

LEGAL-BEAT

FALL, 2012

LEGAL ADVERTISEMENT

Executive Offices of Baldwin Park
4767 New Broad Street, Suite 332
Orlando, Florida 32814
(407) 515-1060
*satellite office in Jacksonville

One Emerald Place
3113 Stirling Road, Suite 201
Hollywood, Florida 33312
(954) 983-1112

Premier Executive Center
1415 Panther Lane, Suite 351
Naples, Florida 34109
(239) 591-6614
*satellite office in Ft Myers

TOLL FREE: 855-4-CONDOCRAZE

A publication of:

GLAZER & ASSOCIATES, P.A.
www.florida-association-law.com

GET CERTIFIED FOR FREE!!!



Florida law requires members of a condominium board to become certified within one year prior to getting elected to the Board or within 90 days of actually getting elected. Our CONDO CRAZE Board Member Certification Course has now certified nearly 3,000 Floridians! Join us for a few hours of free education, great food, and mingle with fellow board members, sponsors of the show, and community association managers, who get 4 continuing education credits for attending. Learn all about preparing budgets, holding meetings, foreclosure strategies, board member liability, financial reporting, all the new laws that have been passed in the last two years and whether or not they apply in your association and a lot more. Everyone also leaves with a great hand-out of what was taught and a certificate suitable for framing. To register for our next Board Certification seminar at the Hard Rock Hotel and Casino in **Hollywood**, Florida on November 8th, The Waldorf Astoria Hotel in **Naples** on December 1st, or The Holiday Inn at Universal Studios in **Orlando** on December 15th, please go to: www.condocrazeandhoas.com and click on the Board Certification Tab.

JOIN OUR E-MAIL LIST!!!!

If you want to receive copies of our newsletters, updates to the law, notification of upcoming seminars, this week's topics on our radio show, or this week's subject in our association law blog, please make sure to visit www.florida-association-law.com and click on:

 [Sign up for our Email Newsletter](#)

WELCOME ABOARD!

As our readers know, this firm's practice is devoted to the representation of condominium and homeowner associations and their owners around the state. We are proud to announce the addition of the following associations to our list of clientele: Golfside Villas Condo - **Winter Park**, Arch Creek Landing Condo - **Bay Harbour**, Townhouse Village 40 East - **Weston**, Surf House Condo - **Surfside**, Tierra Del Mar Condo, Bay Colony Club Condo - **Fort Lauderdale**, Boca Raton Harbour Condo, Barwood Condo V - **Boca Raton** - Portsview at the Waterways Condo - **Aventura**, Marquis Villas I Condo, Captiva Lakes Condo, Bay 16 Condo, Lakeview of the California Club 2, Highland Park of Miami Condo, Creek Club # 3 Condo, 1610 River Place Condo - **Miami**, Meadowbrook Lakes Section "C" Recreation - **Dania**, Lago Del Rey - **Hollywood**, Banyan Bay Condo - **Miramar**, Sand Lake Village Condo, Grand Reserve HOA - **Winter Springs**, Diplomat Golf & Racquet Club, Golden View Condo - **Hallandale**, LakePark Gardens I condo, Third Forum Condo - **North Miami Beach**, Poinciana Village 9 - **Kissimmee**, Meridian Plaza Association, Portugal Towers Condo - **Miami Beach**, 3228 Townhouses (Camelot) Condo - **Pompano Beach**, River Manor Condo - **Wilton Manors**, Audobon Villas at Hunter's Creek, Phillips Oaks HOA - **Orlando**, Hawthorne Village - **Plantation** We appreciate the business and confidence placed in our firm.

ASSOCIATION MEDIATION

Eric Glazer was appointed by The Florida Supreme Court as a Circuit Court Civil Mediator in 2007 and has successfully mediated many cases involving Florida community associations. To learn more go to: www.association-mediation.com.

