

CONA 18 Oct 2017

The Council of Neighborhood Associations or CONA of West Pasco met at 9:30 a.m., Wednesday, October 18, 2017 at the Gulf Harbors Civic Association Center on a street off U.S. highway 19, called Floramar Terrace, in the New Port Richey FL 34652. After the business session was out of the way, Attorney James De Furio led a question-and-answer session from 9:40 to 11:00 a.m. with some showmanship. Among the pearls of wisdom he dispensed was: “A lawyer who represents a condominium association cannot also represent the condo association’s management company.” The condo association should ask a lawyer first if a significant conflict of interest exists when the condo board wants to hire a contractor, for professional maintenance and repair; but a member on the board is related to the contractor or a member of his crew. South Florida (the Greater Miami Area) has made it harder on all the condo associations all over Florida, because of the high number of scandals including embezzlements. This has led to the Florida Legislature to pass more laws and regulations that micro-manage how condo boards perform. Before passing a new rule, imagine yourself in a court room; and, after being sworn in to testify under oath, the prosecuting attorney approaches and asks: “Why did you pass that rule?” The ordinances, rules and regulations written in the Condominium Documents, may be overturned with the passage of time and the improvement of technology. A hypothetical case may be that a homeowner wants solar panels on his roof and the laws passed by the Florida Legislature and placed in the Florida Statutes may state that he cannot be prevented from installing them. Another coalition of homeowners of managed communities (condominiums and homeowner’s associations) is the non-profit C.A.I. (Communities Association Institute). At one meeting of CAI, some members conducted a mock board meeting to practice or demonstrate the decisions made on certain issues. Little did they know that six lawyers were in the audience and they each expressed separate opinions. It is always prudent for one to decipher a new acronym that he or she has never heard before, such as, M.A.R.T.A. It is a law developed in Florida in order to simplify “root-of-title” to any deed, by avoiding going all the way back to the era of Spanish colonization. MARTA stands for Marketable Record Title Act. It will be the law for every condominium to have a web site by 2018. One interpretation of this new Florida law is that all condominiums must have a web site. Another interpretation states that all condominiums in Florida that have 150 units or more must have a website. The website can have password protection to limit, if not completely deter, invasion by hackers and other troublemakers. It could not hurt for every condominium owner to read paragraph 718 of the Florida Statutes, which covers condominiums. Mr. DeFurio is a knowledgeable and lively lawyer. He was mobbed by many CONA members, asking questions, after the meeting officially closed at 11:00 a.m. The next meeting will be Wednesday, November 15, at 9:30 a.m. The topic will be flood control improvements in Pasco County, including the new surveys.