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CAI SE FLORIDA CHAPTER

304 Indian Trace

Suite 538

Weston, Florida, 33326

954-816-0661

Email: ced@cai-seflorida.org

Web: cai-seflorida.org

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Community Associations Institute (CAI) is a national organization dedicated to fostering vibrant, competent, harmonious community associations. For more than 40 years, CAI has been the leader in providing education and resources to the volunteer homeowners who govern community associations and the professionals who support them. Our members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to associations. Our local chapter serves over 400 members with annual events including Trade Show & Expo, Golf Tournament, CAM & Board Member Education events and so much more.

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UPCOMING EVENTS 2017 (subject to change)

- June 27: **HOT TOPIC-HOT BREAKFAST** *- Monthly Broward Breakfast Meeting
1-hour CE credit after breakfast. CAI CAM Members eat FREE!
- June 28: **MIAMI-DADE NETWORKER**- at Batch Gastropub
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- July 25: **HOT TOPIC-HOT BREAKFAST** *- Monthly Broward Breakfast Meeting
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Annual Day of Education and Trade Show (aka CAI-SEFL EXPO)



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- Oct 31: **HOT TOPIC-HOT BREAKFAST** *- Monthly Broward Breakfast Meeting
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*Check cai-seflorida.org for specifics of each "HOT TOPIC-HOT BREAKFAST."
Registration and payment links also provided online!

Friday, December 8th
Casino Night and Holiday Gala!
Save the Date!



From the Desk of the Executive Director

Jill Proietti, CED, ced@cai-seflorida.org



Greetings!

Summer is here, hooray! What a great first five months we had, hosting many Networkers where we meet and re-establish many invaluable connections. Let the good times continue into the next half of the year! We have two Networker events in June, Broward and Miami-Dade

respectively, and we hope to see you there!

You must check out our new **website**! A huge shout out to our chapter Media and Marketing Consultant, Jeff Solomon, who designed and implemented the dynamic and progressive website, which is also mobile friendly and super interactive. Great job Jeff! He handles all of our marketing, including our flyers (and this magazine) for the chapter (in addition for many of our members). So, if you are ever in need of any marketing materials, online help, and general business support, he is the one to turn to and happy to help.

Our Annual Sponsor Appreciation Dinner was on Wednesday, May 17th, once again at the beautiful Pier 66 Pier Top room. There were 100 sponsors and scholarship recipients in attendance, who had blast as we celebrated them for their contributions to the chapter. Our hope is that you will be supporting our Chapter Sponsors by using their services and supporting them, just as they support us!

We will hold our Annual Expo once again at Gulfstream Park. This year we will feature an Oktoberfest theme! There will be many surprises in store, so please make sure you mark your calendars for Thursday, October 5th. Booths are available along with sponsorships. Check out the website – www.cai-seflorida.org for further details...or call me!

Stay tuned for details surrounding our Annual Casino Night/Holiday Gala, which will be held on Friday, December 8th. Please save the date and join us as we celebrate the holidays with our friends and colleagues!

Please check our website regularly for all of our upcoming events and happenings; you wouldn't want to miss anything! Our chapter is continually evolving and welcomes your ideas and participation on our committees. Fresh ideas are always the best!

We always encourage suggestions so that we may bring you all the programs you, as members, are interested in. Please feel free to email me at ced@cai-seflorida.org or call 954-816-0661.

I look forward to seeing you at our next event!

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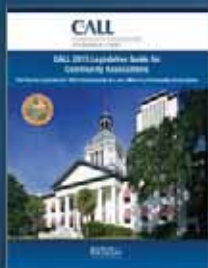
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We welcome our new (and renewed/re-joined) Chapter Members! In this issue we cover February 26, 2017 to May 26, 2017. New members highlighted in bold. See you at our next event!

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Congrats to our 2017 Scholarship Recipients!

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Construction Defects and the Four-Year Statute of Limitations: A Trap for the Unwary

By Paul P. Terry, Jr.



Community Associations Institute Educated Business Partners

Most community managers know about the 10-year statute of limitations for construction defects, but far fewer know about the shorter four-year statute of limitations. Failure to act within the four years can bar an association from recovering for major and costly construction defects, such as roof leaks and cracking stucco.

The 10-year statute of limitations runs from the date the certificate of occupancy was issued, the date the contract with the engineer or contractor was completed, or the date of actual possession by the owner, whichever date is latest. If the 10-year limitations period expires, then the association's entire claim is barred.

