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- Mar. 27: **HOT TOPIC-HOT BREAKFAST *-** Monthly Broward Breakfast Meeting 1-hour CE credit after breakfast. CAI CAM Members eat FREE!
- Mar. 29: **MIAMI-DADE NETWORKER-** at Ball & Chain in Little Havana. CAI CAM Members eat FREE! - visit CAI-SEFLORIDA.ORG
- Apr. 6: **The 2018 CAI-SEFL GOLF TOURNAMENT** presented by Best Roofing
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- Apr. 26: **ANNUAL SPONSOR APPRECIATION DINNER** Pier 66, Ft. Lauderdale, 6pm to 10pm
- May 9-12: **2018 ANNUAL CONFERENCE & EXPO in Washington D.C.-** visit caionline.org for details!
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From the Desk of the Executive Director

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



Greetings!

As we embark further into 2018, we are making plans for the year, including our famous networking mixers! We have two scheduled for March, with the first one in Ft. Lauderdale at a new location, Cash

Only, on March 22nd! Then we return

to our 3rd Annual Ball & Chain extravaganza, on Thursday, March 29th, always a fan favorite, challenging Networker attendance records! Stay tuned to our website, cai-seflorida.org, for future happenings. Our monthly Hot-Topics Breakfast at Jacaranda County Club continues to be very popular. Manager members enjoy the hot topics (with CEU), hot breakfast, and networking opportunities!

Our 2018 Annual Golf Tournament, presented by Best Roofing, takes place on Friday, April 6th, at Jacaranda Country Club. Each year the tournament gets bigger and better and we are anticipating this year to be no exception. We had a total of 164 golfers last year, so if you never golfed with us, why not join in on the fun? There are games, raffles, drinks and oh, yes, golfing!! The awards dinner after golf is always top notch! Please visit cai-seflorida.org to check out the sponsors that have already signed up and if you are interested in sponsoring or golfing, simply call or email and I will assist with your request. In addition, participation with our golf event this year will help benefit those affected by the tragic events at Marjorie Stoneman Douglas HS.

Our Annual Sponsor Appreciation Dinner will be Thursday, April 26th, once again at the beautiful Pier 66 Rooftop. If you are interested in attending, you better act fast, as these tickets sell out almost every year. A big **Thank You!** to our Chapter Sponsors...you are the reasons our chapter continues to thrive and grow, and is the successful chapter we are!

Our 2018 Annual Expo is scheduled for September 20th at a brand new venue – Pembroke Pines Civic and Cultural Center. Stay tuned for further details as we are currently in the planning stages.

Please check our website regularly for all of our upcoming events; you wouldn't want to miss anything! Our chapter is continually evolving. We welcome your ideas and participation on our committees...we can't do it without you.

We always encourage suggestions so that we may bring you all the programs you, as members, are interested in, so 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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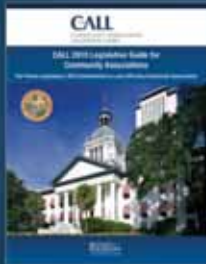
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We welcome our new (and renewed/re-joined) Chapter Members! In this issue we cover September 15, 2017 to March 10, 2018. New members highlighted in bold. See you at our next event!

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Defibrillators: Is the Liability Worth the Risk?

By Jeffrey Rembaum, Esq., Kaye Bender Rembaum



According to the American Heart Association, sudden cardiac arrest (“SCA”) is a leading cause of death in the United States. It is estimated that more than 350,000 lives are taken each year due to the abrupt loss of heart function. However, with technological advances, the number of deaths due to SCA have been lowered through the use of an automated external defibrillator (“AED”). An AED is a portable medical instrument that delivers an electrical impulse to the heart to disrupt and correct an otherwise fatal irregular heartbeat (arrhythmia) and allows a normal rhythm to resume. Although AEDs have been credited with saving countless lives by making it possible for non-medical individuals to respond to a medical emergency, the question must be asked: “Is the liability worth the risk?”

The purchase and availability of AEDs is controlled by state and federal laws and regulations. Pursuant to Florida law, AEDs are required to be installed in public schools, dental offices, and assisted living facilities. AEDs are optional in state parks and state owned or leased facilities. There is **no requirement** that community associations in Florida install AED devices on association property and/or association fitness facilities. Although not legally required, there is a growing trend of community associations considering installing AEDs on association property to better protect their residents. When considering whether or not to install an AED device, associations must ensure that all parties (i.e., association management, board of directors, residents, and any other authorized user) understand the potential liability associated with the use of an AED and the protections afforded to them under Florida law.

