



Community Newsletter

The Voice of Condominium, Civic, & Homeowner Associations of Pasco County

Volume 4 - Issue 2

Council of Neighborhood Associations, Inc. since 1985

February 2006



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Government Committee

C.O.N.A. MEETING

Wednesday,
February 15, 2006

New Port Richey
City Hall

in Chambers at
5919 Main Street

9:30 a.m.

**SPEAKER FOR THIS MEETING IS
PASCO COUNTY COMMISSIONER**

ANN HILDEBRAND

You can contact Commissioner

Ann Hildebrand by email

ahildebrand@pascocountyfl.net

*Our meetings are open to the public.
Bring a friend. We need to make our
speakers feel appreciated and we can do
that by having high attendance.*

A Triple Treat

Members and guests were treated
to a pleasant surprise at the
January 18th CONA meeting.

• Scheduled guest, Commissioner
Jack Mariano, presented much
information for homeowners.

• Mel Phillips, past president of
CONA, spoke on proposed Florida
Senate Bill - SB286 - *Sinkhole
Insurance Relief*. See text on page 2-
Sinkholes.

• Richard Ortiz, Pasco County Code
Enforcement Manager, surprised us
with his presence. See text this page.

A question and answer period
followed each speaker's presenta-
tion ♥

Pasco County Code Enforcement Division

Richard Ortiz, Manager

Code Enforcement in Pasco
County significantly improved its
performance in 2005 and is
committed to improve their
enforcement of ordinances in
2006

During the 2005 fiscal year,
12,247 complaints were received,
with 11,273 warnings being
issued and 610 citations written to
property owners for various
violations. These violations
included trash and junk,
unlicensed or junked vehicles,
overgrown conditions, and illegal
signage. Officers handled court
cases, involving diverse types of
violations, with precise evidence
and professional attitudes,
resulting in a 97% conviction rate
for 118 cases tried.

The division also launched an
aggressive approach to Code
Enforcement by conducting 5
major area blitzes. These blitzes
resulted in 241 written warnings,
20 citations, and 10 structure
condemnations. Additional blitzes
are planned throughout Pasco
County for 2006.

With the implementation of a
Landscape Unit, Code
Enforcement officers have cited
various locations and businesses
throughout the county, enforcing
county landscape ordinances.

With over 400,000 residents,
Pasco County Code Enforcement
Division has undertaken the task
of dividing the county into zones
and establishing two code
enforcement officers in each of
these zones.

See Code page 2

Two landscape officers and three sign enforcement officers also work throughout the county, enforcing landscape and sign ordinances. Officers use a variety of avenues to enforce county ordinances including the Tax Collector, Building Department, Zoning, Sheriff's Office, and Animal Control. The Code Enforcement Division has offices located in Dade City, Land O'Lakes, and New Port Richey, to serve the county more efficiently.

The goal of the Code Enforcement staff is to improve service delivery and enforce county ordinances, insuring that Pasco County continues to be a safe and beautiful place to live.

We encourage public involvement and look forward to working with you on solutions to any problems you may have or report.

To learn more about Code Enforcement, please call 1-800-362-2411 or 727-847-8171, Monday thru Friday, 8 a.m. to 5 p.m. □



by Jim Turtle

Are you tired of seeing those ugly "snipe" signs posted on telephone poles or beside the road trying to get you to buy something?

If you would like to be a Pasco County Volunteer to remove those signs legally, call the Pasco County Code Enforcement Office at 727-847-8171 and talk to Rich or Mr. Ortiz to get signed up for the next volunteer class. □

SINKHOLES

Testing shall be in compliance with standards

by Mel Phillips



Senate Bill SB286
sponsored by Mike Fasano

Title:

Sinkhole Insurance Relief Act

Main points:

- Insurer shall limit its payment to the actual value of the sinkhole loss, not including underpinning or grouting or any other repair technique performed below the existing foundation of the building, until the policyholder enters into a contract for the performance of building stabilization or foundation repairs.

- After the policyholder enters into the contract, the insurer shall pay the amounts directly to the contractor necessary to begin and perform such repairs as the work is performed and the expenses are incurred. The insurer may not require the policyholder to advance payment for such repairs.

- If the insurer obtains, pursuant to s. 627.7073 written certification that there is no sinkhole loss or that the cause of the damage was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the actual costs of the analyses and services provided under ss.627.7072 and 627.7073: however a policyholder is not required to reimburse and insurer more than \$2500 with respect to any claim.

- Sets forth an alternative procedure for resolution claims through non-binding arbitration. Insurer may not be liable for these costs if the policyholder declines to participate in evaluation or refuses to resolve.

- Judicial review is available on request.