The four-year statute of limitations is different in two respects. First, it starts to run from the time the defect is discovered or should have been discovered with the exercise of due diligence. For defects that are visually apparent (called "patent defects"), the time starts to run from the same date as the 10-year statute of limitations would start to run (described above).

For defects that are not visually apparent (called "latent defects"), the time starts to run when the association actually discovers a defect, or should have discovered the defect. A common example is with roof leaks. If an association has been dealing with roof leaks for more than four years, the statute may have expired. Alarming, the time will start to run even if the builder or roofer is performing repairs or issues an extended warranty (although you may be able to sue for breach of the warranty). The lesson here is that whenever an association is experiencing construction defects, the association should promptly consult with an experienced construction defect attorney. Waiting to act, even where the contractor is performing repairs, can bar a claim for that defect.

The good news is that the four-year statute of limitations runs on a defect-by-defect basis. This means that the four-year limitations period can expire for one defect but not for another. The association's knowledge of a defective roof because there are roof leaks does not necessarily mean that the association has knowledge of defective stucco.

Particularly for new managers or new board members, it is important to recognize the existence of construction defects that prior boards or managers may have known about but not acted on. The time to file a claim may already be running even though you have only recently learned of the problem.

CAI Business Partners are indispensable to the community associations they support with their guidance, products and services. CAI education helps these businesses and professionals differentiate themselves in the competitive community association marketplace.

Business Partner Essentials is a two-part, online course to help CAI-member product and service providers better understand CAI, community associations and the industry at large. Individuals who pass the course and maintain CAI membership earn the CAI Educated Business Partner distinction, gaining special recognition among thousands of companies and professionals who support common-interest communities—accountants, attorneys, bankers, insurance professionals, landscapers, painters, reserve specialists, software providers and many others. Congratulations to the Southeast Florida Chapter BP's who completed this program:

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- Gregorio Batista, G. Batista & Associates
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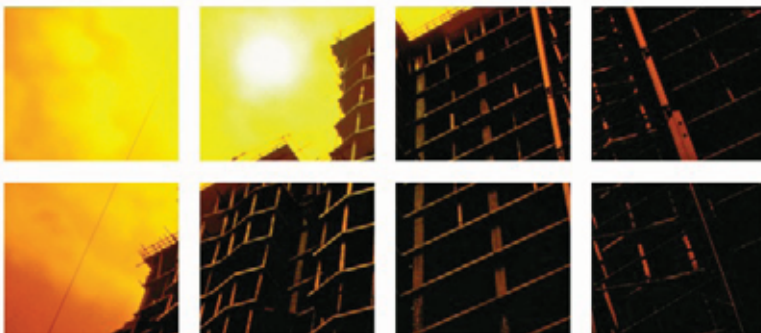
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Estoppel Bill Headed to Governor - New Estoppels Must Contain Certain Information

By Lisa A. Magill, Esq., Kaye Bender Rembaum, Attorneys at Law



If you're following legislation pertaining to community associations you probably heard that SB 398 obtained the requisite approvals from the Florida House and Senate, possibly ending the years-long battle over estoppel certificates. An "estoppel certificate" is a signed document establishing certain facts related to a particular transaction. The certificate is aptly named, as the person or entity issuing the estoppel certificate is "estopped" from later claiming the information is not true or correct.

Community association leaders and CAMs should be familiar with the term "estoppel" as a defense to enforcement of use restrictions. The term refers to a legal principle that precludes someone from maintaining a position contrary to previous position if that would cause harm or costs to someone who relied on the initial position. This defense is also sometimes referred to as "detrimental reliance".

The estoppel certificate is a statement on behalf of the association as to whether there are any amounts owed by a seller before a buyer moves forward with purchasing a property. The estoppel traditionally listed amounts past due, the amounts of the periodic assessments (monthly maintenance payments) and whether there were any special assessments levied or contemplated. This information enabled the title company to ensure that all past due amounts were paid at the time of the closing to protect the buyer and the lender desiring to secure its first priority position in the event of a default.

The new law (if approved by the Governor) changes what associations must include in the estoppel certificate. The changes are important to understand, especially if various sources are required to assemble the information. The information is listed below:

GENERAL INFORMATION

1. Date of Issuance;
2. Name of the owner of the property to which the estoppel information pertains;
3. The property designation and address;
4. Any assigned parking or garage space;
5. Contact information for the association's counsel if the account is in collection;
6. The amount of the fee for preparation of the estoppel; and
7. Identify the person/entity requesting the information.

