



Pointe Royale, Shadow Wood Associations Honored

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It seems that everything written about real estate in Southwest Florida these days is bad news. I am pleased to share some good news, spotlighting the accomplishments of a couple of local community associations.

Last year, the Florida Community Association Journal announced its first annual “Communities of Excellence” competition, which was co-sponsored by the law firm of Becker & Poliakoff. Community associations from around the State were offered the opportunity to submit applications in a variety of categories.

It was recently announced that the Journal’s highest award, 2009 Community of the Year, went to Pointe Royale Condominium Association of Fort Myers.

The independent panel of judges seemed particularly impressed with the community’s tradition of civic involvement. According to long-time manager Bobbie Golfes, at least seventy-five percent of the residents of Pointe Royale regularly volunteer their time to local charities such as Hope Hospice and Lee Memorial Hospital. President John Stefani said: “We are fortunate to have a very caring group of owners who are active in our local community.”

When asked Pointe Royale’s secret to success, Stefani stated: “We are very stable financially, and we think that helps attract a great group of people.” Manager Bobbie Golfes noted that the community’s membership roster reads like a local “Who’s Who”, including well-known educators, public servants, and businesspeople.

Nestled in downtown Fort Myers on the Caloosahatchee River, Pointe Royale consists of three high-rise buildings, accounting for 141 residential units. Although one of the original downtown condominium complexes, Golfes points out that the association has spent somewhere in the neighborhood of four million dollars over the past several years in renovations and updating the property.

A second local community taking home an award was the Shadow Wood Community Association of Bonita Springs. Shadow Wood took honors in the Disaster Preparedness category.

Shadow Wood is the master association for the Shadow Wood Community, located in the area of Bonita Springs generally known as The Brooks. According to General Manager Sheryl Hilburn, the association administers 1,481 homes. Hilburn oversees a staff of some 40 employees. The association is managed by a five-member board.

Since most associations have some kind of disaster plan, Hilburn was asked what set Shadow Wood apart from other competitors for the top prize. Hilburn said: “This area has been hard-hit in the past, storms and other disasters are on the forefront of many of our residents’ minds.” She noted that the association obtains an annual engineering audit to assess actual physical plant conditions and stages “mock drills” at least once a year. Shadow Wood has even gone as far as to develop a “hazardous material spill drill”, which includes responses from local fire safety and EMS officials.

Hilburn says “we are lucky to have an experienced staff and many talented residents willing to help out.”

Kudos to Pointe Royale Condominium Association and Shadow Wood Preserve Community Association for jobs well done.

Q: We think that any member of our HOA who wants to be on the ballot should have their name included on the ballot. Has the Florida statute changed to make this happen? We have also been told that the nominating committee has lost all power and can only “suggest” candidates. What is the law on this? **J.R. (via e-mail)**

A: This is one area where the law applicable to homeowners’ associations and condominium associations is very different.

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For condominiums, the governing statute prohibits nominating committees, and provides that any eligible person who nominates himself by a set deadline is entitled to have their name placed on the ballot. Further, condominium association ballots must list the names of all candidates alphabetically, and cannot even designate which candidates are incumbents.

Conversely, the Florida Homeowners Association Act is virtually silent on board elections. Chapter 720.306(9) of the Homeowners Association Act simply states that the election of directors must be conducted in accordance with the procedures set forth in the governing documents. Accordingly, if a nominating committee is authorized by the governing documents, it may function in the traditional sense. Proxies may also generally be used in HOA elections, but are illegal in condominium elections. It should also be noted that in the HOA context, any member may nominate himself or herself as a candidate for the board at the meeting where the election is to be held.

This is one area where the two laws should be the same, and the condominium law is definitely the better model as it promotes both fairness and secrecy.