

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. 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.



THEY DID NOT DIE IN VAIN

When The Florida Legislature went home after the 2021 Legislative Session without passing a single change to Florida condominium safety laws, it was a slap in the face to the victims and their families. This firm was relentless and refused to give up. We wrote the Governor's Office demanding that this be corrected, we kept blasting Florida's legislators on Television and of course on the Condo Craze and HOAs radio and YouTube show. We kept fighting the fight. After all, we warned every member of The

Florida Legislature in May of 2018, of the pending disaster that faces The State of Florida if mandatory reserves are not passed. It took the loss of 98 lives to get the laws changed, but this firm is so proud to say after massive public pressure, The Florida Legislature passed and The Governor signed the most dramatic changes to Florida Condominium Safety Laws ever passed in the history of the state. This issue is devoted to teach all of you the massive changes to the laws that each and every condominium unit owner and especially, every single board must immediately learn and have respect for. No doubt that these laws will make it financially more difficult for many to purchase and many to even remain living in their condominium unit. Nonetheless, The Florida Legislature did the right thing and put lives and safety ahead of finances. The face of Florida condominiums have changed forever. If you have questions or concerns, call us.

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:

Fairways at Par Two condominium – Naples

Golden Dreams condominium – Miami Beach

Tamarac Gardens condominium - Tamarac

Townhomes of Quayside Lakeside condominium - Miami

Pompano Beach Club condominium – Pompano Beach

Elm Gardens condominium - Lauderhill

The Seasons condominium – Fort Lauderdale

Crystal Court Manor No. 7 condominium - Hollywood

Leeward condominium - Miami

Labelle Harbor condominium – Fort Lauderdale

Sereno Residences condominium – Bay Harbor Islands

CONDO CRAZE & HOAs



OUR BOARD CERTIFICATION 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 of classes you may register for. Eric is proud to have certified over 20,000 directors throughout the state.

OUR RADIO and YOUTUBE SHOW! It has been so much fun to broadcast the **Condo Craze and HOAs Radio Show** for the past fourteen years and now on **YOUTUBE**. 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 YOU CAN NOW WATCH every live and prior show on the Condo Craze and HOAs Channel on YouTube. You can also visit the show's website at www.condocrazeandhoas.com.

Other Board Certification Classes –for Condos and HOAs

AUGUST 25TH – ON-LINE BY ZOOM --- 6:00 P.M.

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

October 4th – Palm Beach, The Palm Beach Convention Center

October 11th – Broward at The Signature Grand

October 12th –Brandenton, at The Bradenton Convention Center

October 17th – Orlando at The Orange County Convention Center

October 27th – 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 28 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 100,000 attorneys in the state, approximately 195 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 is also a Florida Supreme Court Certified Arbitrator.

Richard Sachs has been practicing since 1994. He has been certified by the Florida Supreme Court as a Circuit Court mediator since 2002. He is also a Florida Supreme Court Qualified Arbitrator. Richard received the distinguished “AV” rating from Martindale-Hubbell in 2000 and has maintained that rating throughout his career. He is well respected by his peers as demonstrated by his being named to the list of *Florida Super Lawyers* and the list of the *South Florida Legal Guide’s* Top Lawyers, both since 2011.

Pennie Mays is Board Certified in Construction Law by The Florida Bar. Pennie was admitted to The Florida Bar in 2005. She has spent her 16 year career representing associations against developers and contractors and other commercial litigation.

Paul Kim is practicing since 2007. He 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 all legal matters that come 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

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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



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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.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





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 CONDO AND CO-OP LAWS EFFECTIVE JULY 1ST, 2022.



MANDATORY “MILESTONE” INSPECTIONS

It's hard to believe, but in every county except for Dade and Broward, a building never required another inspection after being built and originally granted its Certificate of Occupancy. That has changed. Now, each condominium 3 stories or higher must go through a Mandatory “milestone” Inspection after 30 years and every ten years thereafter if not within three miles of the coast and within twenty-five years and every ten years thereafter if located within three miles of the coast. A "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems as those terms are defined in s. 627.706, by a licensed architect or engineer authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is

not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.

A milestone inspection consists of two phases:



MANDATORY PHASE ONE --- For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report to the association and the local building official. It is this author's opinion that A Phase One inspection **will always result in a Phase Two Inspection for obvious liability reasons of the Phase One Inspector.**



PHASE TWO – Only If found to be necessary after the Phase One Inspection

A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. An inspector who completes a phase two milestone inspection is again required to prepare and submit an inspection report to the association and local building official. The local building official has the authority to require the association to make the repairs required by the architect or engineer who performed the Phase One and Two studies.