ASSESSMENT INFORMATION

1. Payments required on a periodic basis for "regular" assessments, including the required frequency of payment;
2. Date through which payment has been received;
3. The date due and amount of the next "regular" payment;
4. Itemized list of any amounts currently due; and
5. An itemization of the amounts to become due while the certificate is pending.

continued on page 24



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How To Choose the Right Painting Contractor Based on Time and Quality of Work

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Choosing the right painting service can be a difficult thing to do especially if you want to hire one for a big commercial or residential improvement project. As a consumer, it is understandable that all you want to have is the highest quality output in exchange for the money that you invest. The dilemma is that the most affordable painting estimate isn't usually the best value. With the absence of right information, consumers like you can be simply misled by too good to be true price alone.

Time vs. Quality

The time is money saying might be an old adage, but it does hold true when it comes to painting your commercial or residential property. The painting estimate's bottom line basically reflects the required period of time to complete the project. While this is not always the case, you can assume that a costly painting estimate would allow a much longer period of time to totally complete the painting job. Conversely, a more affordable estimate would reflect a much quicker completion of the painting project.

On the other hand, not all painting service providers have the same point of view of what a professional painting job should really be. As a matter of fact, some painting contractors are focusing on delivering high quality service, while others focus on the time needed to complete a certain painting project. A typical painting quotation and estimate can include thorough covering and masking, professional paint application, meticulous surface preparation, as well as the utilization of

premium quality paints. However, painting contractors that specialize in providing affordable services to their customers prefer to use time saving techniques of service. Painting preparation is a painting component in which a considerable amount of time can be saved. Another way to keep your painting project low of costs is to opt for cheaper grade paints and painting service, but you should be ready for the consequence the quality of the output may bring.

Furthermore, the result of a painting job is not only based on the time spend in order to complete it. A reputable painting company that employs highly skilled, talented as well knowledgeable painters that can work efficiently and effectively can be able to provide a better painting service in the same amount in the same time frame as a poorly run painting contractor that has much higher rate of employee turnover.

Therefore, before you seek the help of a particular painting company, you should also take into account all your budget expectations and outcome. After you have come up with the right outcome and budget plan, look for the most reliable and professional painting contractor that could best match your own preferences. A very cheap estimate for a painting project may not totally meet or exceed your expectations of quality service. Thus, a painting project proposal that is primarily based on the quality of work might be a budget buster. When you hire professional commercial painters, it is essential that you weigh first the time and quality of work that they can be able to offer you.



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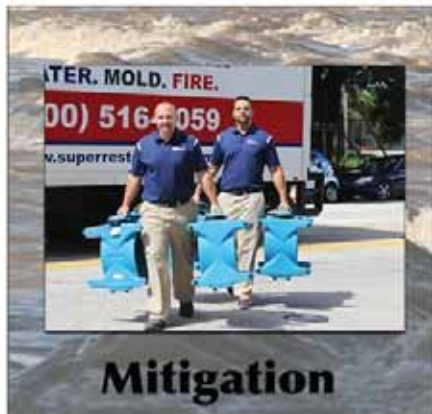
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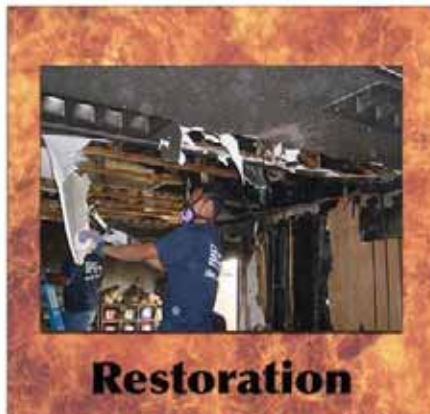
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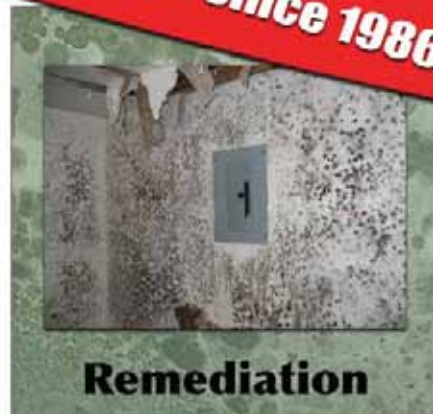
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Roofing problems seem to show up at the worst possible times and, often, in the worst possible places. They also can quickly turn from small drips into large, costly headaches. Among the numerous options managers have in trying to prevent roof leaks and other problems is the use of roof coatings. Options in coatings have expanded and evolved in recent years as manufacturers seek to address customer demands for performance, flexibility and cost-effectiveness. To make smart coating decisions for their facilities' roofs, managers need to answer three questions related to specification, coating type, and post-installation inspection and maintenance.

