

LEGAL BEAT

a production of Glazer & Sachs, P.A. and CONDO CRAZE & HOAs.

THANKS TO YOU – WE WON FIVE YEARS IN A ROW!



On behalf of everyone at our law firm, THANK YOU for voting for Glazer and Sachs, P.A. as best association law firm in the State of Florida. After the votes were tallied we are truly honored to say we've come out on top in 2021, being awarded the highest level by the voters, Diamond **for the FIFTH year in a row!**

Please know that whether it's representing you in court, at administrative proceedings, attending your meetings, talking to you on the radio or teaching you at our seminars, we appreciate getting to know you and we are humbled by the opportunities given to us to help you. We will continue to do our best to earn and keep your confidence, and support.

Again, thank you.



DEDICATED TO THE VICTIMS

The firm dedicates this issue of our newsletter to the victims of the Surfside tragedy and their families. As a result of this horrific loss, our firm will do all it can to help change condominium laws throughout the state. We believe a three step process must be put in place to ensure accidents like the one at Champlan Towers never happens again. These steps are:

1. Making sure that condominiums are inspected by local building officials at least once every five years;
2. Making sure that reserve studies are done in condominiums at least once every five years by either an architect or engineer and that at least a percentage of reserves cannot be waived and must be mandatory;
3. Making education for board members mandatory and no longer allowing a Board member to become certified by simply signing a ridiculous form that says they read their governing documents and promise to enforce them. An educational class must be taken.

The firm is honored that The Wall Street Journal, CNN, USA Today, Miami Herald, The Atlantic Journal, CBS News, The Associated Press, Tampa Bay Times, Boston Agent Magazine, Tallahassee Democrat and other news outlets both in the United States and Canada looked to our firm for both answers and solutions to what is now a condominium crisis.

Welcome Aboard!

As our readers know, our firm's practice is devoted to representing community associations and their owners, around the entire state.

OUR LAW FIRM INCLUDES ATTORNEYS WHO ARE EXPERTS AND SPECIALIZE IN ALL ASPECTS OF FLORIDA ASSOCIATION LAW.

We are proud to announce the addition of the following associations as our clients:

BELLA VISTA MASTER
Fort Lauderdale

BON AIRE VILLAGE CONDO
Delray Beach

CLIFTON CONDO ASSOC.
Hallandale Beach

COBBLE EAST CONDO
Tamarac

CONDO "B" AT MEDITERRANEA
Miami

ELLESMERE D CONDO
Deerfield Beach

GOLDEN TOWERS ASSOCIATION
Miami

LAKE DEESON WOODS POA
Lakeland

MEDITERRANEA HOMEOWNERS ASSOCIATION
Miami

OAK RIDGE PLACE HOA
Tallahassee

OAK SHADOWS CONDOMINIUM
Orlando

THE PALMS 2100 TOWER ONE
Fort Lauderdale

TOWNHOMES OF DORAL PLACE HOA
Doral

TUSCANY AT CORAL LAKES HOA
Boynton Beach

WINSTON TOWERS 400
Sunny Isles Beach

YARDLEY CONDO E
Tamarac

We certainly are honored by the trust and confidence these communities have placed in our firm.

Eric M. Glazer

CONDO CRAZE & HOAs

OUR BOARD CERTIFICATION AND LEGAL UPDATE 2020 COURSE IS BACK!!!



The law now provides that within 90 days of getting elected to a condominium or homeowner's association Board of Directors, you must get certified or you are removed from the Board. One way to get certified is by attending a state approved course. Attorney Eric Glazer has designed a course that was approved by The DBPR, which allows him to certify attendees as eligible to serve on a Florida condominium or HOA Board of Directors. See the list below.

OUR RADIO SHOW! It has been so much fun to broadcast the **Condo Craze and HOAs Radio Show** for the past thirteen years. We so enjoy discussing legal issues, speaking with our listeners live on the air and answering your questions each Sunday at 11:00 a.m. Condo Craze and HOAs is broadcast live on 850 WFTL in South Florida, and listened to throughout the state by downloading the 850 WFTL app on your cell phone or by going to www.850wftl.com on the internet. All past shows can also be listened to by going to: www.condocrazeandhoas.com. We hope you tune in and contribute to the dialogue.

