

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: Aventura Marina One in **Aventura**, Hillcrest 3 Condominium in **Hollywood**, Enclave at the Park Condominium in **Miami Gardens**, Venetia Condominium, Octagon Towers Condominium and Royal Condominium in **Miami Beach**, Sutton House Condominium in **North Miami**, Lauderdale Oaks XIX Condominium in **Fort Lauderdale** and Colonial House Condominium in **Hallandale**. We can assure you that we appreciate the business and confidence placed in our firm.

FREE SEMINAR



As stated in our previous newsletter, this office will be holding a free seminar on a date and location to be announced, depending on the number and location of the responses we receive. To date we have had a good number of responses and want to offer anyone still interested a chance to get on board. Topics will be various and also determined by the responses we receive. As previously stated, admission would be free to any board member or officer of a Florida Condominium or Homeowners' Association. We also welcome any and all Community Association Managers (CAM's) to attend as well. If you are interested please call our office or send an email with the name of your association and the number of persons interested in attending to the firm's office manager, Brian Fogelson at Brian@Condo-Laws.com.

BANK FORECLOSURES

(By Ralph C. Ruocco, Esquire)



The number of bank foreclosures in condominiums and Homeowner Associations are soaring. Interestingly enough however, a condominium association bears less of a risk of financial loss than a homeowner's association does. Pursuant to Florida Statutes, in a condominium, if the bank forecloses and becomes the owner, the bank is responsible to the association for the lesser of six months of unpaid assessments that are due on the unit, or one percent (1%) of the original amount of the mortgage. There is no such statute that protects homeowner associations, and should the bank recover a foreclosed home, the association is not entitled to any delinquent assessments that may be overdue. In any event, in both a condominium and an HOA, a bank that acquires title to a unit is responsible for all assessments that come due while it is the unit owner.

ELECTION DISPUTE RESOLUTION

(By: Scott R. Shapiro, Esquire)



Pursuant to Florida Statute 720.311, election disputes are subject to mandatory **binding** arbitration before the Department of Business and Professional Regulation. In a condominium association however, election disputes must be submitted to **non-binding** arbitration and the loser can ask for a trial de novo in a court of law. In both situations however, the loser is responsible for reimbursement to the winner for court costs and a reasonable attorney's fee.

SEARCH OUR WEBSITE



Our firm's website has recently added a "search" feature that allows visitors to seek information on any association law topic that the firm's attorney's have ever written about in prior newsletters, or discussed in newspaper publications. It can be a great source of information to associations needing assistance on a specific issue currently facing the association.

ELECTION OVERSIGHT

(By: Scott R. Shapiro, Esquire)



One significant power the Florida Condominium Ombudsman possesses is that of appointing third parties to administrate condominium elections without the request or approval, and often times over the objection, of the association's Board of Directors. Pursuant to Florida Statute § 718.5012(9), the Ombudsman may appoint a third party to administer an election if fifteen (15) percent of the total voting interests in a condominium association, or six unit owners, whichever is greater, petition the Ombudsman to appoint an election monitor. The Ombudsman may appoint a division employee, a person or persons specializing in condominium election monitoring, or an attorney licensed to practice in Florida as the election monitor. Despite this process not being authorized by the Board of Directors, the association is responsible to pay the bill of the third party that was appointed.

FINES: HOA'S AND CONDOS

(By: Eric M. Glazer, Esquire)



Both condominium and homeowner associations may levy fines against unit owners if allowed to do so in the governing documents - however, there are differences. In an HOA, a person to be fined has the right to 14 days notice and opportunity for a hearing, whereas in a condominium a person to be fined is entitled to "reasonable notice and opportunity for a hearing." In a condominium, the hearing must be held before a "committee of other unit owners," whereas in an HOA the hearing must be held "before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother or sister of an officer, director, or employee."

40 YEAR RECERTIFICATION

(By: Andrew C. Demos, Esquire)



As if the tremendous rise in taxes and insurance weren't enough.....a new term of art known as "Recertification" is buzzing around town lately.

Did you recently buy a condominium unit from a condo conversion and/or do you reside in a building over Forty (40) years old? If so, you may be in for an expensive surprise. Counties across Florida are following the trend of requiring a Recertification of the electrical and structural components of buildings over Forty (40) years old and then again every Ten (10) years thereafter by a Florida Registered Architect or Engineer. Failure to timely file such Recertification upon the request of the hosting County may result in stiff fines, a tag of Unsafe Structure, loss of Certificate of Occupancy and/or a civil lawsuit. Condominiums approaching the 40 year mark would be wise to learn the cost of recertification well in advance so that it may budget and/or reserve adequate funds for same.

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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.