What shape is it in?

Managers need to understand the condition of the roof in question before deciding on whether or not to apply a roof coating. Is the goal to preserve and maintain a roof that is performing relatively well, or is it to repair and restore a roof that has developed leaks?

"A reflective coating would be a good choice for a facility looking to preserve a roof and make it more reflective," says Michelle Carlin with GAF. "A liquid membrane is a fabric-reinforced coating system that restores a roof by forming a fully adhered and seamless roof system. This liquid-applied membrane is a system that a facility might choose for restoring a roof that has begun to show signs of failure via leaks or cracked seams."

Weather and climate conditions, as well as the type of facility, also should play a part in the decision. Managers in facilities such as schools and hospitals with occupants who could be sensitive to solvent fumes should specify odorless coatings.

Silicone roof coatings tend to be more resistant to grease, fats and oils than water-and solvent-based coatings.

"That makes them a better choice for use on restaurants, airports, food processing facilities and other commercial buildings," Kate Baumann with Mule-Hide Roofing Products says. "The other things to look at are temperature, weather, humidity and other climatic conditions likely to be faced during and just after the coating application."

Silicone and solvent-based coatings are more cold tolerant than water-based coatings, Baumann says. Technicians should conduct adhesion tests following the coating manufacturer's specifications to make sure the coating selected will adhere properly to the substrate.

Coatings are not always the solution, however.

"Managers should look at all solutions," Baumann says. "Coatings are often an excellent choice, but sometimes there are other choices with reroofing, and you really need to take the soundness of the current roof under consideration and make an educated decision overall with all of the choices."

Managers who do decide to apply roof coatings could see multiple benefits for their facilities, both immediate and long-term.

"Coatings have always had an edge when it comes to benefits for facilities," Carlin says. "Facilities save money on initial installation costs, they save money by choosing a reflective coating, and they save money by allowing existing roof components to perform better."

Because coating application can take place while occupants are in the building, the process does not need to disrupt them or their activities. Reflective coatings have been proven to save facilities up to 30 percent on cooling costs, Carlin says. Coatings also help address the urban heat island effect by not contributing to a rise in surrounding air temperatures.

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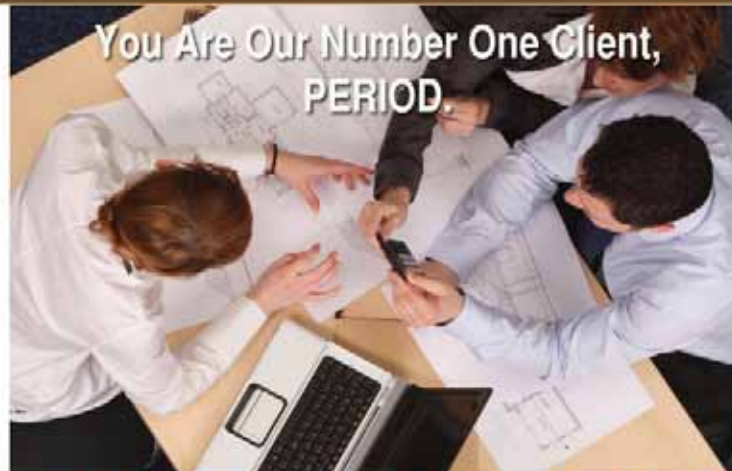
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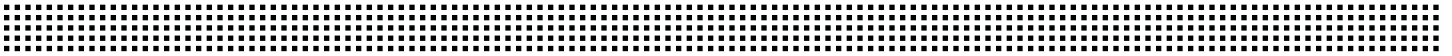
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Condo Crimes & Conflicts of Interest

Lisa A. Magill, Esq., Kaye Bender Rembaum, Attorneys at Law



A Florida Bill creating additional costs and burdens for condominium associations is about to become law.