Other Board Certification Classes –for Condos and HOAs
FIRST CLASS OF ITS KIND! NOW - LICENSED CAMs RECEIVE 2 CEUs -
IN LEGAL UPDATE 2021 Course number is: 9630640

All Starting Times are 9:00 a.m. at the L&L Condo and HOA Expo:

October 5th – Broward at The Signature Grand

October 6th – Orlando at the Orlando Convention Center

October 12th – Miami Beach at the Miami Beach Convention Center

October 14th – Palm Beach at The Palm Beach County Convention Center

October 28th – Tampa at the Tampa Convention Center

**TO REGISTER SEND AN EMAIL TO : LYDIA@CONDO-LAWS.COM
OR VISIT OUR WEBSITE AT : WWW.CONDOCRAZEANDHOAS.COM.**



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ON THE INTERNET

Our firm:

www.Condo-Laws.com

Radio Show:

www.CondoCrazeandHOAs.com

Blog:

www.HOA-CondoBlog.com

For the past 26 years, our firm has included attorneys who specialize and are experts in Florida association law and have counseled thousands of clients on all issues facing associations or their members.

Our practice is primarily devoted to community associations and owners. Additionally, our litigation, mediation, arbitration, construction and appellate practice has decades of experience before state and federal trial courts, all appellate levels and both state and municipal administrative forums.



ABOUT OUR FIRM.....

Eric Glazer: Eric is a graduate of NYU and The University of Miami School of Law in 1992. Our firm is proud to announce that as of June 1st, 2018 Eric was part of the first ever group of attorneys in the state to become Board Certified in Condominium and Planned Development Law. Out of over 80,000 attorneys in the state, approximately 190 are Board Certified in this area. Eric was also certified by The Florida Supreme Court as a Circuit Court Mediator in 2007. He is also a member of the New York, Washington D.C. and Tennessee Bar. Eric became a Florida Supreme Court Certified Arbitrator in July, 2021.

Richard Sachs has been practicing since 1994 and is a certified federal court mediator and is certified by the Florida Supreme Court as state Circuit Court mediator. He is a Florida Supreme Court Qualified Arbitrator and he also serves as the co-chair of the Construction Law Section of the Broward County Bar Association.

Pennie Mays is Board Certified in Construction Law by The Florida Bar and has spent her 16 year career representing associations against developers and contractors and other commercial litigation.

Ralph Ruocco has been representing associations on their collection matters for fourteen (14) years. In addition, he concentrates on reinstating HOA declarations that have expired, with the Department of Economic Opportunity.

Paul Kim is practicing for 11 years and devotes much of his time to litigation in state and federal court and arbitration including but not limited to service and emotional support animal issues, disability and discrimination law, rule compliance and complex bankruptcy issues.

Our firm prides itself on our ability to represent associations and their owners on any legal matter that comes their way. Whether it's representation in the courtroom, in administrative hearings, attending your meetings, answering your calls, speaking with you on the radio or teaching you at our seminars, it is always an honor and a pleasure to serve you.

Eric M. Glazer, Esquire

At Best Roofing, we're experts in diagnosing your commercial roofing problems, repairing them, and maintaining the integrity of your roofing system. Call us for an evaluation today! Roof Leaking? We're a phone call away. Best Roofing provides 24 / 7 emergency leak repair service with response times that are unmatched in the industry. Visit us online at www.bestroofing.net or call us at: 888-892-BEST.



Contact the professionals at Gerstle, Rosen and Goldenberg, P.A. by calling (305) 937-0116 and visit the firm's website www.grgcpa.com. Since 1985, Gerstle, Rosen & Goldenberg, P.A. has maintained its reputation for excellence and client satisfaction in the areas of accounting, auditing, taxes, business consulting, litigation support, other real estate and construction accounting. We offer this wide range of diversified services to corporate and individual clients, condominium and homeowners associations and non-profit organizations. The firm offices are in Aventura, Boca, Fort Myers and our new office in Orlando, with full time staff.