CONDO CRAZE AND HOA'S



facebook

The firm's radio show "Condo Craze and HOA's" has been heard each Sunday at noon on 850 WFTL in South Florida for the past three years. The show is also streamed live on the web at www.850wftl.com and you can listen to the show on your smart phone device. Please visit the show's website at www.condocrazeandhoas.com where you can learn more about the show's hosts and guests, **listen to all prior shows**, e-mail us your questions to be answered on the show, link to our Facebook page and visit all of our sponsor's websites as well. You can also call in with your questions during the show to 877-850-8585 and we'll answer them live and on the air.

READ OUR BLOG

BLOG



Remember to read our new HOA and Condo Law blog on-line at: www.hoa-condoblog.com. Each Monday we start the week discussing the latest and greatest issues effecting associations throughout our state. Have your voice heard as well. We would love your participation!

COMMUNITY ASSOCIATION MEMBER PARTY



The Community Association Member Party was established to get legislation passed that would help all of you living in community associations throughout the state. To know exactly what legislation each of you believe should be the

top priority, there is now a survey on the website that allows you to specifically tell us what legislation you deem to be the most important. Please go to: www.camp2012.net and click on the "Survey" button. We intend on getting responses from thousands of you around the state and when the survey is completed, the results will be given to The Florida Legislature. Again, go to www.camp2012.net and click on the Survey button and please participate in this important survey. We need your help and your participation.

A BORING LEGISLATIVE SESSION

Normally, this time of year, associations are learning the new laws that The Florida Legislature passed during the previous legislative session. This year however, there is simply nothing to learn as no new laws were passed, except for the fact that owners in Florida homeowner's associations no longer have an implied warranty from the developer regarding the condition of the association's common areas. The Florida Legislature thought that it was best to remove these developer warranties that normally would protect owners against inferior drainage, plumbing, construction or the like, in order to protect Florida's "fragile" real estate and construction industry. You may want to keep that in mind in November.

Eric M. Glazer: born August, 1967, Brooklyn, New York. B.A., New York University, 1989. J.D., University of Miami School of Law, 1992. U.S. District Court, Southern District of Florida, 1992. U.S. District Court, Middle District of Florida, 2004. U.S. District Court, Northern District of Florida, 2004. U.S. Circuit Court of Appeals for the Eleventh Circuit, 1996. U.S. Supreme Court, 1996. Certified Circuit and County Court Mediator, 2007, District of Columbia, 2010, New York State, 2010.

Ralph C. Ruocco: born April, 1974, Brooklyn, New York, B.A. Brooklyn College 1998. J.D., University of Miami School of Law, 2002. U.S. District Court, Southern District of Florida, 2005, U.S. Supreme Court, 2011

Scott R. Shapiro: born May, 1980, Cleveland, Ohio, B.A. University of Florida 2002. J.D., University of Miami School of Law, 2005, U. S. District Court Southern District of Florida, 2002.

Kristy L. Phillips: born August, 1979, Miami Beach, Florida; B.A. Florida International University, 2000; J.D. Nova Southeastern University, 2007. U.S. Supreme Court, 2011

May Hustey: born July, 1972, Hollywood, Florida; B.A. University of South Florida, 1994, J.D. St. Thomas University School of Law, 1998, U. S. District Court Southern District of Florida, 2002. . U.S. Supreme Court, 2011

Pennie S.A. Mays: born March, 1980, B.A. Florida Agricultural and Mechanical University 2002, J.D. University of Florida, 2004, . U.S. Supreme Court, 2011

Jason Shepelrich: born December, 1973, B.A. Florida Atlantic University, 1995, J.D. Nova Southeastern University, 1998, U. S. District Court Southern District of Florida, 2000, U. S. Supreme Court, 2011.

The firm is devoted to representation of condominium and homeowner associations in Florida. The firm has represented hundreds of associations since its inception in 1994, regarding all facets of association law. In addition, the firm routinely litigates, mediates and arbitrates association cases in state and federal courts and before the Division of Florida Land Sales, Condominiums and Mobile Homes, Arbitration Section.

AND NOW A WORD FROM OUR SPONSORS.....

