



Your NEW Garden Gnome News! “with a little help from my friends!”

Volume 1, Issue 6

HOME OF THE GNOME!

July 2016

***The Florida Condominium Act, AKA Chapter 718,
Demystified, part 1
(legalese in black, real English in Blue)***

First of all, don't let all these numbers identifying chapters confuse you. The statute is simply divided up into small chapters which do not have names, but have numbers instead. Once you figure out the number system the rest is easy!

(This information is not intended as legal advice, only a method for the reader to locate the statute and use it as a self-help document. Ombudsman assistance is available through their phone numbers at 850-922-7671, 850-922-1122, 800-226-9109. They are very helpful.) The Ombudsman is appointed by the governor to assist condo owners, management companies and boards with questions about the Florida Condominium Act among other duties.

Contact information:

The State of Florida, Department of Business Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, Bureau of Condominiums, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399

This information is available at www.myflorida.com for you tech savvy owners out there.

The Florida Condominium Act was enacted during the 1960's. This statute was enacted in order to help protect owners of condominiums, land sales, and mobile homes. Prior to this statute's enactment, there was little any condo owner could do to obtain assistance with improprieties, illegal operations, and any number of nefarious doings that developers could come up with. Thanks to this act, condo owners have a handbook, if you will, that can assist you with just about any question you might have about your association. Listed below are the basic tenets of this statute and please remember that your Board of Directors is bound by law to adhere to the statutes, also known as 718.

“The purpose of this statute is (1) to give statutory recognition to the condominium form of ownership of real property and (2) to establish procedures for the creation, sale and operation of condominiums. Every condominium created and existing in this state shall be subject to the provisions of this chapter.”

For your information, this chapter states that the officers and directors of a condominium board have a fiduciary (trust) relationship to the unit owners (us). Our board of directors must understand and adhere to this relationship. The board must answer to us if the budget is not adhered to or altered in order to maintain the condominium properties. Reference **718.3026(1)** state”Nothing herein shall be construed to require the association to accept the lowest bid”.

Reference **718.111** states “as required by statute. . . .the officer or director or agent shall discharge his or her duties in good faith, with the care that any ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he/she believes to be in the best interests of the association”. “Maintenance of the common elements is the responsibility of the association”.

So, in ordinary English, every condo association in the State of Florida is legally bound to follow these statutes. The board is obligated to manage the budget fairly and with an open mind, understanding that sometimes the lowest price for an item or a service is not the best for the association as a whole. The board is also required to maintain the condominium properties in the best interests of the ownership. This means that the board must act on behalf of the majority of the owners, not just a few.

Often condo owners do not know where to turn if they have a complaint or concern about their board or management company. Reference **718.112** which states. . . .if 20% of voting interests petition the board to address an item of business, . . . the board, not later than 60 days after receipt of request shall place the item on the agenda of the next meeting”.”Any item not on the agenda may be taken up on an emergency basis by at least a majority plus one of the board members”.

Again, in English, this simply means that if 20% of the condo owners petition the board (in writing) about a matter of concern of those 20% of owners, the board must address the matter within 60 days of that request. Of course, if an owner is in attendance at a regular board meeting (which by the way, which is an owners legal right and should be encouraged by the board and taken as a responsibility by owners) and would like the board to address a certain matter, the owner may request it of the board at that meeting and also request that the owners

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concern and request be made a part of the meeting minutes. This is as good as; possibly better than putting it in writing, taking it to the post office, paying for certified mail, etc.

Also **718.112**, “The ombudsman office encourages voluntary meetings with and between unit owners, boards of directors, board members, community association managers, and other affected parties when the meetings may assist in resolving a dispute within a community association before a person submits a dispute for a formal or administrative remedy”. This means owners can request that the ombudsman office be utilized as a neutral resource for the rights of unit owners, associations and board members.

Elections are addressed in **718.5012** which state that “15% of the voting total or 6 unit owners, whichever is greater, may petition the ombudsman to appoint an election monitor to attend the annual meeting of the unit owners and conduct the election of directors”. It is important to note that all costs to have the ombudsman assist the owners, board and association must be paid by the association. Of course it benefits the owners greatly if the board understands the rules of **718** and adheres to those rules to the best of their ability. If in doubt, the board should seek the advice of their management company.

Elections **718.112(4)(b)** states that “within 90 days after being elected or appointed, each director shall certify that he/she has read the associations Declaration of Condominiums, Articles of Incorporation, Bylaws and current written policies and will. . . .work to uphold such documents”. This means exactly what it says: all board members are obligated to read, learn, and abide by ALL condo documents and rules and that they should be reasonably familiar with Statute **718**. In lieu of this large volume of reading, the board member may take a certification course or class and present the certificate to the board to keep on file.