I believe most Floridians support toughing up on abuses in condominium associations. The Division of Florida Condominiums, Timeshares and Mobile Homes and law enforcement must have the tools they need to ferret out theft, forgery, self-dealing, conflicts of interest or other wrongdoings and punish those purposely violating the law. That goes without saying.

However, Florida CS/HB 1237, approved by both the House and Senate contains provisions seemingly intended to increase transparency, but likely will increase costs and administrative burdens for condominium associations. These additional costs will be passed through to the members, leading to budget increases for those communities with more than 150 units.

Association records maintenance is very important for compliance with regulatory requirements. Each and every owner's right to inspect Official Records must be preserved. After all, the unit owners pay the bills. Are the existing laws adequate? Pursuant to the current statutes, members are entitled to request access to a whole host of records including financial records, meeting minutes, contracts and correspondence. Associations that fail to provide access are subject to penalties and exposure for opposing party attorney fees. The statutes also call for civil penalties against any individual who defaces, destroys or intends to cause harm to the members by failing to create or maintain the records listed in Section 718.111(12), Florida Statutes.

Disputes concerning maintenance and access to records cause a tremendous amount of strife in

community associations. In some cases association leadership is somewhat lax so the records are not maintained exactly as contemplated by statute. Leadership efforts to purposely withhold access to Official Records does happen from time to time. On the other hand, condominium unit owners frequently use their record inspection rights to harass and annoy board members and management.

This bill, if signed into law, would require condominium associations to allow renters to access certain records. Associations with more than 150 units will be required to post (upload) copies of the following documents on websites created for this purpose. Associations without websites or use of websites, web portals or web pages will need to create them or hire third-parties to do so. The website must contain:

1. The recorded declaration with all amendments;
2. The recorded bylaws with all amendments;
3. The articles of incorporation with all amendments and current rules;
4. All management contracts, leases or other contracts where the association is a party of which unit owners have obligations;
5. Summaries of bids for materials, equipment or services;
6. The adopted annual budget and any proposed budget to be considered at the annual meeting;
7. The year-end financial reports required by statute;
8. Each director's self-certification or evidence of participation in a Division approved educational program;

continued on page 26



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Estoppel Bill to Governor

-continued from page 10

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3. Whether the governing documents require the buyer to be approved and if so, whether the buyer has been approved;
4. Whether the association has a right of first refusal;
5. A list of and contact information for any other associations governing the property;
6. Contact information for insurance verification; and
7. Contain the signature of an officer or authorized association agent (management, etc.).

Estoppel fees are likewise addressed in the bill. The fee charged for a typical estoppel cannot exceed \$250, but additional fees apply under special circumstances. The association is not entitled to any fee if they don't meet the 10 business day deadline. Remember, the amount of the fee must be designated by the board in a written resolution or stated in a contract. If the transaction does not close the association must return the fee, requesting reimbursement from the owner of the property concerned.

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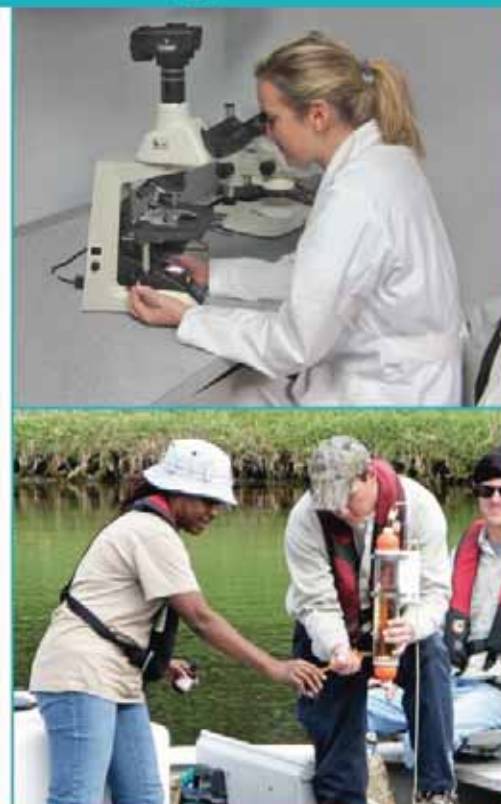
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Continued from page 22



9. All contracts or transactions between the association and any director, officer, corporation, firm or any other entity in which an association director is financially interested;
10. Conflict of interest disclosures; and
11. Notices and agendas for both membership and board meetings.