“The Cardiac Arrest Survival Act” (“Cardiac Act”) codified in section 768.1325 of the Florida Statutes was enacted by the Legislature in order to encourage consumer purchase, placement, and use of AEDs. The Cardiac Act **only applies** to situations in which an AED is used to resuscitate an individual. In situations not involving an AED, the “Good Samaritan Act” codified in section 768.13 of the Florida Statutes applies. The Good Samaritan Act provides that:

“Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment...at the scene of an emergency outside of a hospital, doctor’s office, or other place having proper medical equipment, without objection of the injured victim[s], shall not be held liable for any civil damages... where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.”

The Cardiac Act shields the AED’s owner and its operator who used it in an effort to render aid from liability in the event of a perceived medical emergency. A perceived medical emergency occurs when a **reasonable person** believes that an individual is experiencing a life-threatening medical condition involving the heart that requires an immediate medical response. Pursuant to the Cardiac Act, the user of an AED is immune from liability for any resulting harm from the use or attempted use on the victim if:

1. *There is a perceived medical emergency; and*
2. *No objection is made by the victim against the use of the device on their person.*

continued on page 22

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To Spring, Or Not To Spring, Into An Association Loan?

By Lisa Elkan, VP of Alliance Association Bank, a division of Western Alliance Bank and
Josh Ormiston, VP of Association Lending, Western Alliance Bank



If an association is contemplating a capital improvement project, they may be considering taking out a loan. If this is the case, there are some key factors to consider before getting too far into the lending process. The first step will be to determine if an association is allowed to borrow and what actions need to take place in order to be able to legally proceed with a loan agreement.

This is the stage where an association will want to involve their legal counsel who will be familiar with the association's governing documents, as well as the state laws regarding associations. In order to close a loan, their association attorney will be asked to provide an opinion letter certifying the validity of the transaction, so an association should be aware of the following:

1. *Allowance to enter into a loan agreement.*
2. *Allowance to pledge assessment income as security for the loan.*
3. *Knowledge of what approvals need to take place in order to execute such a transaction.*

Once that has been determined that they have the ability to enter into a loan agreement, they will need to determine what means will be used to repay the loan. For smaller loans, an increase to regular monthly assessments may be a feasible way to make loan payments. Another option could be to implement a special assessment wherein each unit owner would pay up front or participate in the loan.

In either of these cases, board or homeowner approval(s) necessary to implement the desired repayment structure must be considered. It is not necessary to have the repayment structure

implemented prior to applying for the loan, but in most cases the repayment structure will have to be approved before closing the loan. That being said, implementing an increased regular assessment or a special assessment, prior to obtaining a loan, may be a good way to demonstrate to a bank that an association has both community support and the ability to repay the loan.

At this point, an association is probably ready to engage a bank. It is advisable to utilize a bank that specializes or has significant experience with association lending. When applying for a loan the bank will want to know the type of loan and term being sought. For large lengthy projects, there will most likely be the option of entering into a non-revolving line of credit for the construction period. These lines are typically six to twenty-four months, and give an association the option for interest only payments during the construction period. Upon expiration or at the end of construction, the line will be converted to a fully amortizing term loan. A typical term loan will be from three to fifteen years in length. It is important that the loan length not exceed the useful life of the improvements being financed. Alternatively, if the project is short-term or small in size, it may make sense to forego the non-revolving line of credit and enter into a term loan immediately.

When a bank evaluates a loan request, there are some financial performance metrics that may be used to gauge the credit risk of an association. The following are some of these metrics that a bank may consider during the underwriting process. It may be possible for an association to improve in some of these areas prior to applying for a loan.

Continued on page 29

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How Can There Be Too Many Pond Nutrients?

by: Paul Conti, Environmental Scientist, SÖLitude Lake Management



Lakes and ponds are home to many aquatic plant species that function as food sources for fish and animals, and provide aesthetic beauty to onlookers. In order to maintain this kind of life in any pond, nutrients must be present. Among many types of nutrients found in a waterbody, the most significant nutrients are phosphorous and nitrogen. Despite the importance of these nutrients for aquatic health, an overabundance can cause serious issues. For the effective management of a community lake or stormwater facility, it is important to understand why a healthy balance of nutrients is critical to sustaining a waterbody, as well as ways to encourage this balance when the ecological health of the aquatic system is threatened.