- Testing shall be in compliance with standards of ASTM US Army Corps of Engineers, DOT, DEP

I've tried to highlight the meat of the bill, but I suggest you read the entire bill for further clarification. □

NEW ON THE BOARD

Magnolia Valley Civic Association

President - Roger Borgers
Vice-President - Richard Musgrave
Secretary - Tami Turner
Treasurer - Laura Lucchesi
Newsletter online: www.magnoliavalley.org

Sea Ranch Civic Association

President - Jim Craun
Vice-President - George Schaller
Secretary - Marie Flick
Treasurer - ?

Gulf Harbors Civic Association

President - Patricia Pfaff
Vice-President - Louis George
Secretary - Irene Marcott
Treasurer - Robert Hubach

Regency Park Civic Association

President - Dorothy Hinnant
Vice-President - James Sternig
Secretary - Don Anski
Treasurer - Jen Magyaro

Riverside Village Estates

President - Doug Bacon
Vice-President - Vince Hesterhagan
Secretary - Sandra Bickel
Treasurer - Ron Pendergast
Newsletter online: www.rsve.org

New Member

Palm Breeze Vlg of Heritage Springs

President - William Hellmers
Vice-President - Gust Poulos
Secretary/Treasurer - Randy Sushko

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PRESS RELEASE - Via e-mail - Contact: Greg Giordano (850) 487-5062

Date January 24, 2006

Senator Mike Fasano Announces Homeowner's Insurance Town Hall Meeting with Executives of Citizens Property Insurance Corporation, Florida's Department of Financial Services and the Office of Insurance Regulation

State Senator Mike Fasano announces that he will be hosting a town hall meeting on March 1, 2006 with executives of Citizens Property Insurance Corporation to listen to and discuss concerns with the dramatic increase in homeowner's insurance premiums. Citizens is Florida's insurer of last resort. The town hall meeting will be attended by Citizens' chairman of the board and executive director as well as staff from the Florida Department of Financial Services and the Office of Insurance Regulation. After presentations from attendees the floor will be open to homeowner comments and questions.

"I believe one of the most important issues facing

our community today is the outrageous rise in homeowner's insurance premiums for customers of Citizens Property Insurance," Senator Fasano states. "The incredible jump in rates now, and those expected for the future, are putting many people in jeopardy of losing the ability to either carry insurance or continuing to live in their homes. I have invited the leaders of Citizens as well as Florida's insurance regulators to listen to the concerns of the countless people who have contacted my office with their grave concerns. I encourage everyone whose homes are insured by Citizens to come out and make their voice heard on March 1."

The hearing is scheduled to begin at 10:00 AM with the doors opening at 9:00 AM. The hearing will be held at Spartan Manor, 6121 Massachusetts Avenue, New Port Richey. For more information or directions to the hearing please contact Senator Fasano's district office at (727) 848-5885 or (800) 948-5885. □

Department of Business and Professional Regulations Q&A Florida Statutes 720

The following information is intended to address basic questions or concerns you may have about changes to the laws governing Homeowners' Associations. In no way should the following information be relied upon as or substituted for legal advice.

Q: Why were changes made to Chapter 720, Florida Statutes?

A: The Florida Legislature recognized a need to protect the rights of homeowners' association members by providing the means to resolve disputes between homeowners and homeowners' association in a more timely, reasonable and economical manner, prior to filing a lawsuit.

Q: What are the changes to Chapter 720, Florida Statutes?

A: Although there were many important changes made to Chapter 720, Florida Statutes, one of the most significant changes was the creation of a mandatory mediation and arbitration program under the Division of Florida Land Sales, Condominiums, and Mobile Homes ("Division") within the Department of Business and Professional Regulation.

Q: Which do I choose, mediation or arbitration?

A: When Mediation is Required: Mediation through the Division program is required prior to filing a lawsuit only if the dispute between a homeowner and a

homeowners' association involves:

1. Use of or changes to the parcel or the common areas and other covenant enforcement disputes;
2. Amendments to the association documents.
3. Meetings of the board and committee appointed by the board, membership meetings not including election meetings, and,
4. Access to the official records of the association.

When Arbitration is Required: Arbitration through the Division program is required for all recall and elections disputes, prior to filing a lawsuit.

When Arbitration is Voluntary: If mediation through the Division program is unsuccessful, the parties may choose to arbitrate their disputes(s) with the Division. The parties may also choose whether or not voluntary arbitration due to unsuccessful mediation is a binding or non-binding decision on the parties.

Q: What if my issue, dispute, or complaint does not fall under any of the above?

A: If your issue, dispute, or complaint does not deal with any of the above listed disputes authorized to be resolved through the Division's mandatory mediation and arbitration program, then the Division does not have legal jurisdiction to hear your dispute.

Q: What if I want to file a complaint against my homeowners' association?