Our *CONDO CRAZE AND HOA'S* radio show has been blessed to have the participation and support of many sponsors who help make the show possible week in and week out. Many of them have offices located throughout the state. Here are some helpful hints from each of them to assist your association:

INSURING YOUR UNIT



Remember, a condo's master policy excludes coverage for all personal property within a unit or limited common elements, and floor, wall, and ceiling coverings, electrical fixtures, appliances, water heaters, water filters,

built-in cabinets and countertops, and window treatments, including curtains, drapes, blinds, hardware, and similar window treatment components, or replacements of any of the foregoing which are located within the boundaries of the unit and serve only such unit. Such property and any insurance thereupon is the responsibility of the unit owner. An HO-6 policy insures these items and is relatively inexpensive. To learn more, call Randy Hoffman 954-846-1206.

BUDGETS, BUDGETS, BUDGETS



KW PROPERTY MANAGEMENT & CONSULTING

The typical budget process begins with analyzing the year-to-date financial statement to estimate funds needed to continue the status quo of operations for another year. But why not plan by focusing on understanding and articulating the vision, values and needs of the community rather than the numbers? Do you know who has purchased in the community and why? What are the tangible and intangible features and services that attract and retain owner residents? What brings the community together? What are the changes in financial conditions, physical facilities, services and activities that will add and enhance market value and quality of life one, three and five years from now? The answers to these questions are the foundation of an action plan that the budget brings to life. When owners have to stretch to make their payments they need to know and see that every dollar builds value now and in the future. Build the budget based on the long term goals of the community, and not in response to the current financial challenges. Need help with your budget, call KW at 305-476-9188

FUN! FUN! FUN! LEARN! LEARN! LEARN!



PM-EXPO believes that education for community association volunteers and CAMs should be FUN & FREE. That's why we host PM-EXPO. If you are interested in finding out more

about upcoming South Florida and Orlando events, please contact us: Steve Hirsch, 954-684-9973 or by e-mail at steveh@propertymanagerpages.com

SAVING ON INSURANCE



Citizens Insurance says that they have lost millions in premiums because of inaccurate Windstorm Mitigation Inspections that have resulted in policyholders receiving undeserved discounts for features that protect their homes and condominiums from

hurricanes. As a result, Citizens is ramping up their home and condo reinspection program and the results may prove harmful to your finances. If you disagree with Citizens inspection findings, you may file a Dispute. Property owners should work with their agents to submit documentation to Citizens that refutes the inspection findings. Documentation may include, building permits, receipts, work invoices, product approval letters, etc. Property owners can also make changes to their buildings to earn back credits removed as a result of the inspection findings, by submitting similar documentation as outlined above. This process may enable Policyholders to have some of their premiums returned to their wallets. Have questions....call Mack Mack and Waltz at 954.640.6225.

PRESERVING YOUR SECURITY



Snow Birds Return - Each year, between September and November, hundreds of thousands of people return to Florida either from summer vacations or to live in their second home. This means that

year- round residents and security personnel are inundated with people entering and exiting your property. The concern most associations have is "How can I better secure my property amidst all the chaos?" We recommend that all Associations do roving or foot patrol of the property several times a day as a deterrent. In addition, we recommend that every resident is provided a magnet which has the security company's phone number to be placed on the refrigerator. Last but not least, the security company should have an updated roster of all residents on the property. Implementing these steps will allow the guards to get to know the property and residents by name and become more familiar with the nuances of your association property, resulting in that sense of security you are looking for. For a free security analysis of your property please call Alfa Security Services 954-809-3333

THE REQUIREMENT TO BID



The Florida Condominium Act requires associations to engage in competitive bidding if a contract exceeds 5% of the annual budget. In an HOA, competitive bidding is required if the contract exceeds 10% of the annual budget. While it may seem simple enough to get bids, the devil is in the details of the bids received by the association.

Make sure that all the bids are compared carefully. Often times, what may seem like the lowest bid can turn into the most expensive because of ambiguous language or hidden costs. Need help with the bidding process or making sure you get what you pay for? Give FLCPM a call at 954-445-0862. General Contractors Lic. # CGC 1513108 Electrical Contractors Lic. # EC 13002955 Air Conditioning Contractors Lic. # CAC 1816779 Roofing Contractors Lic. # CCC 1328924

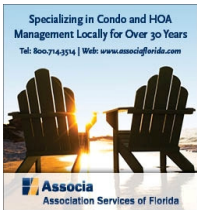
JUST WHO IS MANAGING WHO?