If you found this blurb of help and of interest, other subjects addressed in “**718**” will be published in future newsletters. Subject matter can certain be requested, simply leave a note in the In Bag of the Gnome which is located on Bekki’s door.

Every month’s news is sponsored by **Tech in a Flash**.

(www.techinaflash.net) This July edition sponsored by Glenn Brackett, PA, Realtor

If you would like to help defray the cost of monthly fee of the newly revamped website (see below), we will need your business card, perhaps a discount if the newsletter is mentioned or brought in with your advertisement in it. We would like a ‘blurb’ about your business, & a photo of the owner or the ‘crew’.

The donation? \$50 cash/check/paypal to help fund the revamped

website: www.seminolegardenswfl.com

Paypal: bekkihere@gmail.com

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Philly Cheese Steak Pizza

They deliver right to our doors! Ali & Amar own the shop & they are fabulous & so is their food!!

How to take care of your precious paperwork getting ready for your big exit:

Come on, Peeps, let’s be real.. we’re no longer young and if you don’t have your stuff gathered together for your next of kin or if you’re in a hugely dysfunctional family, include your best freinds into the mix.

I have got the paperwork for my body donation, my will, my titles of ownership, my storage shed contract with my padlock key, my house key, car key, clubhouse key, birth certificate, passport, etc.

How to Store Legal Documents and Personal Records

There are several ways to store your documents for safety. Since most situations need original paperwork, here are some:

1. **Safety Deposit Box:** Hopefully within ease of access. Make sure your next of kin knows where and has access to the key. Even if you don’t like them, it will not be an issue for you.. you’ll be gone!

2. **Filing Cabinet at Home:** which is good unless there is a fire and with a fire, there will be water damage.. might want to rethink that one.

3. **At Home Safe:** Spend a little more to make sure it’s fire proof up to 30 minutes of 1500 degree heat. Be sure it’s hidden or bolted down in case of intruders.

4. **Online Document Storage:** Only problem with that is that you still have to keep the original copies SOMEWHERE. It’s a safe way for easy access to those who are computer savvy. Again, you still need a place to keep your originals.

5. **PERSONALLY:** Because I don’t have a lot of money to pay a monthly fee, I put all of my paperwork in a double zip lock bag and put them in my freezer! Fire/water proof and who’s going to look under my frozen fish fillets to look for my birth certificate and will?? But first I scanned every doc and saved them to thumb drives. My daughter has one, several of my friends each have one. Thus, totally available to everyone I deem necessary to have one so I’ve not left anyone with any questions.

If anyone needs any of their precious/legal documents scanned, I can scan them for you and save them onto you own personal Thumb Drive for \$5, to cover the cost of the Thumb Drive I’ll be giving you! Cool, eh? Everyone is covered!!



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ON-SITE GENERAL INFO!

Trash pickup: M, T, Th, F, recycle: M

Pool cleaning, Gary: M & F

Board Building Reps: A: Marg, B: Alexis, C: Johnie Mason, D: Richard Slater, E: Kate, F: John Wiley

Committees: (the board member is the liaison, the chairman will be a non-board owner):

Grounds: Richard Slater, Ray Noble, ground chair

Maintenance: Johnie Mason, to: John O'Neill

Pool: Marg Prozaki, chairman: Janey Hesche

Clubhouse: Alexis Linder, chairman: Steve Hesche

Social: Janice Noble, chairman: Janet Rasmussen

The newly revamped and repaired sprinkler system cycles on Wednesday & Saturday very early morning like 3am to that great info spot.

Tech In A Flash

Matthew Rebstock & Bekki Shanklin at your service!



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Don't forget!!

***5P.M. Social hour in the patio
in front of building E,
bring your own bottle, snacks and great
personality!! Come and have FUN!!!!***

Daily Mojo by Janey Hesche

A new group has started called ***Daily Mojo***.

What is Mojo, you may ask? Our definition is the moment when you do something that's purposeful, powerful and positive.

Our group, though small, starts every weekday morning with a run/walk to the Tarpon Street pier at 6:45 a.m. We are the triple "J" threat, Janey C7, Janet D7, and Jack the dog! As of June 1st we have logged 60+ miles. Yes friends, three easy miles, five days a week, add up.

When we return we break until 9:00 a.m. when we continue our morning Mojo in the clubhouse. We spend an hour doing various things. Yoga, Strength Training, Tae Bo, Cardio workouts, fitness challenges and once we even 'Sweated to the Oldies' with Richard Simmons! The elliptical is awesome and helps on rainy days. There is a weight machine, stationary bike and small weight bench.