At PD Painting, we emphasize excellent preparation using the highest quality products. We are fully licensed and insured, provide long term warranties, lightning fast service calls and even provide financing. Let us provide a beautiful, reliable and professional finish to your home or condo. See our results at: www.pdpaintinginc.com or give us a call at: 888-416-3244



Inaccurate estimates. Insufficient budgets. Unforeseen problems. Excessive Change Orders. Chaos... Association restoration and renovation projects are complicated, expensive and stressful. *Without an expert, independent advocate in their corner, Associations are exposed to budget overruns, low-quality results and long-term life disruptions for owners.* DSSC plans and executes renovation and restoration projects of every size and type for Florida's Community Associations, maintaining control of the process, quality and costs, and protecting unit owner investments. DSSC offers various service levels and pricing options, making it easy for Associations to hire a qualified project manager within their budget. Contact us for a tailored project management plan: info@dsscondo.com 305.985.3772 www.dsscondo.com

The Finer Things. They're yours for the taking with Affinity Management Services' efficient, dedicated, and responsive community association and site services. Providing everything from vendor negotiations to expert assistance with board member elections, we'll streamline your community association, not only relieving the burdens of the day-to-day, but also bringing big ideas to the table—and providing you with the resources to see them through. Contact us at: www.managedbyaffinity.com or 305.325.4243



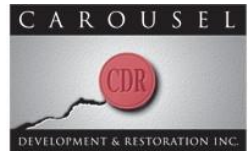
Need insurance for your car, boat, home or office. To find out how much you can save, give agent Randy Hoffman a call at (888) 298-8838, (954) 846-1206 or visit Randy's Allstate website at www.allstateagencies.com/randyhoffman.

Need your walkways or driveways repaired or resurfaced? Held with handicapped spaces and parking compliance? Call us at: 1-800-432-1191 and visit us on the web at: www.w.driveway.net.



Are you or someone you know looking to Buy, Sell or Invest in the Broward County area? Brian with Halperin Realty Corp is your go to Realtor! Our firm is available to assist you in purchasing, selling, renting or managing properties across the entire Tri County area. Thinking about buying or selling out of the area? No Problem! Contact me and let me do the work of interviewing local Realtors to find you the perfect match! 954-605-1201 BFogelsonrealtor@gmail.com

Carousel Development & Restoration, Inc. specializes in high rise renovation including balcony repairs, structural column repairs, concrete restoration ,stucco repairs, full deck replacement, catwalk repairs, waterproofing systems, expansion joint replacement, epoxy injection, garage deck renovations, pool & pool decks, planter restoration, project management, custom railings, impact windows & doors and painting division. We are also equipped for the 40 year recertification of your building. Carousel has been in business for over 38 years. For more information call or click today! 561-272-3700 or WWW.CDRI.NET



Operating in Dade, Broward and Palm Beach, TPMG specializes in management of HOAs and condominiums. Troy Modlin is the CEO of TPMG and has a background in law, insurance and education. He has serviced communities for the past ten years in South Florida. "As the founder of TPMG, I provide every Board Member with my personal cell phone number so they can reach me at any time to discuss any situation. My goal as the owner is to make sure my company and its employees always over delivers. I will always deliver on my promises." To reach Troy, give him and his staff call at: (954) 640-0291

Do the pipes in your community need replacement or repair? Before spending all the money for a total pipe replacement, call PipeLining and find out about its Trenchless Pipe Repair. It's quick, less intrusive and certainly less expensive than a pipe replacement. Call PipeLining Technologies at: (561) 853-5463 www.PipeLT.com



ASSURED PARTNERS OF FLORIDA/MACK MACK & WALTZ INSURANCE GROUP has over 5000 Association clients. We are the 12th largest Global Broker and represent every Insurance Company that is in the Association Insurance space in South Florida. Associations in Florida have many challenges placing their insurance coverages. Let us assist you by getting multiple quotes on your Association's Insurance. Please call or email Greg Waltz at 954-640-6225 ext.141 gwaltz@mackinsurance.com



Why pass a special assessment when SouthState has money to lend your association? Whether it's for financing your insurance premium, concrete restoration, sea wall repairs, compliance with your 40 year inspection, renovations to your clubhouse, new elevators, a new paint job or a new roof, let SouthState Bank get your association through the loan process quick and easy. Contact Terri Russo at 954-829-2243 or e-mail Terri directly at trusso@southstatebank.com

When your Association suffers damage related to water, wind, mold or fire, you need representation in the handling of your insurance claim. The Insurance Company hires adjusters and experts on their side - the Association needs professional representation on its side too! Not only do we advocate for you during the claims process, we also help the Management and Board of Directors during by answering questions and concerns from unit owners. We are able to re-open old claims and fight for payment on denied claims as well. Please call Stellar today to set up a free policy analysis and claim consultation. Should you be interested in a FREE Q & A Session for next Association board meeting, please call us at 305.396.9110 or e-mail rami@stellaradjusting.com



