulatory agency, HOA regulatory agency would help solve many problems arising from out-of-control boards, HOA ombudsman needed, give agency supoena power & abilit to fine associations/directors for repeated offenses even if it's the same offense, authorize agency to remove & fine directors for breach of fiduciary duties,
LAWS / LEGISLATION	23	require professional management if more than 50 units, condos must have a reserve fund, all lawsuits between board & owner(s) for more than \$25,000 must have prior community approval, mandate audit at least every 5 years if more than 50 units, membership must vote to to approve budgets—if no quorum use the most recently approved one, require all large associations to put all records online & keep audio tapes of all meeting & only hold open open meetings, oust directors who violate laws/documents/fiduciary duties, put HOAs under FS 718, make loser bear lawsuit costs — don't assess members, insert "If and only if the documents so provide" in FS 720.305 to prevent unauthorized fines, have outside agency run supervise all elections, laws useless unless promptly & fairly enforced, need a way to oust owners owing the association more than \$10,000, make Florida's HOA/Condo laws/regulations owner friendly, limit attorney fees & administrative charges, make laws/regulations clear & enforceable, limit time a new owner is responsible for prior owner's dues/attorny fees/interest etc, legislature too apathetic
MULTIPLE ISSUES	37	mostly trivial or repeats
OTHER	6	also poll coops next time, "Good luck ... I was a speaker for the 2006 Florida House of Representatives Select Committee on Condomiums and Home Owner Association Governance ... and the Speaker pro tem of the House of Representatives would not allow any changes to the HOA laws only the Condo ones Due to him being an attorney for a certain law firm of B & P prior to being a politician, Hope it works this time. Good luck."
PRIORITIZATION	5	all questions about equally & very important, a lot of these should be top priority, # 2 (HOA regulatory agency) & # 5 (HOA Ombudsman) most needed, 1 st priority is to pass this bill, lack of enforcement means I can't prioritize
QUESTION ABOUT QUESTION(S)	15	SEE BELOW
SUGGESTIONS	2	control should remain with owners, not boards, look at Ontario Act about reserve funds
THANKS FOR TRYING TO HELP	2	
WHY SOME ANSWERS OMITTED OR SAID "NO"	9	4 essentially live in a condo & don't know what HOA residents want, never confronted issues in questions 2, 8 & 9 so them, some don't apply to my HOA, said "NO" when lacked enough information to say "Yes"
QUESTIONS QUESTIONED [Sometimes more than 1 comment/respondent]		
# 1 Turnover Control	2	"defunct may be a matter of opinion," If HOA becomes defunct by not renewing the entity owing to non-activity then the 1 st person to pay the Secretary of State would gain control
# 4 Election Rules	2	Condo rules should allow proxies, revise to conform to American with Disabilities & Civil Rights Acts, what's the penalty for not complying?
# 8 Dues to Court & # 9	1	"Too convoluted"
# 9 Pre-suit Mediation	2	mediation justs drags things out and raises costs, Loser should pay all costs if he ignores mediator's decision and then loses in court
# 10 Banks Liability	2	should apply to current mortgage, banks should be responsible for all property upkeep costs in foreclosures
# 15 Use a manager	1	actually has a manager but his title is "Administrative Assistant"
# 17 Pets allowed	2	about half of the residents have pets in violation of the rules, what if some kinds of pets ok but not others?

KEY FINDINGS FROM TABLE 4-A

Table 4-A examined comments against community traits.

1. Significantly fewer comments came from the east coast region of Florida than any other region. Each region showed a significant difference between whether or not a comment was made.
2. While the number of comments made between small and large communities wasn't notably different, the difference between making or not making a comment was notably different in both small and large communities
3. Finding 2 above also holds true for the other traits of communities, specifically: HOAs vs. Condos, those allowing or barring pets, those with or without a 55+ age restriction, employing or not employing a CAM and those where the developer does or doesn't control the board of directors.