THE ASSOCIATION'S RESPONSIBILITY TO DISTRIBUTE AND MAINTAIN THE REPORTS

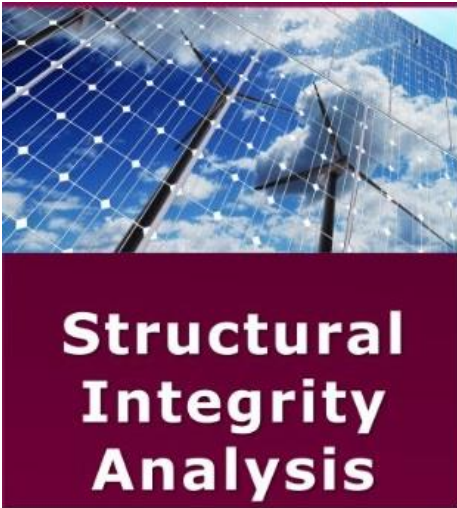
The association must distribute a copy of the summary of the inspection report (also prepared by the architect or engineer) to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector prepared summary on the association's website, if the association is required to have a website.



must be maintained by the association for 15 years after receipt of the report.

OFFICIAL RECORDS TO INCLUDE AND BE POSTED ON THE WEBSITE:

The official records now include (and where there are 150 units or more the association’s website must include) all structural integrity reserve studies, a copy of the mandatory inspection reports and any other inspection report relating to a structural or life safety inspection of the property. Such records



IN ADDITION: NOW REQUIRED, A MANDATORY STRUCTURAL INTEGRITY RESERVE STUDY

As we know and must admit, Florida law always allowed for two ridiculous things. First, instead of requiring licensed architects or engineers, the law allowed for unqualified people on the Board to perform their own reserve study on the building and determine the life expectancy of all of the condominium’s major components. Somehow, like fine wine many boards determined that the building was actually improving with age. That’s what happens when you let the people who have a financial interest in the reserve study prepare it.

That is no longer going to happen. The new law provides that Associations existing on or before July 1, 2022, must have a structural integrity reserve study completed by December 31, 2024, for each building on the condominium property that is three stories or higher in height. This study is required at least once every 10 years.



This means that starting with your budget for 2025, each condominium must perform a MANDATORY "Structural integrity reserve study" of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. **The visual inspection portion of the structural integrity reserve study must be performed by a licensed Florida architect and engineer.** The reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area. **FROM NOW ON..... THE EXPERT DETERMINES THE AMOUNT OF YOUR RESERVES – NOT YOU.**



The Mandatory Structural Integrity Reserve Study must include a study of the following items as related to the structural integrity and safety of the building:

- a. Roof. b. Load-bearing walls or other primary structural members. c. Floor. d. Foundation. e. Fireproofing and fire protection systems. f. Plumbing. g. Electrical systems. h. Waterproofing and exterior painting. i. Windows. j. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed in subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.



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.



CAN YOU STILL VOTE TO WAIVE RESERVES OR USE RESERVES FOR OTHER PURPOSES?

NO! Effective December 31, 2024, a unit-owner controlled association may **not** determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in the Structural Integrity Reserve Study.

WHAT ABOUT DEVELOPERS?

Before turnover of control of an association by a developer to unit owners, the developer-controlled association **MAY NOT** reduce the funding of the reserves. In fact, the developer must provide the association with its own mandatory structural integrity reserve study at turnover.

BREACH OF FIDUCIARY DUTY – DIRECTORS BEWARE!

If an association fails to complete a structural integrity reserve study such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1). Additionally, if the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed, such failure is a breach of the officers' and directors' fiduciary relationship to the unit owners under s. 718.111(1)(a).

RESPONSIBILITY OF THE MANAGEMENT COMPANY:

If a community association manager or a community association management firm has a contract with a community association that has a building on the association's property that is subject to s. mandatory inspections, the community association manager or the community association management firm must comply with that section as directed by the board.

DEVELOPER DISCLOSURE BEFORE SALE:

The Developer must provide the new buyer with: A copy of the inspector-prepared summary of the milestone inspection report and a copy of the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.

NON DEVELOPER DISCLOSURE PRIOR TO SALE:

Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of all of the following: The declaration of condominium, the Articles of incorporation of the association, the Bylaws and rules of the association, financial information required by s. 718.111, a copy of the inspector-prepared summary of the milestone inspection report and if applicable, the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study and The document entitled "Frequently Asked Questions and Answers" required by s. 718.504.

ERIC M. GLAZER: NYU B.A. 1989 Miami J.D. 1992 Bar Licenses: Florida; New York; and District of Columbia Admissions: U.S. Supreme Court; 11th Cir. Court of App.; S.D. Fla.; M.D. Fla.; N.D. Fla.; E.D.N.Y.; and S.D.N.Y. ADR: Certified Cir. Court Mediator, Board Certified in Condominium and Planned Development Law, 2018. FL. Sup. Ct. Qualified Arbitrator.

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