THE NEW CONDOMINIUM AND HOA LAWS – EFFECTIVE JULY 1ST, 2021

Collections: For both condos, co-ops and HOAs, the Florida Statutes were amended to state that instead of 30 days, the association must provide the delinquent unit owner with 45 days notice of its intent to foreclose its lien. If not given, the association waives its right to obtain attorney's fees. Before changing the method of delivery for an invoice for assessments or the statement of the account, the association must deliver a written notice of such change to each unit owner. The written notice must be delivered to the unit owner at least 30 days before the association sends the invoice for assessments. A unit owner must affirmatively acknowledge his or her understanding that the association will change



its method of delivery of the invoice for assessments or the unit's statement of the account before the association may change the method of delivering an invoice for assessments or the statement of account. The unit owner may make the affirmative acknowledgment electronically or in writing. An association may not require payment of attorney fees related to a past due assessment without first delivering a written notice of late assessment to the unit owner which specifies the amount owed the association and provides the unit owner an opportunity to pay the amount owed without the 336 assessment of attorney fees.

Insurance: Condominium statute was amended to say that if a condominium association's insurance policy does not provide rights for subrogation against the unit owners in the association, an insurance policy issued to an individual unit owner in the association may not provide rights of subrogation against the condominium association.



Websites: Condominium statute was amended to say that the association may post digital copies of documents on its website or make such documents available through an application that can be downloaded on a mobile device.

The Eight Year Term Limit Rule: The condominium statute was amended to state that Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit.



Transfer Fees: The transfer fee limit in condominiums has been raised to \$150.00. Such fees must be adjusted every 5 years in an amount equal to the total of the annual increases occurring in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items during that 5-year period. The Department of Business and Professional Regulation shall periodically calculate the fees, rounded to the nearest dollar, and publish the amounts, as adjusted, on its website.



Recall Cases: In condominiums, co-ops and HOAs, If the Board fails to certify a recall, the Unit Owner Representative may file a petition in arbitration or in court. A recalled Board member has the same option.



Vehicles: A unit owner may install an electric vehicle charging station or natural gas fuel station in their limited common element parking space or exclusively designated parking space. And, The board of administration of an association may make available, install, or operate an electric vehicle charging station or a natural gas fuel station upon the common elements or association property and establish the charges or the manner of payments for the unit owners, residents, or guests who use the electric vehicle charging station or natural gas fuel station. For the purposes of this section, the installation, repair, or maintenance of an electric vehicle charging station or natural gas fuel station under this subsection does not constitute a material alteration or substantial addition to the common elements or association property.



Arbitration: In condominiums and co-ops, prior to the institution of court litigation, a party to a dispute, other than an election or recall dispute, shall **either** petition the division for nonbinding arbitration or now have the ability to **initiate presuit mediation**.



EMERGENCY POWERS

Emergency Powers: In condos, co-ops and HOAs: When the Governor declares a State of Emergency, the Board may conduct board meetings, committee meetings, elections, and membership meetings, in whole or in part, by telephone, real-time videoconferencing, or similar real-time electronic or video communication with notice given as is practicable. However, an association may not prohibit unit owners, tenants, guests, agents, or invitees of a unit owner from accessing the unit and the common elements and limited common elements appurtenant thereto for the purposes of ingress to and egress from the unit and

when access is necessary in connection with: (a) The sale, lease, or other transfer of title of a unit; or (b) The habitability of the unit or for the health and safety of such person unless a governmental order or determination, or a public health directive from the Centers for Disease Control and Prevention, has been issued prohibiting such access to the unit. Any such access is subject to reasonable restrictions adopted by the association

Multi-Condominiums: The statute has been amended to allow a multicondominium association to adopt a consolidated or combined declaration of condominium if such declaration complies with s. 718.104 and does not serve to merge the condominiums or change the legal descriptions of the condominium parcels as set forth in s. 718.109, unless accomplished in accordance with law.



Rental Restrictions in HOAs: Documents or Amendments to Documents that prohibit or regulate rental agreements apply only to a parcel owner who acquires title to the parcel after the effective date of the governing document or amendment, or to a parcel owner who consents, individually or through a representative, to the governing document or amendment. Notwithstanding subparagraph 1., an association may amend its governing documents to prohibit or regulate rental agreements for a term of less than 6 months and may prohibit the rental of a parcel for more than three times in a calendar year, and such amendments shall apply to all parcel owners.