The Life of a Waterbody

The presence of plants, algae, and other aquatic life in a pond is proportional to the concentration of nutrients: the more nutrients present, the greater potential for plant and algae growth. During the early stages of a waterbody's life, it has little to no nutrients present (oligotrophic). Due to the lack of nutrients, life in oligotrophic waterbodies is nonexistent or extremely scarce. Over time, lakes and ponds naturally accrue nutrients through outside sources and become moderately able to sustain life exist in balance (mesotrophic). Following a mesotrophic state, a pond can become overabundant in nutrients (eutrophic). The change in nutrient concentration is a natural process that eventually happens in all waterbodies. The rate at which it occurs is highly dependent on a number of factors, with nutrient loading become one of the most common causes.

Common Nutrient Sources

Nutrients accumulate in ponds from outside sources of organic matter. When this organic matter decomposes, the nutrients that once composed the matter are released into the surrounding water. Runoff from industrial practices, agriculture, and residential communities are large contributors to excess nutrient loads in a waterbody. Waste from pets and lawn fertilizers often get washed into waterways, stimulating plant and algae growth. This extreme addition of nutrients accelerates the eutrophication process, prematurely aging one's pond.

Other sources of nutrients are groundwater, stream flow and surface water runoff. The composition of nutrients found in these water sources is largely dependent on surrounding geology, soil type and land use.

Algae & Weed Growth

Once waterbodies are deemed eutrophic, the high presence of nutrients can cause dangerous amounts of plant and algae growth. The high volumes of plants and algae can then trigger rapid decomposition events. When bacteria decompose plants and algae, large amounts of oxygen are consumed. When dissolved oxygen is absent from a pond, life cannot be supported, and fish kills may take place. The decrease in oxygen also leads to a higher volume of anaerobic bacteria. Anaerobic bacteria is very inefficient at breaking down muck and organic matter, allowing material to accumulate at the bottom of a lake or pond. On top of that, anaerobic bacteria release pungent odors.

Continued on page 26



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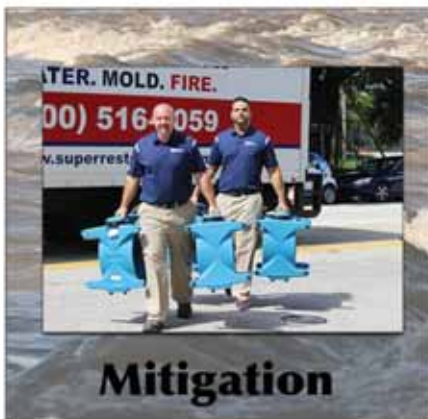


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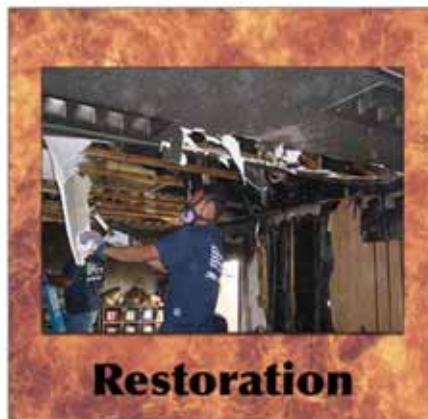
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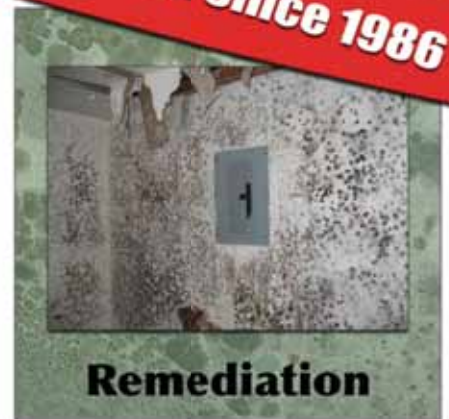
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2018 Hurricane Season: Strongest Cycle in 70 Years

721News.com



Global Weather Oscillations (GWO) was cited by news media as the only major hurricane prediction organization that correctly predicted the hyperactive 2017 Atlantic hurricane season from beginning to end, and the destructive United States hurricane landfalls.

The media also noted that when the hurricane season began last year, “nearly every major weather agency predicted a normal 2017 hurricane season – but only Global Weather Oscillations Inc. (GWO) had an accurate forecast” – with a prediction for a destructive hurricane season with 16 named storms, eight hurricanes, four major hurricanes – and 2 major impact hurricanes for the United States.