Who will perform these services? Will volunteers undertake these obligations? What if the leadership isn't computer or internet savvy? Many associations will need to rely upon vendors to perform these services or expect management to absorb these responsibilities. Management companies may have to hire additional staff to account for the extra work load. All of this likely translates to increased costs to the unit owners. In fact, many service providers have already indicated their platforms are perfectly suited for compliance with the new law.

Additionally, associations will have to file a report with the DBPR containing the names of all the financial institutions with which it maintains accounts on an annual basis.

This Bill dramatically changes recall procedures. Admittedly, many recall efforts that should be certified by the board wind up in arbitration. That is unfortunate but at the conclusion the rightful board controls operations. Eliminating recall arbitration after a board fails to certify the recall means that wrongfully removed board members will have to defend their positions as individuals. Board members will either have to accept their fate or file a petition for arbitration at their own expense. Critics complain the lack of DBPR arbitration for recall certification will lead to more abuse. Defective recall efforts may result in illegitimate board turnovers or litigation between those that claim to be the "lawful" board of directors.

Other portions of the bill have been criticized for "criminalizing" certain other activities. These initiatives were largely in response to the scathing Miami-Dade grand jury report issued earlier in the year. The report found tremendous abuse associated with elections, conflicts of interest and association records. Records were purposely withheld in some cases and modified in others. The bill emphasizes that forgery of ballot envelopes or voting certificates is a crime punishable by law. Destruction of or the refusal to allow inspection or copying of an official record of a condominium association within the time periods required by law in furtherance of any crime is punishable as tampering with physical evidence or as obstruction of justice. This will hopefully make community leaders and those who serve community associations think twice before shirking or intentionally avoiding corporate responsibilities created by statute.

Bill drafters combat conflicts of interest by prohibiting the attorney representing the association from also representing the management company serving the association. This is, for the most part, common sense, except as may be necessary for the attorney to defend management pursuant to an indemnification agreement or in connection with disciplinary complaints filed after management followed board instructions. Additional restrictions are placed against associations contracting with companies associated with board members and purchasing units at foreclosure sales.

Civic activists from Miami-Dade celebrated passage of the bill in Tallahassee. The ultimate effects should become known over the next several years.

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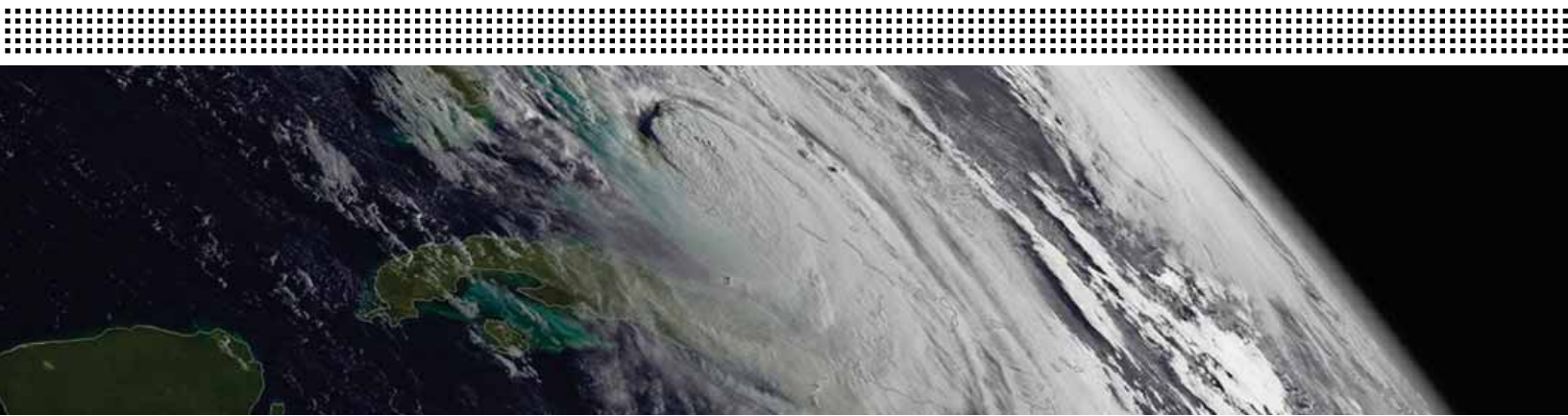
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Above Normal Atlantic Hurricane Season Is Most Likely This Season

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For the 2017 Atlantic hurricane season, which runs from June 1 through November 30, forecasters predict a 45 percent chance of an above-normal season, a 35 percent chance of a near-normal season, and only a 20 percent chance of a below-normal season.

