A good time was had by all at the Annual CAI Gold Coast Holiday Party. Festivities were in full swing at the Embassy Suites in Palm Beach Gardens on November 30. Thanks to the generosity of the attendees, we had overflowing boxes of toy donations for Toys for Tots.

We are so thankful for our members for a fantastic 2018. We’re looking forward to an amazing 2019!
I have had the privilege of representing the CAI members, and working with a dedicated group Board of Directors as President for this past year and I am looking forward to next year.

I would like to thank the Board of Directors: Ryan Aboud, Joe Adamson, Jennifer Cunha, Kat Deal, Mike Eustace, Lorraine Megdanis, Jennifer Olson, Nicole Pare’, Steve Rappaport, Matt Reedy and Justin Zelikoff.

Joe Adamson’s term of office has expired. He has helped with the golf tournaments over the last 6 years we hope he will remain active on a committee. We thank him for his dedication.

Kat Deal, Optimal Outsource, has accepted a new job offer out of state and we congratulate her and wish her well. We thank her for her dedication and help with events for the last year.

We welcome Peter Rossi, Forge Engineering, onto the 2019 Board. Peter has been involved with several chapters of CAI for many years and brings to us lots of experience as a Board member from other organizations as well. Welcome Peter! We look forward to working with you.


We would also like to thank Sax, Sachs and Klein for their hospitality in accommodating the Board meetings at their office.

A very special thanks to our executive director, Michele Bilawsky. She has been the rock that holds the organization together and makes it all happen. Thank you.

Again, I thank you all for your support and help this past year. We did it as a team… we came, we saw and we accomplished and we had fun doing it. I am looking forward to an even more successful 2019.

I wish everyone a “Happy and Healthy New Year”!

Dave

Dave Lyonnais, CAI Gold Coast Chapter President
dave@cai-goldcoast.org
HAVE YOU SEEN OUR 2019 SPONSORSHIP PACKET? PLAN YOUR ENTIRE 2019 MARKETING PLAN WITH US IN ONE EASY STEP. VISIT OUR WEBSITE (WWW.CAI-GOLDCOAST.ORG) TO VIEW THE ENTIRE PACKET. ANY QUESTIONS, PLEASE FEEL FREE TO REACH OUT TO A BOARD MEMBER, OR TO OUR CHAPTER EXECUTIVE DIRECTOR, MICHELE BILAWSKY.
On Wednesday, December 19, 2018, the CAI Gold Coast Chapter held its Annual Meeting. At the Annual Meeting, the Board of Directors for 2019 was announced.

Your CAI Gold Coast Board of Directors:

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**Vice President:**
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**Secretary:**
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**Directors at Large:**
Ryan Aboud, Jen Cunha,
Matt Reedy, Peter Rossi, Justin Zelikoff
Join us on Thursday, January 17, 2019 as we learn about Pipeline Technology.
This class, presented by Ron Giles of SPT, & Lorraine Megdanis will offer 2 CEU in OPP/ELE.
As many of you are aware, there have been several changes to the Florida Statutes effective as of July 1, 2018. Several of our previous columns addressed many of these issues. One issue, in particular, that relates to homeowners’ associations, which is causing somewhat of a stir, is whether or not homeowners associations are now required to record their rules and regulations.

Several portions of Section 720.306, Fla. Stat., were amended this year relating to amendments to the Association’s governing documents. Included among the revisions to the statute this year is a sentence stating that “an amendment to a governing document is effective when recorded in the public records of the county in which the community is located.” It is not clear whether the legislature intended that this sentence require homeowners association to record their rules and regulations, when amended. However, several years ago, the definition of “Governing Documents” in Chapter 720, Fla. Stat., was amended to include rules and regulations, in addition to the Declaration of Restrictions, Bylaws and Articles of Incorporation. Therefore, reading these two portions of the statute together, there is an argument that, at least with regard to amendments to the rules that were approved after July 1, 2018, any such amended rules must be recorded in the public records for the county.

Since there is a possibility that some rule changes must be recorded as of July 1, 2018, but other rule changes need not be recorded prior to that date, homeowners associations may want to consider simply recording a full current set of their applicable rules and regulations in the public records to make sure everyone is on record notice of all applicable rules and restrictions that have been approved by the Board of Directors. Again, this is not required as the statute only applies, in our opinion, to rules adopted after July 1, 2018. However, for practical considerations and to make sure that every owner is on record notice of the existing rules, associations should consider recording all existing rules. Alternatively, associations may record a notice that the amended rules that have been recorded may not consist of all current applicable rules and that owners should contact their management to obtain full copies of all current and applicable rules and regulations.