Property Tax Appeals: a condominium association, cooperative association and homeowners' association may file with the value adjustment board a single joint petition on behalf of members who own units or parcels in the community, and condominium and cooperative associations may seek judicial review of a decision by the property appraiser.



Board Eligibility: You can no longer be prevented from running for the Board of a condominium if you owe a fine; but only if you owe an assessment.

Budgets: In a condominium, the board shall adopt the annual budget at least 14 days prior to the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it shall be deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.



Condominium Ombudsman: The ombudsman need not maintain his or her principal office in Leon County but may do so at another place convenient to the offices of the division which will enable the ombudsman to expeditiously carry out the duties and functions of his or her office.

Community Association Pools: the new statute exempts community association swimming pools that serve no more than 32 parcels from supervision by the Florida Department of Health.





Join us on Mondays, Wednesdays and Fridays by participating in our community association law blog. We choose a new topic each week. You get the attorney's point of view on Monday, the manager's point of view on Wednesday and the unit owner's point of view on Friday. Of course, you get everyone's point of view by reading the comments and questions. Go to: www.hoa-condoloawblog.com. To research the hundreds of topics that we previously blogged about, visit www.condocrazeandhoas.com.

Download our App!

The Condo Craze and HOAs App for your iPhone or mobile device is here. Now, at the touch of a button, you have instant access to all laws governing condos, HOAs and Co-Ops. Also, you can: listen to every Condo Craze show; go directly to our websites; send us your questions and comments; read all of our newsletters and blogs; and register for our seminars. Search for it at the App Store.



SHOULD RESERVES BE MANDATORY? Originally written in May of 2018.

I hate beating around the bush, so I want to get to the point. A financial crisis is coming and it's going to be a big one. It's also going to hit those that can least afford it. It's going to result in massive amounts of foreclosures. It's going to result in countless cases of elderly persons being displaced from their homes. The worst part is, it's absolutely avoidable but I don't believe any legislator would

ever have the courage to float a bill to save the pending disaster.

I was at a meeting last night in a 55 and over condominium. Elderly owners were complaining that the pipes are getting old, there are leaks, and they sometimes have to come out of pocket a few hundred bucks in order to clean up the mess in their unit and/or repair that broken pipe. They are complaining about bills for a few hundred bucks and find it difficult to pay them because their sole income is social security.

To state the obvious, there is no reserve account. There never will be. Generally, senior citizens don't believe in reserving funds for repairs that may be necessary a decade or two from now because they believe they won't be here anyway. So, year after year goes by, decade after decade goes by and there is never a reserve fund to fall back on should a major repair become necessary. Think of how much building has gone on in the past 50 years. It is staggering. But the buildings are getting older. As the buildings start to approach the 40 year mark or more, things start to break down and repairs become unavoidable. Concrete restoration is incredibly expensive, and unavoidable. Replacement of pipes is incredibly expensive, and unavoidable. And the same goes for electrical renovations and roof replacements. All unavoidable. Yet, so many people, especially seniors, are rolling the dice thinking that none of these repairs will be necessary while they own the property. That may be true for now, but eventually, everyone rolls a 7.

Like it or not, some form of reserves should be mandatory and not subject to being waived. There, I said it. Let's get rid of the "life expectancy" formula the state says you should follow but nobody does. It's a joke anyway. We all know the truth that the life expectancy of the roof somehow gets longer, the closer you get to the original estimate of how long it was going to last. Five years ago it had a five year life expectancy. Money is tight, so today it has a new 10 year life expectancy. Somehow, like fine wine, the roof got better with age. We all know that happens, and it happens every day. So how about we make things simple. Let's just say every condominium must contribute 10% of its annual budget to reserves for roof, plumbing, electrical, structural and painting. It all goes into one pot and it can be used for any repair necessary for those categories. It can't be waived. If however an association wants to contribute more, they can.

If we implemented this, I'm guessing the average monthly increase for most condominiums that are not already reserving funds would be anywhere from \$25.00 to \$75.00 per month per unit. I know that for some that increase is not easy. However, it's going to be a lot more expensive if any one of these inevitable repairs become necessary and it's time to pass a special assessment in the thousands or tens of thousands of dollars. What do you think?

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