TABLE 4-A

COMMENTS vs. COMMUNITY TRAITS

COMMUNITY TRAIT		MADE A COMMENT	TOTAL RAW # [9]	%	STANDARD ERROR [4]	t-VALUE [5]	NOTABLY DIFFERENT [6]
REGION [7]	NORTH	10	24	41.7%		-3.6	YES
	CENTRAL	32	80	40.0%		-4.3	YES
	WEST COAST	34	80	42.5%		-3.3	YES
	EAST COAST	13	55	23.6%		-11.5	YES
	SOUTH	<u>70</u>	<u>200</u>	<u>35.0%</u>		-6.5	YES
	SUM	159	439	36.2%	2.3%		
SIZE	UNDER 500 LOTS	103	278	37.1%		-21.6	YES
	AT LEAST 500 LOTS	<u>51</u>	<u>146</u>	<u>34.9%</u>		-6.6	YES
	SUM	154	424	36.3%	2.3%		
TYPE	HOA	89	224	39.7%		-4.3	YES
	CONDO	<u>56</u>	<u>149</u>	<u>37.6%</u>		-5.0	YES
	SUM	145	373	38.9%	2.5%		
PETS	ALLOWED	129	363	35.5%		-6.3	YES
	NOT	<u>33</u>	<u>82</u>	<u>40.2%</u>		-4.3	YES
	SUM	162	445	36.4%	2.3%		
55+ RESTRICTION	YES	31	91	34.1%		-6.9	YES
	NO	<u>130</u>	<u>351</u>	<u>37.0%</u>		-5.7	YES
	SUM	161	442	36.4%	2.3%		
MANAGER USED	YES	125	352	35.5%		-6.3	YES
	NO	<u>37</u>	<u>94</u>	<u>39.4%</u>		-4.6	YES
	SUM	162	446	36.3%	2.3%		
DEVELOPER CONTROLS BOARD	YES	27	67	40.3%		-4.2	YES
	NO	<u>136</u>	<u>377</u>	<u>36.1%</u>		-6.5	YES
	SUM	163	444	36.7%	2.3%		

KEY FINDINGS FROM TABLE 4-B

Table 4-B examined comments against respondent traits.

- 1. With only seven lawyers responding, it's understandable that significantly fewer comments came from attorneys than non-lawyers in terms of both absolute numbers and percentages.**
- 2. Conversely, significantly more comments were made by: CAMs than non-CAMs, CCFJ members than non-members, women than men, full-time residents than part-timers and those who had no board service experience than those who did.**
- 3. Additionally, the number of comments made or not made within each of the respondent traits was significantly different.**

TABLE 4-B

COMMENTS vs. RESPONDENTS TRAITS

<i>RESPONDENT TRAIT</i>		MADE A	TOTAL		STANDARD	NOTABLY	
		COMMENT	RAW # [9]	%	ERROR [4]	t-VALUE [5]	DIFFERENT [6]
ATTORNEY	YES	2	7	28.6%		-71.3	YES
	NO	<u>159</u>	<u>435</u>	<u>36.6%</u>		-44.7	YES
	SUM	161	442	36.4%	0.3		
C.A.M.	YES	13	35	37.1%		-43.0	YES
	NO	<u>148</u>	<u>407</u>	<u>36.4%</u>		-45.3	YES
	SUM	161	442	36.4%	0.3		
CCFJ MEMBER [8]	YES	53	124	42.7%		-24.3	YES
	NO	<u>111</u>	<u>323</u>	<u>34.4%</u>		-52.0	YES
	SUM	164	447	36.7%	0.3		
GENDER [9]	FEMALE	65	163	39.9%		-33.7	YES
	MALE	<u>94</u>	<u>272</u>	<u>34.6%</u>		-51.3	YES
	SUM	159	435	36.6%	0.3		
TIME	FULL-TIME	152	398	38.2%		-39.3	YES
	PART-TIME	<u>11</u>	<u>47</u>	<u>23.4%</u>		-88.7	YES
	SUM	163	445	36.6%	0.3		
SERVED ON A BOARD [10]	YES	82	229	35.8%		-47.3	YES
	NO	<u>80</u>	<u>216</u>	<u>37.0%</u>		-43.3	YES
	SUM	162	445	36.4%	0.3		

FOOTNOTES

1. The questions were ranked in descending order of favorable answers while the numbers to the left show the order in which they appeared in the questionnaire. In this case the order of asking the questions did not appear to influence the responses.
2. Excludes duplicates and a complete lack of answers to any of the ten [10] key questions. Some respondents did not provide the data to classify them or their association into one or more of the 14 trait categories. Consequently the total number of answers to a specific question or category usually is less than the 450 usable questionnaires received.
3. Equals the high number divided by the low number and rounded to the nearest integer according to the $5/4^{\text{th}}$ rule.
4. Priorities range from 1 to 10 with 1 being most important and 10 being least important. Priorities only apply to positive answers to questions 1 -10.
5. A standard error is a statistical measure of the variability within a population, a sample or the answers to a specific question. It can be used to find the odds of a particular answer being wrong by a given amount. For instance, how likely is it that the 84.7% YESes to question 3 in the survey actually came from a population where half the people would say YES while the rest would say NO? As all the t-values were greater than 6 there's less than 1 chance in a million that the population actually opposed any of the proposed legislative changes. The formula to find a standard error is the square root of $(P*Q/N)$ where P is the percent of positive answers, Q is the percent of negative answers or $100-P$ and N is the number of responses.
6. A t-test measures the difference between an actual value and a hypothetical one. The hypothetical value in this analysis was 50% which is what one would expect if respondents actually didn't care one way or another, that is — they were indifferent. A t-value of 1 equates to roughly 1 chance in 3 that the respondents don't care. Similarly, a t-value of 2 equates to roughly 1 chance in 20 that the respondents are

