

A publication of:
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WELCOME ABOARD



As our readers know, this firm's practice is devoted to the representation of condominium and homeowner associations.

We are proud to announce the addition of the following associations to our list of clientele: Toscana North Condominium in **Highland Beach**, Majorca Isles One Condo in **Miami Gardens**, Sunrise East Condominium and The Wittington Condominium in **Fort Lauderdale**, Carlisle on the Ocean Condominium in **Miami Beach**, Villas at Meadow Lakes Condominium in **Deerfield Beach**, The President's Council Of Hillcrest Condominiums and Astor Condominium in **Hollywood**, Twin Lakes South Condominium in **Stuart**, Fiesta Homeowners' Association in **Margate** and Curci Village Condominium in **Hallandale**. We can assure you that we appreciate the business and confidence placed in our firm.

CONDO INSURANCE



In response to the dire condominium insurance crisis, the Florida legislature recently enacted two new laws. The first allows a group of at least three associations to purchase

windstorm insurance as a group, if the insurance coverage is sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event. The second law allows associations or group of associations to self-insure against claims against the association, the association property, and the condominium property required to be insured. A copy of each policy of insurance in effect shall be made available for inspection by unit owners at reasonable times.

CERTIFIED MEDIATORS



Hats off to Eric Glazer and Andrew Demos who have each completed the requirements for certification by the Florida Supreme Court as Circuit and County Court mediators. As many of our readers already know, the Florida Legislature and the Florida courts are encouraging the use of "alternative dispute resolution" as a means of settling disputes by and between associations and their unit owners and/or tenants. Indeed, many disputes are prohibited from proceeding in a court of law without first having mediated and/or arbitrated. Now, both attorneys look forward to helping associations resolve their disputes both inside and outside of the courtroom.

RESTRICTING RENTER'S RIGHTS



Many associations, in their zest to restrict the rental of units, attempt to limit the rights of renters as opposed to the rights of unit owners. Florida Statute 718.106 expressly prohibits a Board of Directors from these acts and states that when a unit is leased, a tenant shall have all use rights in the association property and those common elements otherwise readily available for use generally by unit owners and the unit owner shall not have such rights except as a guest, unless such rights are waived in writing by the tenant. The law also allows the association the right to adopt rules that prohibit dual usage by a unit owner and a tenant of association property and common elements.

DIRECTORS BEWARE!



The hot association law topic sweeping the state and appearing on blogs and in newspapers is the apparent perception that because of a few bad eggs, Florida law needs to get tough on association officers and directors who engage in accepting what is commonly referred to as "kickbacks." The Condominium Act and the Co-Op statutes already state that an officer, director, or manager may not solicit, offer to accept, or accept anything of service of value for which consideration has not been provided for his or her own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association. Interestingly enough, there is no similar provision in the homeowner statutes. This is not to say however that the legislature condones kickbacks in an HOA. In any event, while every now and then a director gets caught with their hand in the cookie jar, it is at least this author's position that these misdeeds are few and far between and that more than the overwhelming number of Board members volunteer their time selflessly with no hidden agendas or compensation of any kind.

SKEWED PRIORITIES?

(By Scott R. Shapiro, Esquire)



Under Florida law, an Association is well within its right to enforce Declaration provisions that completely prohibit pets from the community. Despite this enforceable legal provision, unit owners can defend the right to own a pet if they can demonstrate a specific medical need for keeping it, including but not limited to mental illness. This medical defense is protected by both Florida and Federal law. In contrast to this situation, there is no exception whatsoever for allowing a child to live in a 55 and over community, even if the child is an orphaned grandchild of the unit owner and the unit owner or grandparent will experience mental anguish should the child not be allowed to live in the community. Apparently, at least presently, a pet has more rights to live in a restricted community than a human being does.

ASSOCIATION LAW SEMINAR



When the firm announced that it would host an association law seminar, many community association managers wanted to know if they can receive continuing education credits for attending. As a result, the firm made application with the Department of Business and Professional Regulation and is now proud to announce that our course received accreditation from the Department for four credits of continuing education for all licensed community association managers who attend. The course will not only discuss Florida laws regulating managers, but will also focus on topics such as turnover from developer control and unique concerns for the new board, competitive bidding, contract review, collection of delinquent assessments, access to records, recall procedures, budgets and more. The firm anticipates that the course will be taught in December and final details will be announced in our next Legal-Beat. Seating may be limited so please e-mail us at: brian@condo-laws.com to reserve your space.

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.

Andrew C. Demos: born August, 1969, Miami, Florida. B.B.A., Florida International University, 1994. J.D., St. Thomas University School of Law, 1999. U.S. District Court, Southern District of Florida, 2000. 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, 2004. U.S. Supreme Court, 2005. Member of The Florida Bar Grievance Committee, Miami-Dade County.

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Chris M. Reed: born November, 1975, Attalboro, Massachusetts, B.A. Univ. of Miami, 1998, J.D. University of Miami, 2005. Captain, United States Army, 1998 thru 2006.

The firm is devoted to representation of condominium and homeowner associations in the South Florida area. 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.

The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.