

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: **The Sterling Condominium** in Miami Beach, **Arapahoe Farms HOA** in Fort Lauderdale, **Golden Surf Condominium** in Hallandale, **Cabana Bay Condominium** in Pompano Beach, **Winston Towers 600** in Sunny Isles Beach, **Cypress Village Condominium** in Miami Lakes, **Sans Souci Condominium** in North Miami, **Pier 43 Condominium** in Hollywood, **Colonial Court Condominium** in North Miami Beach, **Poinsettia Landings Condominium** in Fort Lauderdale, **Americana Village Condominium** in Miami and **The Radius Master Condominium Association** in Hollywood. We can assure you that we appreciate your business and confidence placed in our firm.

H.O.A. LEGISLATIVE UPDATE

At a time when our state is in the worst financial crisis in decades, and our homes have been in a constant downward spiral, your Florida Legislature passed new legislation that **does little or next to nothing** to help protect the millions of H.O.A. residents throughout our state. At a time when we truly needed innovation to help speed foreclosures through the court process, to protect our citizens against developers who renege on their responsibilities, and to force banks to foreclose quicker and pay more in delinquent assessments, this bill ignores these real concerns and instead pretends to offer help through "feel good" but virtually **meaningless** proposals. Regardless, the remainder of this issue will discuss the highlights of the new laws which become effective July 1st, 2010.

ACCESS TO RECORDS



Florida Statute 720.303 was amended to now require owners who want access to their association's records to make their request by certified mail, return receipt requested.

Also, if the request exceeds 25 pages, or if the association does not have a photocopier machine, the association can have an outside agency or the association's management company make the copies and charge not only 50 cents per copy, but in addition, an hourly fee to make the copies. Also, despite the fact that the unit owners pay their salary, unit owners are not allowed access to copies of the personnel records of association employees, including information regarding discipline and payroll records.

CONDO CRAZE AND HOA'S



The firm's radio show "Condo Craze and HOA's" is now number one on the AM Dial in its timeslot according to Arbitron. The show broadcasts live from South Florida on Newsradio 610 WIOD, and is now also heard in Tampa on 1250 WHNZ every Sunday at noon. The show is also streamed live on the web at www.wiod.com and all previous shows are archived at www.condocrazeandhoas.com. Calls are taken live on the air at 866-610-NEWS, or you can e-mail your questions to condocraze@wiod.com and we'll do our best to answer them on the air as well.

EVICTING TENANTS



In an H.O.A., the law now allows the association to demand that the tenant pay their rent directly to the association, instead of paying it to their landlord, if their landlord becomes delinquent in paying any monetary obligation to the association. If the tenant fails to comply, the tenant can be evicted by the association.

SUSPENSION OF USE RIGHTS



Now in a Homeowners' Association, if a unit owner is delinquent for more than 90 days paying a monetary obligation due to the association, the association may suspend the right of a member or member's occupant, licensee or invitee to use common elements, common facilities or any other association property until the monetary obligation is paid. Under no circumstances however, can the association prevent a member from using areas that provide access to the parcel or utility services to the parcel. A suspension cannot be imposed unless the member is provided at least 14 days notice and an opportunity for a hearing 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. If the committee, by majority vote does not approve a proposed suspension, it may not be imposed. If the suspension is imposed, the association must provide the member written notice by mail or hand delivery.

FINES CAN NOW BECOME LIENS



Until now, a fine imposed by an HOA could not become a lien on a member's house. However, as of July 1st, 2010 the law has been amended to allow fines that equal or exceed \$1,000.00 to become a lien on a home. This means that if the fine is not paid, the association has the right to foreclose on the member's home in order to collect the fine. Just like a suspension however, a fine cannot be imposed unless the member is provided at least 14 days notice and an opportunity for a hearing before the committee.

COMPENSATION PROHIBITED



In a condominium, the law has been that unless stated otherwise in the bylaws, officers and directors shall serve without compensation. Until now, Florida H.O.A. law did not contain such a restriction. However, effective July 1st, 2010 a director, officer or committee member of a homeowners' association may not directly receive a salary or compensation from the association for the performance of duties as a director, officer or committee member and may not in any way benefit financially from service to the association. However, this does not apply if compensation is specifically authorized in the governing documents.

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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.