

A publication of:

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WELCOME ABOARD



While our firm practices in several areas of the law, such as commercial litigation, real estate, personal injury and construction, the majority of the practice is devoted to the representation of Condominium and Homeowner Associations. Our firm is proud to announce the addition of the following Associations to our list of clientele: Boulevard Landmark Condominium in Hollywood, Waterfront Villas of Skylake Condominium, 4122 Collins Condominium in Miami Beach and Woodcreek Condominium in North Miami. If we don't say it enough, we can assure you that we appreciate the business and the confidence placed in our firm.

WE'RE ON THE WEB



Check out our exciting and informative website:

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where you can obtain copies of the firm's prior newsletters, send the staff or its attorneys e-mail, view a biography of the firm's attorneys, get copies of published articles by the firm's attorneys, and more.

PARKING FOR THE DISABLED

(By Meredith Spira)



Effective July 1, 2005, a new Florida law requires condominium associations to make reasonable provisions allowing a mobility disabled person to transfer the use rights of a parking space that does not accommodate his vehicle for a parking space that will. Furthermore, the law requires that if alterations to the parking areas are required to bring a parking space into compliance with The Florida Americans With Disabilities Accessibility Implementation Act, the expense of such alterations shall be paid by the person requesting the accommodation, and so shall the cost of returning the parking area to its previous condition.

LEGISLATIVE EFFORTS

(By Eric Glazer)



Virgil Rizzo, the new Condominium Ombudsman, recently asked this law firm to recommend changes to current association law. As a result of our suggestions, the legislature is now considering laws regarding associations being limited to signing service contracts that cannot exceed three years in length and which cannot be automatically renewed by the service provider without the association's approval. In addition, the legislature is considering a new law that requires contracts for construction or repair of the property that exceed 10 percent of the total annual budget of the association, including reserves, to require the approval of an attorney hired by the association. Unfortunately, this firm has too often seen associations locked into lifetime service contracts and one-sided construction contracts, each of which financially harm the association and which obviously were not reviewed by counsel prior to execution.

COLLECTING ASSESSMENTS

(By Michael Rajtar)



As association after association either raises annual assessments and/or passes special assessments to pay for necessary repairs, non-payment or late payments of these assessments become more routine. In a condominium, Florida law provides that the association can charge delinquent owners a \$25.00 per month late charge and up to 18% interest on delinquent assessments, if the declaration or bylaws allow for same. In homeowner associations however, the statute is silent and there are no restrictions on the amount of late fees or interest that can be charged to delinquent unit owners, other than what is indicated in the Declaration of Covenants and Restrictions. Also, if the governing documents so provide, a homeowners association may suspend the voting rights of a member for the nonpayment of regular annual assessments that are delinquent in excess of 90 days.

PAYING YOUR DUES!

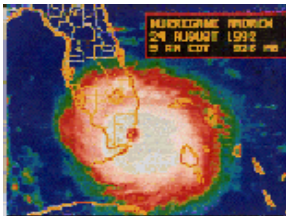
(By Ralph Ruocco)



Florida Statute 718.501(2)(a) requires each condominium association to pay the Division of Florida Land Sales, Condominiums, and Mobile Homes, an annual fee in the amount of \$4 for each residential unit in the condominium. The ramifications of non-payment are severe, as the association is prohibited from petitioning the Florida Courts as a plaintiff, and perhaps more importantly, it is prohibited from defending itself against legal actions filed against it if the dues are not paid by March 1st. Additionally, if the annual fee is not paid, the association will be assessed a 10% penalty.

HURRICANE PREPAREDNESS

(By Andrew Demos)



The Florida homeowner association statutes are silent regarding hurricane preparedness. However, there are several important hurricane related laws pertaining to condominium associations. Each Board of Directors of a condominium association **must** adopt hurricane shutter specifications including color, style and other specifications deemed relevant and consistent with applicable building codes. The Board of Directors may install, maintain or replace such hurricane shutters, whether or not within common elements, and even in individual units, if a simple majority of the community members vote in favor of such action and if competitive bidding requirements are met. Such expenses are statutorily deemed to be a common expense. Once installed, the Board of Directors may operate hurricane shutters without permission of unit owners only when necessary to protect the condominium property or association property. Installation pursuant to this law is expressly deemed not to be a material alteration of the common elements. Installation of such hurricane shutters is prohibited if the units already have architecturally designed hurricane resistant windows in accordance with applicable building codes. Unit owners with such windows are entitled to a credit for the pro-rata installation cost assessed to each unit, but must nonetheless pay the pro-rata share of shutters installed on common elements and their repair and maintenance. As a suggestion, the Board of Directors may want to consider the community's aesthetics and adopt a rule requiring the removal of hurricane shutters following hurricane season. Indeed, some municipalities require it and levy fines for failure to remove the shutters timely.

DISPLAYING OLD GLORY

(By Eric Glazer)



With July 4th just a few days away, many of us are eager to put our patriotism on display. The Florida legislature has recently passed a state statute that is applicable to both condominium and homeowner associations, which states that any unit owner may display one portable, removable United States flag in a respectful way. In addition, on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day, a unit owner may display in a respectful way, portable, removable official flags, not larger than 4 1/2 feet by 6 feet, that represent the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, regardless of any declaration rules or requirements dealing with flags or decorations.

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The primary practice of our firm is 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 has litigated and/or arbitrated hundreds of association cases in the state courts as well as 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.