GWO also predicted the United States would have 6 named storms and 3 hurricanes making landfall in 2017 – and where they would occur. Just as predicted, the U.S. ended up with six named storms and 3 hurricanes. GWO predicted that the Florida Peninsula would break out of their 12-year hurricane drought with a major category 3-4 hurricane making landfall on the south tip of Florida. GWO also predicted that Texas could break out of their 8-year hurricane drought with a landfalling hurricane just above Corpus Christi – and a Category 1 hurricane striking the upper Gulf Coast. The 2017 landfalling hurricanes ended up being – Harvey, Irma and Nate.

Professor David Dilley – senior research and prediction scientist for Global Weather Oscillations – prepares hurricane and tropical storm predictions for 11 zones stretching from New England to Texas. By using Climate Pulse Technology developed by Mr. Dilley, GWO can issue accurate zone predictions for release in January – well before the beginning of the hurricane season.

Professor David Dilley, states that the “Climate Pulse Technology Model” is based on natural rhythm cycles that control hurricane landfall cycles and the position of the Bermuda High Pressure Center. By utilizing this technology, GWO has issued the most accurate predictions by any organization during the past 10 years. The preseason zone predictions are so accurate – updates to the forecasts are not required during the hurricane season. Although GWO does offer special weekly hurricane outlook webinars and tracking webinars when a storm may threaten the United States. GWO is a working partner with the International Hurricane Protection Association – INHPA.

More information is available via GWO's preseason hurricane webinars and their detailed hurricane zone predictions at GlobalWeatherOscillations.com, or GlobalWeatherCycles.com.

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Prediction: 2018 Atlantic Basin Hurricane Season

As predicted by Mr. Dilley and GWO – last year (2017) was the costliest year on record for the United States, and one of the most destructive. Mr. Dilley says that “some United States zones are currently in their strongest hurricane landfall cycle in 40 to 70-years.” This is a Natural Climate Pulse Cycle that produced extremely active and dangerous hurricane conditions in some zones back in the 1930s and 1940s – and is now repeating.

Mr. Dilley predicts that 2018 will be somewhat of a repeat of 2017 – and possibly another record breaker. Although it will be strikingly similar to last year- some hurricane landfalls will occur in different locations this year. You can expect 16 named storms, 8 hurricanes, 4 major hurricanes, potential for 4 United States hurricane landfalls – 2 of which will likely be major impact storms. There is the potential for 6 named storms making United States landfalls. On the average, the entire Atlantic Basin has 12 named storms, 6 hurricanes and 2.7 major hurricanes.

The reason for another destructive hurricane season is 3-fold. The ocean water temperatures continue to run warmer than normal across most of the Atlantic Basin (red and orange in the graphic), and especially

in the Caribbean region and the Atlantic near the United States. This is very similar to the ocean temperatures of last year, and this will again be conducive for tropical storms and/or hurricanes forming and/or strengthening close to the United States. Mr. Dilley also expects the Bermuda-Azores High Pressure Center will again be in a favorable location – thus allowing more named storms to maintain strength – or strengthen as they move from east to west across the Atlantic toward the United States.

Then we come to the last item – El Niño. GWO's Climate Pulse Technology model indicates that the Tropical South Pacific Ocean temperatures where El Niño events typically form – will warm significantly during late winter and approach weak El Niño conditions during the spring- much like the El Niño scare of last year. However, all years are not the same – therefore it could mature enough to form a very weak El Niño, but not strong enough to dampen the hurricane season. Historical records indicate that moderate to strong El Nino events dampen hurricane activity – whereas years with very weak El Niño conditions can be associated with active hurricane seasons if a Climate Pulse Hurricane Enhancement Cycle is in place – and it is.

Holiday Party Hawaiian-style

Scenes from December 8th, 2017 at the Living Sculpture Sanctuary.





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Defibrillators: Is the Liability Worth the Risk?