Without a doubt, Floridians suffer from what we call "Parental Control". So often we hear that CAM's are instructing the Board on what to do, what to pay and who to use!!! Boards and Homeowners feel powerless in the decision making process for their community. The fact of the matter is, Boards have

all the control and decision making power. As a CAM, it is our responsibility to identify problems and issues and present them to the Board, along with several solutions. This should include choosing service providers, signing contracts, establishing rules and regulations etc. Yes, as the "experts" we provide sound recommendations to our Board, but, ultimately the Boards are the decision makers and not your management company. Our firm has established protocols for all decision making contract signing, vendor vetting and Board communication which is essential in developing a cohesive, productive partnership with our clients. We recognize that we work at the direction of the Board and we are there to serve them and meet their needs, not mandate what vendors to use. Call us at: 772-692-1140.

THE IMPORTANCE OF FULL DISCLOSURE



Merely putting the association's new budget in the mail isn't enough. Many owners are not accustomed to reading financial statements and focus on the bottom line.... Just how much are my assessments going up? A well informed community is normally a community that is more at peace with the Board. At your budget meeting review each expense that has gone up or down in detail and

explain why to all of the meeting attendees. Once everyone understands why the numbers have changed you will eliminate most of the questions people are prepared to ask and calm their frustrations. The explanation also shows the Board did its homework and the changes are well thought out. You can contact Association Services of Florida at: 1-800-714-3514.

PRESERVING YOUR ROOF



Don't wait for that first leak before taking care of your roof. Crisis roof maintenance costs more than just the repair of the problem roof. Costs due to consequential damages to inventory, lost use of space, unscheduled downtime, and potential safety problems can add up quickly. Making a moderate

investment in a true Life Cycle Roof Management Program is the best way to protect your building's assets. Roof Management will prolong the life of your roof, preventing premature roof failure and limit consequential damages due to unexpected roof problems. Call us to schedule a free roof analysis of your roof at 954-941-9111. For more information, visit www.bestroofing.net.

ELECTIONS, STEP BY STEP



We are getting close to the dreaded condo election. Following these time tables will cut down on the stress.

60 days before the annual meeting:

The first notice of election is sent to the unit owners announcing the date, time, and place of the election meeting. 40 days before the meeting:

This date is the cut-off date for submitting your candidacy. In order to determine if a candidate is ineligible to run for the board the following criterion is used: *A person who has been suspended or removed by the Department of Business and Professional Regulation. *A person who is more than 90 days delinquent in the payment of any fee, fine or special or regular assessments. *A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction that would be considered a felony if committed within this state, unless such felon's civil rights has been restored for no less than five years.

35 days before the meeting: That is the cut-off date for submitting your candidate information sheet.

34 To 14 days before the meeting: The second notice is sent to the unit owners with candidate information sheets, the ballot, inner and outer envelopes. The ballots will list the names of the candidates in alphabetical order.

Need assistance? Call Affinity at 305-325-1006 or go to: www.affinitymanagementservices.com

DON'T FORGET ABOUT RESERVES!



Condominium associations should know that unless waived by the unit owners, full funding of reserves is required in your annual budget. Funding of reserves may also be required in your HOA. There are two types

of funding methods when it comes to reserves; Straight-line and Pooled. Straight line funding requires mandatory funding for the roof, pavement and painting and all other expenses expected to cost at least \$10,000.00. Also, under the straight-line approach, spending is restricted to the specific item being reserved. For example, you can't use monies being reserved for painting, for electrical repairs, without a vote of the unit owners. The alternative or "Pooled" method of funding reserves may be advantageous and allows all reserve funds to be used for any type of repair or replacement that funds are being collected for. Remember, the amount to be reserved may change from year to year and usually depends upon the results of an adequate and reliable reserve study. Need help figuring out which method works best for your association, call Gerstle, Rosen & Goldenberg, P.A. at: 305-937-0116.