As noted this statutory change does not apply to condominium associations. There is no comparable language in Chapter 718, Fla, Stat., requiring the recording of rules and regulations. However, for the reasons stated above, and in order to make sure all unit owners are on record notice of all applicable rules and regulations, condominium associations should consider voluntarily recording any applicable rules and regulations that have been adopted over the last several years.

Both condominium associations and homeowners associations must approve any rules and regulations that restrict the use of individual units or parcels (homes), with a 14 day written notice both posted on the property and mailed to all unit owners and homeowners in their applicable condominium and homeowners associations. In contrast, rules regulating common areas and common elements may be approved on 48 hour posted Board notice.

As such, it is important to consult with association counsel when adopting amendments to rules and regulations to determine applicable notice requirements and to determine the requirements relating to recordation of such rules.
Happy New Year!

We wish everyone a happy and healthy 2019!
Condominium Unit Buyer’s Check List, 
Due Diligence needed prior to purchasing in a Condominium Association

By Joel W. Meskin, Esq., CIRMS, CCAL Fellow, MLIS

During my tenure in the community association industry, I have touched in one way or another probably over 6,000 director and officer (“D&O”) Liability claims. I have sat back and thought at length what, if any, commonality there is between and amongst these claims. I have come to these conclusions and I presume that there are other community association professionals that would come up with more:

- Proposed Unit Buyer’s do not do their due diligence/homework before moving into a community association. This due diligence is critical for a Unit Buyer to understand what it means to buy into a community association, and the cost benefit analysis of what they are giving up versus what they are gaining. Once you buy in, your home is still your castle, but subject to the covenants, conditions and restriction you agreed to by signing your deed, and the rules and regulations of the association. "Ignorance of what you have agreed to is not a defense!" I cease to be surprised that many Unit Buyers do not have time to do their due diligence, but they have time to fight and litigate matters for years causing the association and its insurers to incur significant amounts.

- The second commonality is that many volunteer board members are very often the same Unit Buyers who did not do their due diligence. As a result, often their motivation for joining the board was to fight what they after the fact believe is not fair, or to try and change things that are in their self-interest as opposed to the best interest of the community association that is a foundation to the board member's fiduciary obligation.

- Finally, the volunteer board members often do not understand their role as a board member. This item will be an article in and of itself. At a minimum, there should be a requirement that a prospective board member should declare that they have read the governing documents and have asked any questions they may have to clarify their duties and obligations. Additionally, boards should have a mandatory annual board training. Many managements do this, but just as many, if not more do not. This can be done by their management company, local attorneys or one of the many CAI offerings you can get on line or a attend a course that CAI may make available.

A number of years ago, when my daughter and son-in-law thought about buying a condo. They presumed I would not recommend that they buy a condo. I surprised them by indicating that I had no problem with a condo. However, they must do their due diligence first! Their presumption was based on the many stories I shared with them over the years regarding association and unit owner problems, disputes and challenges, stories I could not make up. I believe, however, that 95% or more community associations in fact operate fine with minimal issues. I attribute this to my participation in CAI all around the country which exposes me to the good and not just the bad and ugly.

My daughter and son-in-law, the teaching coach and the engineer, asked me what due diligence I would recommend. The Condominium Unit Buyer’s Check List was the product of that question. The check list is equally applicable, but not limited to Cooperative Housing Corporations, Single Family HOAs, Commercial Condominiums, Townhomes and Timeshares. As a result of my daughter and son-in-law conducting their due diligence, they did not buy the condo. Specifically, the realtor and the unit owner at the 11th hour submitted a supplemental disclosure statement indicating that the tile flooring in the kitchen and the hardwood floors were installed on the second floor unit without board approval. The board would not grandfather this in, nor would the unit owner pay to have it remediated. I am curious whether the supplemental disclosure statement would have been submitted had they not pursued their due diligence.

It is my humble opinion that if 75% of Unit Buyers were to do a substantial amount of this due diligence, the potential problems and challenges would be significantly reduced. I further believe that if association boards and managers were to be asked these questions on a regular basis, this would have a very positive impact on the associations risk management. Accordingly, the Condominium Unit Buyer's Check List is just as valuable to the association and its board. On the one hand, the check list will weed out prospective Unit Buyers who do not fit in a common interest development and on the other hand it can act as an audit check list for the association.
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Please send an email to ced.caigoldcoast@gmail.com to become a member of the membership committee or visit our webpage at www.cai-goldcoast.org to become a CAI Gold Coast Member.

Welcome to all the new members that joined this quarter!

Rafael Carmona, Manager
Mackenzie Raehm, Manager
Austin Edwards-Address of Distinction; Chapter Business Partner
Alessandra Shahnazarian-Capital One; Chapter Business Partner
Thomas Ashely Cooper-Commonality Real Estate; Chapter Business Partner

Kathy Andreson-Entrusted; Chapter Business Partner
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