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3. Equals the high number divided by the low number and rounded to the nearest integer according to the $5/4^{\text{th}}$ rule.
4. Priorities range from 1 to 10 with 1 being most important and 10 being least important. Priorities only apply to positive answers to questions 1 -10.
5. A standard error is a statistical measure of the variability within a population, a sample or the answers to a specific question. It can be used to find the odds of a particular answer being wrong by a given amount. For instance, how likely is it that the 84.7% YESes to question 3 in the survey actually came from a population where half the people would say YES while the rest would say NO? As all the t-values were greater than 6 there's less than 1 chance in a million that the population actually opposed any of the proposed legislative changes. The formula to find a standard error is the square root of $(P*Q/N)$ where P is the percent of positive answers, Q is the percent of negative answers or $100-P$ and N is the number of responses.
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Community Association Member Party

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2012 SURVEY QUESTIONS

Instructions

Please read each of the ten potential reforms below.
 Click the YES button to indicate that you favor reform on that issue.
 Or click the NO button to indicate that you oppose reform on that issue.

Then assign a priority to each issue you marked as YES.
 Type a "1" in the box to the right of the issue you consider most important.
 Type a "2" in the box to the right of the issue you consider next most important and so on.

NOTE: PLEASE DON'T SEND ANONYMOUS RESPONSES. YOU CAN BE SURE THAT YOUR NAME AND E-MAIL ADDRESS WILL NEVER BE PUBLISHED. IN ORDER TO CREATE A CREDIBLE SURVEY WE REALLY NEED A BIT OF PERSONAL INFORMATION! PLEASE HELP BY ANSWERING EACH QUESTION. THANK YOU FOR YOUR HELP.

ANONYMOUS RESPONSES CAN NOT BE CONSIDERED!

2012 SUGGESTED REFORMS

Q.#	YES	NO		PRIORITY
1*	<input type="radio"/>	<input type="radio"/>	Turn-over control to Homeowners if the developer becomes defunct	
2*	<input type="radio"/>	<input type="radio"/>	Create a regulatory agency for HOAs to more easily enforce the statutes	
3*	<input type="radio"/>	<input type="radio"/>	Are you willing to pay \$4 per year for such a Regulatory Agency for HOAs?	
4*	<input type="radio"/>	<input type="radio"/>	Revise Board Election Rules using Condo Rules (FS 718) as a model	
5*	<input type="radio"/>	<input type="radio"/>	Create a HOA Ombudsman Office similar to the one for condos	
6*	<input type="radio"/>	<input type="radio"/>	Create Eligibility Rules for HOA Board Members, same as condo rules.	
7*	<input type="radio"/>	<input type="radio"/>	Require Education and Training for HOA Board, same as condo rules.	
8*	<input type="radio"/>	<input type="radio"/>	Require owner contesting foreclosure to pay dues into court registry.	
9*	<input type="radio"/>	<input type="radio"/>	Include Pre-suit Mediation requirements Into the Condo Act	
10*	<input type="radio"/>	<input type="radio"/>	Increase bank's liability to <u>2%</u> of original mortgage after foreclosure	

COMMENTS**:

** Maximum of 300 characters

11.	What is the name of your HOA or Condominium?					
12.	In which county is your association located?					
13.	How many lots or units are in your association?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">under 500</td> <td style="width: 5%; text-align: center;"><input type="radio"/></td> <td style="width: 30%;">500 or more</td> <td style="width: 5%; text-align: center;"><input type="radio"/></td> </tr> </table>	under 500	<input type="radio"/>	500 or more	<input type="radio"/>
under 500	<input type="radio"/>	500 or more	<input type="radio"/>			

14.	Is your association still under developer control?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
15.	Does your community employ a manager?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
16.	Is your association a 55+ community?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
17.	Does your community allow pets?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
18.	Are you a full-time Florida resident?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
19.	Have you ever served on the association's board of directors?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
20.	Are you an attorney?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
21.	Are you a Community Association Manager?	<u>YES</u>	<input type="radio"/>	<u>NO</u>	<input type="radio"/>
22.	Please type your name in the box.				
23.	Please type your e-mail address in the box.				

DATE: _____

BUTTON SUBMIT!

Submission Deadline: August 31, 3012

After Clicking the **SUBMIT** button, this page should pop up:
THANK YOU!

NOTE: All personal information submitted in your survey will be confidential. The personal information requested is necessary to create a credible survey. Everyone who participates will receive an evaluation of the responses with the final results.

ANY QUESTIONS?

PLEASE CONTACT THE C.A.M.P. TEAM AT: team@camp2012.net

DONATE BY CHECK



CONTACT US