



Abundant Educational Opportunities Available

Fort Myers The News-Press, March 1, 2007

By Joe Adams

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March is likely the busiest month of “high season” in Southwest Florida. In addition to Spring Breakers, visiting relatives, and lots of other activity, March also brings a number of free programs for community association volunteers.

Many readers of this column tell me that they value educational opportunities, and are always looking for tips on how to do their job better. In this column, I try to keep local associations in tune with educational opportunities, no matter what the affiliation of the provider. If your group is putting on courses aimed at associations, let me know and they will be mentioned.

Here is a look some great opportunities in March:

March 1, 2007: Condominium-Cooperative Operations Class/CAI

Starting at 9:00 this morning, a free four-hour course called “Regulation of Residential Condominium and Cooperative Associations” is being held. The program runs until 1:00 p.m. at the Seven Lakes Condominium Association, 1965 Seven Lakes Blvd. The Seven Lakes Condominium Community is located directly across from the Bell Tower Shops in South Fort Myers. This course is being presented through Community Associations Institute (CAI), which provides educational programs through contract with the State of Florida.

The course focuses on how state and federal laws impact the operation of condominium and

cooperative associations, and will not be of interest to homeowners’ association members. The course reviews the Florida Condominium Act, the Florida Cooperative Act, and various other laws. The course also touches on fair housing laws, with a focus on avoiding discrimination claims, and how to operate a “housing for older persons” community. Other legal topics, such as assessment collection are also covered. This course is primarily geared toward board members and unit owners in condominiums and cooperatives, and does not count for manager education credits.

I am told by the CAI contact person that walk-in registration will be accepted at today’s program.

March 6, 2007: Financial Management and Legal Update/Edison College

Edison College is wrapping up the second year of its growing Community Association Officers Forum. This year’s series brought five programs to the Fort Myers area, which were held over the past several months, with great turnouts at most programs.

This year’s final program is called “Legal and Accounting Update: What’s New? What’s Coming?” Speakers will include a local CPA and an attorney. The program is being held on Tuesday, March 6, 2007 at the Hilton Garden Inn, 12600 University Drive, Fort Myers. The focus of this program is the ever-changing regulatory landscape involving budgeting, reserves, and financial record-keeping. According to Edison’s press release, participants will learn the latest

requirements in this “shouldn’t miss” session. This program does not count for manager credit.

Doors open at 8:45 a.m. The program runs from 9:00 a.m. to 11:00 a.m. Register at www.GuardianPropertyManagement.net or call 239-514-7432. You can also call toll free from Lee County at 888-514-7430.

March 8, 2007: Financial Management of Florida Condominium Associations/CAI

A free four-hour course called “Financial Management of Florida Condominium Associations” is being held on Thursday, March 8. The course runs from 9:00 a.m. to 12:00 p.m. and is also being held at the Seven Lakes Condominium.

This course details the process of preparing financial statements and using the Generally Accepted Accounting Principles (GAAP). It also will cover the three types of year-end financial statements and federal income tax filing responsibilities. It also discusses the purpose and importance of reserve studies and how to assess an association’s financial health. This course is primarily geared toward board members and unit owners in condominiums and cooperatives, and does not count for manager education credits.

You can reserve a space by calling Laura Hagan at 727-525-0962 or e-mail FLeducation@caionline.org.

March 10, 2007: Community Association Law Workshop/Becker & Poliakoff
The Law Firm of Becker & Poliakoff, P.A. (the Firm where I practice law) will be holding its annual Community Association Law Workshop on Saturday, March 10, 2007. The program is open to the public, and is free of charge. The event will take place at the Barbara B. Mann Performing Arts Hall, at Edison College. The facility is located at 8099 College Parkway, S.W., Fort Myers, Florida.

Registration begins at 8:30 a.m. The program starts at 9:00 a.m. and runs to noon (managers will be asked to stay a bit longer to sit for an examination for CAM credit). This workshop has been approved by the Florida Regulatory Council for three manager continuing education credit hours, but does not count as the “Legal Update.”