A: The Division's only legal authority to assist homeowners and homeowners' associations with their disputes rests solely within the mandatory mediation and arbitration program created under Chapter 720, Florida Statutes, as discussed above. If your complaint cannot be addressed through arbitration or mediation, the Division will make every effort to direct you to the proper agency.

Q: What is the difference between a mediation and arbitration procedure?



A: Mediation and arbitration both provide for alternative means of resolving a dispute without going to court, but they are different. The difference between mediation and arbitration is that mediation

A New Year's Resolution for 2006

Text by LaPaloma Italian Restaurant

Low Calorie Diet (a little levity among all the seriousness)



MONDAY

Breakfast Weak tea 
Lunch 1 Bouillon Cube in 1/2 cup diluted water 
Dinner 1 pigeon thigh and 3oz. prune juice (gargle only)



FRIDAY

Breakfast 2 Lobster antennae 
Lunch 1 Guppy Fin 
Dinner Jelly Fish vertebrae a la Bookbinder 




TUESDAY

Breakfast Scraped crumbs from burnt toast 
Lunch 1 Doughnut hole (without sugar) and 1 glass dehydrated water 
Dinner 2 Canary drumsticks



SATURDAY

Breakfast 4 Chopped banana seeds 
Lunch Broiled Butterfly Liver 
Dinner Fillet of soft shell crab claw


WEDNESDAY

Breakfast Boiled out stains of table cloth 
Lunch Bellybutton from navel orange 
Dinner Bee's knees and mosquito knuckles 

SUNDAY

Breakfast Pickled Hummingbird tongue 
Lunch Prime ribs of tadpole
Dinner Aroma of empty custard plate 

THURSDAY

Breakfast Shredded egg shall skins 
Lunch 1/2 doz poppy seeds
Dinner 3 eyes from Irish Potato (diced)

Statutes from page 3

is a non-adversarial proceeding, whereas, arbitration is considered adversarial. In a successful mediation, there are no winners or losers, the parties collectively come to a settlement agreement that is facilitated by a neutral third-party called a mediator. The terms of the settlement agreement are reduced to writing, signed by the parties and the mediator, and the final settlement agreement is considered a binding legal contract.

In arbitration there is a petitioner and a respondent in each case, both presenting their cases before a neutral third-party called an arbitrator. An arbitrator is the fact finder or judge in an arbitration proceeding. Arbitration is conducted very similar to a trial, including the giving of opening and closing statements, the presenting of evidence, and sworn witness testimony. Unlike mediation, it is the arbitrator, rather than the parties, who makes the final decision in an arbitration proceeding, which is then reduced to writing in a Final Order and forwarded to both parties.

Q: Do I need an attorney in order to mediate or arbitrate my dispute with the Division?

A: It is always strongly recommended that a person seek legal counsel whenever an issue of law could effect an individual's rights, or when a person is considering taking legal action against another. However, parties to mediation

or arbitration can choose to represent themselves or have a qualified representative present their case rather than an attorney. There are cases where mediation or arbitration parties represent themselves and are successful in their proceedings. It is important to remember that if you appear on behalf of another party, you must be either a Florida licensed attorney in good standing or have been designated as their qualified representative and have completed and submitted the qualified representative form to the Division.

Q: Where do I find the mediation or arbitration forms I need?

A: All forms are online at www.MyFlorida.com/dbpr/lsc/hoa/forms.index.shtml

Q: How much does it cost to file for mediation or arbitration?

A: The filing fee is \$200 per petition and must accompany your petition.

Q: How do I file for mediation or arbitration?

A: In this instance you are called a petitioner. Select the appropriate **form** (depending upon the disputed issue) and file it with the Division, either by mail or by facsimile. To mail your petition, please send the completed and signed petition, along with the \$200 filing fee to:
Department of Business and Professional Regulation
Division of Florida Land Sales, Condominiums, and Mobile Homes

1940 N. Monroe Street, Tallahassee, FL 32399.

Or you may fax your petition to 850.921.5446 Remember, if you choose to fax your petition, you must forward the \$200 filing fee before your petition will be processed.

Q: Are filing fees refundable or recoverable?

A: Filing fees are the initial costs required in order to proceed with your petition and are nonrefundable. However, Chapter 720, Florida Statutes, requires that parties to mediation share the costs of the mediation equally (unless the parties agree otherwise) which would include the initial \$200 filing fee paid by the petitioner. Upon billing the parties at the close of mediation, the petitioners total mediation costs will be reduced by \$100, while the responding party's costs will include an additional \$100 for their half of the initial filing fee. In a successful arbitration proceeding, Chapter 720, Florida Statutes, requires that the winning party be awarded reasonable costs and attorney fees, which would include the initial filing fee. □