"As a Florida resident, I am particularly proud of the important work NOAA does in weather forecasting and hurricane prediction," said U.S. Secretary of Commerce Wilbur Ross. "These forecasts are important for both public safety and business planning, and are a crucial function of the federal government."

Forecasters predict a 70 percent likelihood of 11 to 17 named storms (winds of 39 mph or higher), of which 5 to 9 could become hurricanes (winds of 74 mph or higher), including 2 to 4 major hurricanes (Category 3, 4 or 5; winds of 111 mph or higher). An average season produces 12 named storms of which six become hurricanes, including three major hurricanes.

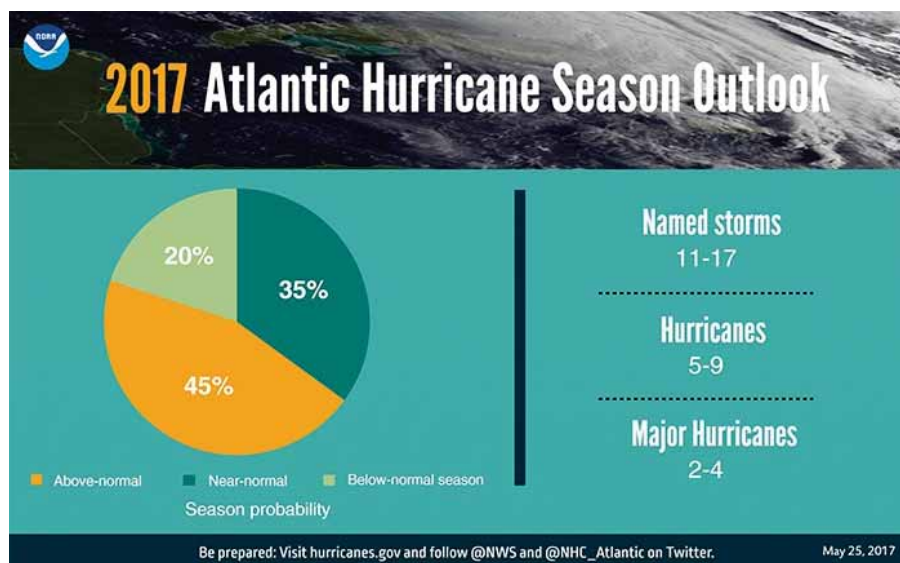
Caribbean Sea, and average or weaker-than-average vertical wind shear in that same region," said Gerry Bell, Ph.D., lead seasonal hurricane forecaster with NOAA's Climate Prediction Center.

Strong El Ninos and wind shear typically suppress development of Atlantic hurricanes, so the prediction for weak conditions points to more hurricane activity this year. Also, warmer sea surface temperatures tend to fuel hurricanes as they move across the ocean. However, the climate models are showing considerable uncertainty, which is reflected in the comparable probabilities for an above-normal and near-normal season.

"NOAA's broad range of expertise and resources support the nation with strong science and service before, during and after each storm to protect lives and property and enhance the national economy as we continue building a Weather-Ready Nation," said Ben Friedman, acting NOAA administrator. "From our expert modelers to our

dedicated forecasters and brave crews of our hurricane hunters, we'll be here to warn the nation every step of the way this hurricane season."

"Regardless of how many storms develop this year, it only takes one to disrupt our lives," said Acting FEMA Administrator Robert J. Fenton, Jr. "Get ready now with these easy, low-cost steps that will leave you better prepared and will make all the difference: Have a family discussion about what you will do, where you will go and how you will communicate with each other when a storm threatens; Know your evacuation route; tune into your local news or download the FEMA app to get alerts, and finally – listen to local authorities as a storm approaches."



These numbers include Tropical Storm Arlene, a rare pre-season storm that formed over the eastern Atlantic in April.

"The outlook reflects our expectation of a weak or non-existent El Nino, near- or above-average sea-surface temperatures across the tropical Atlantic Ocean and

The 2016 season was the most active since 2012, with 15 named storms, including 7 hurricanes and 4 major hurricanes.

NOAA will update this outlook in early August, just prior to the peak of the season.



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