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March 21, 2011

Esteban L. Bovo
3794 West 12th Avenue
Hialeah, Florida 33012

Re: House Bill 5005

Dear House Member Bovo:

I have had the pleasure of practicing community association law in Florida since 1992. Each Sunday I host the radio show Condo Craze and HOAs on 850 WFTL, which answers questions from residents throughout the state. Please see: www.condocrazeandhoas.com. On February 11th, 2011 I had the pleasure of arguing the most important condominium law case to arrive at the Florida Supreme Court in a decade: <http://wfsu.org/gavel2gavel/archives/flash/10-430.php>. Most importantly, I was the first attorney in the State of Florida to design a course that allows me to certify citizens to serve on a Florida condominium Board of Directors. I teach the course each month at The Hard Rock Hotel and Casino in Hollywood, Florida.

Today, I write to you in your capacity as the sponsor of House Bill 5005 which among other things, seeks to deregulate community association managers and dissolve the Division of Florida Condominiums, Timeshares and Mobile Homes. The bill as written is simply too broad and an example of extreme overkill and will cause harm to millions of residents that live in our association communities throughout our state.

First and foremost, each condominium unit in the State of Florida pays \$4.00 per year to the Division. Thus, the Division is entirely, self supported. You should know that the Division serves an incredibly useful purpose. Their document examiners approve all filings for condominium developers throughout the state, ensuring that developers comply with Florida Statute 718 and are perhaps the only form of consumer protection by and between buyers and developers of condominium units. As an attorney who has practiced in this area his whole 20 year career, it is difficult to perceive that developers would be allowed to file condominium documents and sell units without any state oversight whatsoever. It would simply open the door to unscrupulous developers taking advantage of Florida residents, at a time where the baby boomer generation is expected to move to this state by the hundreds of thousands, if not millions, in the near future. Our own courts have in fact recognized the need for protection of Florida citizens against unscrupulous developers. See: Double AA Intern. Inv. Group, Inc. v. Swire Pacific Holdings, Inc. United States District Court, S.D. Florida. March 30, 2010 and Cook v. Deltona Corp., 753 F.2d 1552, United States Court of Appeals, Eleventh Circuit. February 27, 1985,

The Division also investigates thousands of complaints about illegal activities by Florida condominium Boards each year. Their involvement prevents countless cases from winding up in the court system each year. Their undermanned staff does all they can to safeguard the rights of unit owners throughout the state and has even assisted in helping to uncover criminal and fraudulent conduct on behalf of Board members gone astray.

The Division also provides arbitrators who decide thousands of cases each year that now would absolutely wind up in an already over burdened court system. I will tell you that there is room for improvement in the arbitration statute. More specifically, arbitrators should not be allowed to drop a case, if the arbitrator referred a case to a mediator, who declares an impasse. That defeats the entire purpose of the arbitration program, which is to keep cases out of the court room. Again however, just because the arbitration statute needs a fix or two, doesn't mean that it should be done away with. Over the years arbitrators have heard thousands and thousands of cases in Florida and have created a tremendous body of precedent which is relied upon every day both in the arbitration Division and in our courts.

In July, The Florida Legislature thought it to be important for directors of condominiums to become educated and "certified" in condominium law through the ability to take a division approved course. As indicated above, I am proud to say that I was the first attorney in the state to design a course that was approved by the Division to certify directors of condominium Boards. I have now certified close to 1,000 Florida residents who took the time out of their lives, to learn about Florida Statute 718. Their eagerness to learn the law is uplifting to say the least. These attendees simply loved becoming certified and having the opportunity to learn about their awesome responsibilities as directors while getting "certified" at the end of the program and being presented with an actual certificate. Now.....as a result of disbanding the Division, new directors obviously cannot become certified by attending a "division" approved course, because there will simply no longer be a division. These courses are paid for and run in most part by law firms like mine, and cost the state absolutely nothing. Please ensure that The Florida Legislature does not do a complete 180 on the issue of condominium education only one year after The Florida Legislature thought certification was a good idea for directors of condominium associations throughout our state.

Finally, it is simply frightening to think that The Florida Legislature would de-regulate Florida Community Association Managers. These managers are required to take a course, pass a state examination and undergo a criminal background check before being able to manage a Florida community association. Moreover, they are all required to obtain continuing education credits in order to maintain their license. Managing a condominium is a very difficult job. The manager must know the Florida Statutes, administrative code, the governing documents of the community, post notices, assist in preparing budgets, attend meetings, take minutes and be the liaison between the Board and the residents. Perhaps even more importantly, they often control the flow of funds both into and out of an association, some with budgets in excess of seven figures. Without licensure, unqualified personnel will be working in associations with little or no experience and the unit owners will simply suffer the consequences through mismanagement and error. Moreover, each manager pays licensing fees annually and therefore are simply not an economic burden whatsoever on the state's coffers.

I urge you to reconsider your sponsorship of House Bill 5005 to the extent it attempts to close the Division of Condominiums and deregulate community association managers. I promise you that hundreds of thousands of Florida condominium residents and community association managers will thank you for it. Furthermore, I invite you to defend your position in this regard by appearing on Condo Craze and HOAs any Sunday at noon of your choice, before you vote on the actual bill. At least listen to what the condominium residents and community association managers who listen to the show have to say before casting your vote.

Very truly yours,



ERIC M. GLAZER, ESQUIRE

cc: Governor Rick Scott
Senator Ellyn Bogdanoff
Senator Mike Fasano