

Committee on Regulated Industries

CS/HB 649 — Petition for Objection to Assessment

by Civil Justice and Property Rights Subcommittee and Rep. Fernandez-Barquin (SB 996 by Senators Garcia and Hutson)

The bill authorizes condominium and cooperative associations to represent the association's unit owners in court proceedings that relate to an association's joint petition to a value adjustment board.

Current law permits a condominium, cooperative, and mobile homeowners' association to petition the value adjustment board on behalf of the unit owners to challenge the property appraiser's tax assessment. Current law also permits associations to appeal the decision of the value adjustment board in circuit court. However, an association may not defend unit owners on an appeal by the property appraiser in circuit court.

The bill requires an association to provide unit owners with notice of its intent to represent the unit owners' interests in the court proceedings and advise the unit owners that they may opt out of being represented by the association within 14 days of receiving the notice. The notice must advise the parcel or unit owners that they may elect to retain their own counsel to defend the appeal for their units or parcels, choose not to defend the appeal, or be represented by the association.

The notice must be hand delivered or sent by certified mail, return receipt requested, except that such notice may be electronically transmitted to a unit or parcel owner who has expressly consented in writing to receiving such notices by electronic transmission. However, the notice must also be posted conspicuously on the condominium or cooperative property in the same manner for notice of board meetings. An association must give unit or parcel owners 14 days to opt out of the association's representation. Unit or parcel owners who do not respond to the association's notice will be represented in the response or answer filed by the association.

Tax collectors must accept payment of the estimated amount in controversy, as determined by the tax collector, as to a specific unit or parcel. Upon the payment, the unit or parcel would be released from any lis pendens, i.e., the pending lawsuit or a recorded notice in the chain of title that the property is the subject of a matter on litigation, and the unit or parcel owner may elect to remain in or be dismissed from the action.

The bill provides that the ability of the association to represent the individual property owners in related judicial proceedings is intended to clarify existing law and applies to cases pending on July 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0