This year’s program focuses on insurance, the new “self-insurance” law, and related financial issues, including assessments, borrowing, the use of reserves, and budgeting issues. Legislation from 2006, as well as court opinions and arbitration decisions of interest will also be presented. ■

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Specific Rule Covers Placement of Satellite Dishes

Question: You mentioned in a previous article the Federal Communication Commission (FCC) rule on satellite dishes. Do these same rules apply to townhouses which are governed by a homeowners' association? L.L.E. (via e-mail)

Answer: In a typical townhouse community, the owners own the outside walls of their portion of the townhouse and the plot of land on which their townhouse sits. The rule adopted by the FCC, the "Over the Air Reception Devices Rule" (commonly referred to as the "OTARD Rule"), applies to viewers who place video antennas, including satellite dishes that are less than one meter (39 inches) in diameter, on property that they own and that is within their exclusive use or control. Therefore, a townhouse owner would be permitted to install a satellite dish in accordance with the OTARD Rule, on either an exterior wall owned by the townhouse owner or on the land owned by the townhouse owner, because those are areas owned by the townhouse owner and within the owner's exclusive use or control. The association would have the right to list preferred locations for the installation of individual antennas in its rules, or it may require that the color of the dish conform to the aesthetic standards of the community. However, any association rule may not impair the installation, maintenance, or use of the antennas used to receive video programming. In particular, the rule cannot unreasonably delay or prevent installation, maintenance or use; unreasonably increase the cost of installation, maintenance or use; or preclude reception of an acceptable quality signal.

Question: I know there are new laws restricting smoking in public places, like inside of restaurants. I thought I heard somewhere that there is also a law that talks about smoking at a condominium. Can you tell me if such a law exists? D.H. (via e-mail)

Answer: I believe you are referring to the Florida Clean Air Act. A previous version of this Act stated that a person may not smoke in a public place or at a public meeting except in designated smoking areas. Included in the definition of "public place" was the common areas of condominiums.

The current version of the Florida Clean Air Act states that a person may not smoke in an enclosed indoor work space (with several statutorily defined exceptions), and no longer includes any reference to the common areas of condominiums.

I do not know the specific reasons for the change to the Act. However, the legislative intent set forth in the previous version of the Act indicated that it was to protect the public health, comfort, and environment by creating areas in public places and at public meetings that are reasonably free from tobacco smoke. The current legislative intent set forth in the Act states that the purpose is to protect people from the health hazards of second-hand tobacco smoke and to implement the Florida Health Initiative as set forth in the Constitution of the State of Florida. The Florida Constitution provides that, as a Florida Health Initiative to protect people from the health hazards of second-hand tobacco smoke, tobacco smoking is prohibited in enclosed indoor work places.

It appears that a key change is that the Act was originally designed to protect the public health, comfort, and environment by creating areas free of smoke, whereas the current Act is designed to protect people from the health hazards of second-hand tobacco smoke in enclosed indoor work places.

Although the Florida Clean Indoor Air Act no longer has any provisions specifically relating to condominiums, it may be possible to amend the condominium documents on enact rules to establish

restrictions on smoking. The Association's attorney should be consulted to assist with such a project.

Question: My husband and I own a condominium on the beach. Recently there has been much discussion about the purchase of flood insurance. Our association has purchased the maximum flood insurance available through the National Flood Insurance Program, but the replacement value of the building is higher so it would appear that we are underinsured. Our declaration of condominium states that the association shall maintain flood insurance "in at least the amount required by the institutional first mortgagees." Since we are purchasing the maximum amount of flood insurance available under the National Flood Program, is the association obligated to purchase excess coverage flood insurance? D.R. (via e-mail)

Answer: The declaration provision you mention generally refers to a federal law requiring that federally related mortgages on property located in a special flood hazard area (SFHA), and on which flood insurance has been made available under the National Flood Insurance Program (NFIP), must carry flood insurance in an amount at least equal to the cost of the building (less estimated

land costs) or in an amount up to the maximum limit of coverage made available with respect to the particular type of property under the NFIP, whichever is less.

I presume your condominium is in a SFHA. Therefore, the answer to your question is that your association meets its obligation to carry flood insurance if it carries the maximum coverage available under the NFIP. You may be aware that the maximum amount of coverage available for a condominium building under the NFIP is \$250,000.00 per unit. You may also be interested to know that the maximum allowable coverage under the NFIP for the contents of buildings that are commonly owned by the members is \$100,000.00 per building.

Also important is the fact that individual condominium unit owners may separately obtain a Dwelling Policy under the NFIP which can cover personal property of the owner as well as cover shortfalls on the association's coverage relating either to improvements owned by the insured or to assessments. Your personal mortgage holder, if you have a mortgage, may require you to obtain such coverage. For more information on this issue, please visit the FEMA website at www.fema.gov/plan/prevent/floodins/condo_time.shtm. ■

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