Continued from page 8



According to the American Heart Association, The Cardiac Act further extends immunity to community associations organized under Chapters 617, 718, 719, 720, 721, and 723 of the Florida Statutes. However, the shield of immunity afforded to community associations can be pierced if the harm caused to the victim was due to the failure of the association to properly maintain and test the AED device. Additionally, immunity will not be granted to the association if the harm was due to the association's failure to provide appropriate training to the employee or agent of the association when the employee or agent was the person who actually used the device on the victim. However, training by the association will not be required if any of the following is met:

1. *The AED device is equipped with audible, visual, or written instructions on its use, including any such visual or written instructions posted on or adjacent to the device; OR*
2. *The employee or agent was not an employee or agent who would have been reasonably expected to use the device; OR*
3. *The period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm, or between the acquisition of the device and the occurrence of the harm in any case in which the device was acquired after engagement of the employee or agent, was not a reasonably sufficient period in which to provide the training.*

Even though training may not be required for one of the reasons set forth above, common sense dictates that any key personnel, such as the staff in charge of athletic activities and the manager, should be trained in the use of the AED device. In regard to where the AED should be installed, the Cardiac Act does not provide guidance. Again, common sense dictates it

should be in a visible area. Also, an insurer cannot exclude damages resulting from the use of an AED from coverage under a general liability policy issued to the community association.

In relation to immunity extended to "the person," the Cardiac Act further provides that the user will not be immune from liability if:

4. The harm was caused by user's willful or criminal misconduct, gross negligence, reckless disregard or misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; OR
5. The person who used the AED on the victim is a licensed or certified health professional who used the AED device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; OR
6. The person is a hospital, clinic, or other entity whose primary purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; OR
7. The person is an acquirer of the device who leased the device to a health care entity, or who otherwise provided the device to such entity for compensation without selling the device to the entity, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; OR
8. The person is the manufacturer of the device.

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Continued from page 22

If an association decides to proceed with placement of an AED device on association property, then the board should adopt rules and regulations in the association's governing documents which address the following: (1) the location of the AED device, (2) notification procedure should the AED be removed from its designated location to a secondary location on a temporary basis, (3) maintenance and testing of the AED, (4) authorized users, (5) training for the authorized users, (6) written instructions posted next to the device that provide a "how to" in case a trained user is not available, and (7) regular notice to the owners as to the AED device's availability, location, and identification of trained staff and owners.

Any association that provides athletic activities for its members should seriously consider owning an AED device. Should you have any further questions about whether or not the liability is worth the risk, then contact your association's attorney as to whether an AED is right for your association. Save a life by having an AED device available at your association!

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How Can There Be Too Many Pond Nutrients?

Continued from page 14



A Dangerous Cycle

As nutrients continue to accumulate in a waterbody naturally and through human influences, the eutrophication process is accelerated. Ponds will continuously acquire more nutrients, which results in more plant and algae growth, followed by decomposition, which results in the nutrients being recycled and available for more plant and algae growth. This continuous cycle only speeds up with time, resulting in high volumes of sediment accumulation. With accumulated sediment comes decreased water depths, increased water temperatures, and decreased dissolved oxygen concentrations. All of these factors contribute to even more plant and algae growth, ultimately leading to the pond to be filled in and ending its lifecycle unless costly dredging is utilized to restore the waterbody.

Sustainable Solutions

The application of algaecides and herbicides are short-term fixes to combat plant and algae blooms that result from inflated nutrient concentrations in a waterbody, but several other management practices can be implemented to exacerbate the effects.

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- Safe land use practices are very important in preventing excess nutrients from entering a waterbody. By limiting the amount of fertilizer used on one's property, you can greatly decrease the amount of nutrients running off into a pond.
- Trash, waste, grass clippings, pet droppings and other organic materials should be disposed of properly and away from the targeted waterbody to avoid nutrient loading.

- Cultivating a beneficial vegetative buffer of native plants around a waterbody is extremely beneficial in preventing excess nutrients from entering the aquatic ecosystem. The vegetation in the buffer will take up nutrients in surface water, as well as slow the flow of nutrient rich runoff.

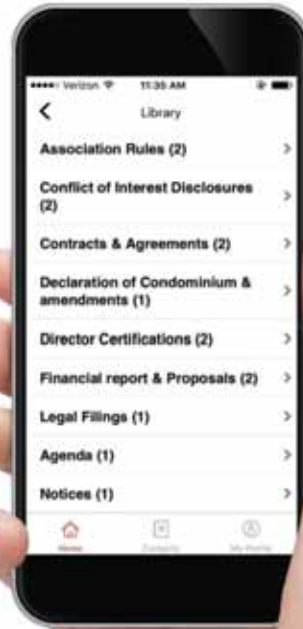
In-Pond

- Several products can be used to strip excess nutrients out of a water column such as Alum, PhosLock, and Polyaluminum chloride. The application of these products will bind to nutrients in the water column, allowing them to settle out and become inactive, reducing the potential for plant and algae growth.
- The addition of a lake or pond aeration system can be very beneficial for fighting the effects of high nutrient concentration. It promotes the presence of aerobic bacteria, speeding the breakdown of muck and organic matter. Aeration also keeps dissolved oxygen levels up, reducing the risk of fish kills.
- After nutrient-rich sediment and organic matter have accumulated in a waterbody, healthy nutrient levels and water depth can be restored by removing the accumulated matter. Hydro-raking and dredging are two options used to remove excess matter.