On Tuesday and Thursday afternoons at 4:00 we have Water Aerobics at our beautiful pool. Janey, Janet, Janice, Denise, Ray and Mary C. make up the water crew. Janet does a fabulous job of leading us in water fitness, and yes, she does it with Mojo! (check out our website for pix! www.seminolegardensswfl.com)

On Wednesday, the Fort Myers library offers Tai Chi from 11:30 to 12:30 through September. Hopefully they will receive another grant to continue this class. It is free to all. Janey has been attending and Janet joined her last week.

This is just the beginning of our purposeful, powerful, and positive lifestyle at the Gnomer Home. Everyone is welcome. You just "Start where you are." We'll help to encourage, support, and keep each other accountable. It seems like the older (and wiser) we get, you find that you get by with a little help from your friends.

More news about our group next month. Until then, add a little Mojo to your life!

A BIG SHOUT OUT!!!

**A big thanks to Janet and Tim. They wrestled the pool cover into it's summer position. This is not for the faint of heart.

**Thanks to Bill and Denise for supplying the chicken for one of our community cookouts and Tim (D7) for an excellent job of BBQ (ing) said chicken.

**Thanks to Steve and Janey for smoking pig shoulders for our recent community BBQ. Janet for making homemade baked beans, the kind your Mama used to make from scratch, and Kate for making cornbread at Steve's request!

**Thanks to Ray and Janice for supplying the hotdogs for day after the BBQ party to use up the left overs!

**And last but not least, thanks to Clark (B4) for singing for his supper!!! Enjoyed every moment of it.

Here is the story of the D7 inhabitants.

Tim Vander Heide is a life-long resident of Grand Rapids, MI. He is a journeyman tradesman specializing in historical preservation of landmarks like churches, courthouses, colleges and hotels, to name a few.

He has done award-winning work that has gotten him recognized along with his company in publications in and around western Michigan. He has three daughters and a grand-daughter and grand-son with another grand-daughter on-the-way.

Janet Rasmussen came from Pennsylvania. She has



one daughter and two grandsons she loves to spoil. She worked for the federal government in support of the Army, Navy and Defense Logistics Agency. She made her way through the ranks from a supply clerk, all the way to a Traffic Management Specialist proudly supporting our troops overseas.

Janet and Tim met while on separate vacations by accident on St Petes's beach at a bar named "Jimmie B" christmas of 2010 and have been pretty much inseparable ever since.

Tim was working in Richmond, VA and he drove to visit Janet every chance he could get! They continued their long-distance relationship until Janet retired from the federal government in July 2012, and they bought into Seminole Garden Condo's.

Tim continues to work in his trade, and travels continually for his work, and Janet was following him, but has decided to stay-put for awhile.

For recreation Janet and Tim enjoy using their RCI



membership to stay at resorts in Florida and the Carolina's. Their trip-of-a-lifetime so far has been a 21 day vacation in Costa Rica. They plan to take a cruise in the near-future and hope to return to Central America again, this time to Panama!

<---The SG racing/running crew (Janet and Janey) and Jack, the Wonder Dog.

YOUR MONEY.....YOUR BOARD AT WORK

One of the reasons we all ended up here was the low fees. Seminole Gardens is a gorgeous piece of real estate. The people who have lived here over the years have exercised good stewardship that has allowed all of us to enjoy an affordable retirement.

The downside is from time to time, through reading documents, statutes and from owner events it is brought to our attention that there is a deficiency of some sort. Such an event happened in June.

Most of you know by now we were lacking an endorsement on our Master Insurance Policy that had two negative implications. One was it created a difficulty in obtaining financing to sell your unit thereby possibly lowering property values as the buyer pool is diminished. The second very important consequence was that we would not be reimbursed by the insurance company for any required code upgrades in event of a loss. So, after much spirited debate and owner input it was obtained at a cost of \$1000.

The other item that is underway is an appraisal of the property required by law every 36 months to protect Florida condo owners. This is to make sure we keep the insurance up to current replacement value. We will keep you posted on the results.

Last but not least please give us your feedback. If you are aware of any issues let us know. When the agenda is posted please read it. Come to the meeting and let us know your opinion. It counts. It really does. Owner input allowed the insurance coverage discussed above. **We are spending your money. Have a say.** We will always be very careful in how the money is spent. We all want to maintain the low fee environment we are known and loved for...but sometimes to save big expenses later we must spend a little now. ~ Marg



This month's updates and note:

*****Wishing Denise a speedy recovery after her horrible fall.**

*****Thanks Steve and Janey for the new smoker!**