

LEGAL-BEAT

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A Publication of

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WELCOME ABOARD



While the firm practices in several areas of the law, such as commercial litigation, bankruptcy and personal injury, the majority of the practice is devoted to representation of condominium associations.

The firm is proud to announce the following most recent clients to our growing list of association clientele: Meridian Condominium in South Beach, Second Horizons in North Miami Beach and Paradise Harbour in Hallandale. If we don't say it enough, we can assure you that we appreciate the business and the confidence placed in the firm.

WE'RE ON THE NET!



If you would like to obtain a current profile of the firm, log on to the firm's new web address at:

www.lawyers.com/condominiumlaw

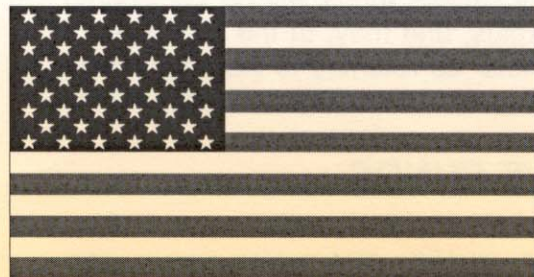
where you can view a biography of the firm's attorneys, a current list of condominium clients, a virtual map with directions to our office, a list of published articles by the firm's attorneys and more.

RULES V. AMENDMENTS



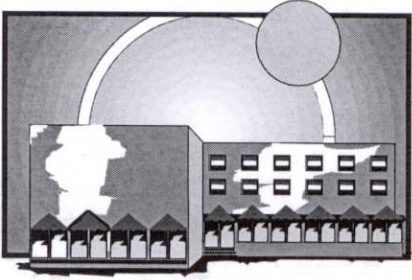
It's important for the Board of Directors to remember that in passing a rule, the rule cannot contravene an express provision of the declaration of condominium, as this type of rule would actually require an amendment to the declaration of condominium. For example, in **Mohani v. La Cancha Condominium** 590 So.2d 36, the Fourth District Court of Appeal struck down a rule imposed by a Board which prohibited leasing of units for a two year period after purchase, where the declaration of condominium allowed leasing after thirty days.

PATRIOTISM IN CONDOMINIUMS



While the Board of Directors is generally allowed to make reasonable rules and regulations, Florida Statute 718.113 gives every unit owner the unconditional right to display one portable removable United States flag in a respectful way regardless of any declaration rules or requirements dealing with flags or decorations.

OWNERS AS LANDLORDS



Once a unit owner has decided to lease his or her unit, the right to use the common elements is transferred to

the tenant and the owner is deemed a guest, unless the tenant has waived his or her right to use the common elements in writing. The association has the right to adopt rules prohibiting dual usage by a unit owner and a tenant of association property and common elements.

SPECIAL ASSESSMENTS



A "Special Assessment" means any assessment levied against unit owners other than the assessment required by a budget adopted annually. A Board of

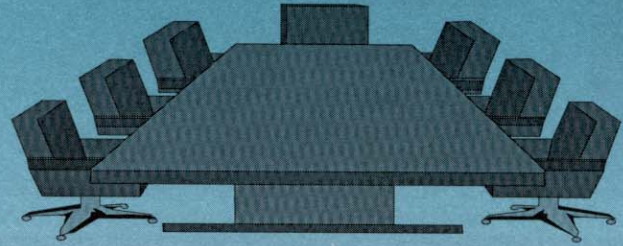
Directors is required to mail or deliver to each unit owner and post on the condominium property at least 14 days in advance, notice of any meeting at which non-emergency special assessments will be considered. The funds collected can only be used for the specific purpose set forth in the notice and upon completion of the specific purpose, any excess funds will be considered common surplus, and may, at the discretion of the board, either be returned to the unit owners or applied as a credit toward future assessments.

RESERVE FUNDS



Remember that unless voted upon and waived by a majority of unit owners at a duly called meeting, the condominium budget must include reserve accounts for capital expenditures and deferred maintenance including roof replacement, building painting and pavement resurfacing.

BOARD MEETING CHECKLIST



In order to ensure the validity of any non-emergency Board of Director meeting the following steps should be followed:

- a) notice of the meeting with an agenda must be posted on the condominium property at least 48 continuous hours before the meeting;
- b) a quorum of the members of the Board must be present at the meeting;
- c) the meeting must be open to all unit owners who have the right to tape record or videotape the meeting;
- d) each unit owner has the right to speak at Board meetings, subject to the associations reasonable rules regarding frequency, duration and manner.
- e) while a member of the board may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend this agreement or disagreement may not be used as a vote for or against the action taken and may not be used for the purposes of creating a quorum.

A Publication for clients, family and friends of:

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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.