No matter the size, location or water quality parameters of your waterbody, all aquatic ecosystems are susceptible to nutrient loading without proactive and sustainable management plans in place. Ensuring that your lake or pond contains healthy, balanced nutrient levels is one of the best strategies to lengthen its lifespan and get the most out of the waterbody for years to come.

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To Spring, Or Not To Spring, Into An Association Loan?

Continued from page 10

1. **Delinquency** - Number of accounts and total amount of delinquencies. Many banks have a maximum rate of 10% for number of units aged 60+ days.
2. **Liquidity** – Amount of cash as a percentage of annual assessments and annual debt service. Many banks have a minimum liquidity requirement of the association's annual assessments.
3. **Size** – More homes provide a diversified cash flow stream.
4. **Assessment Increase** – Large increases may cause delinquencies to rise.
5. **Annual Assessments/Market Value** – Annual assessments should not be greater than 10% of the unit value.
6. **Owner Occupancy and Concentration** – A high percentage of investors not living in their respective units poses more risk.
7. **Management and Capital Planning** – Strong external professional management company with experience in managing similar projects is desirable. Also, a professional reserve study that is at least partially funded indicates prudent financial planning.

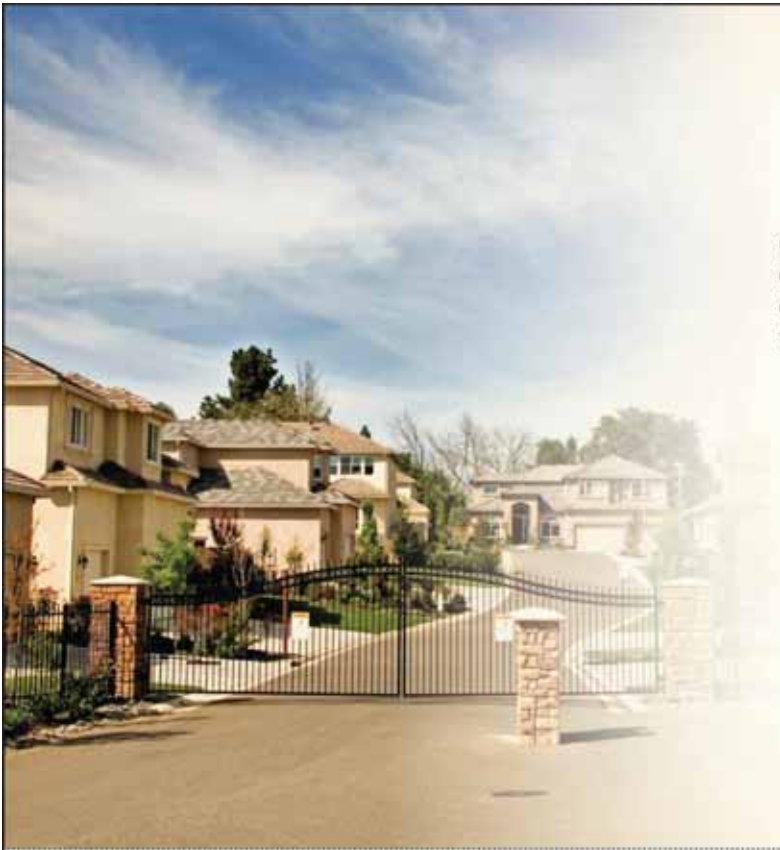
Ratings of fair to strong in most of the factors above can greatly improve an association's chances of being approved for a loan. Overall, a loan may be a fantastic way for an association to finance a large capital improvement project. It allows an association to spread the cost out over a longer period of time which not only decreases the immediate impact to residents, but also allows for the costs to be allocated to future residents. These future residents will most likely be gaining benefit from the improvements.

Considering the key factors and financial performance metrics, an association is now able to better determine whether to spring forward with a loan.

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Scenes from our Miami Networker Mixer on
November 29, 2017 at American Social in Brickell.






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