



**Condo Q&A**  
Joe Adams  
Guest columnist

# Law does not limit budget increases

**Q:** My condominium association is confused as to how the “115% rule” applies to its budget. Is the association prohibited from adopting a budget that exceeds 115% of the preceding year’s budget? (*E.O., via e-mail*)

**A:** No. Chapter 718 of the Florida Statutes, the Florida Condominium Act, does not limit the ability of the association to adopt a budget that exceeds the previous year’s budget. Rather, Section 718.112(2)(e), of the Act, states that if the budget adopted by the board requires assessments against the unit owners which exceed 115% of the assessments from the preceding budget year, the unit owners have the right to put forward a substitute budget. The Act outlines the process for the owners to propose a substitute budget and hold a meeting to approve it. It also excludes reserves and non-recurring expenses from the percentage calculation. While this procedure has existed in the law for at least 40 years, I have rarely ever seen this statute successfully invoked.

Therefore, the board is not prohibited in adopting a budget with any particular increase. However, some condominium documents contain limitations on the amount that the budget can be increased year to year without membership approval. Therefore, you would need to also review your condominium documents to confirm if they contain such a limitation on the board’s authority in adopting the budget.

**Q:** My condominium association recently held a vote on amending our condominium documents. On the date of the meeting, the board announced there were not enough votes for the amendment to pass and the board stated that they would be continuing the meeting to collect more proxies so that the amendments could be approved. Is this legal? Shouldn’t the amendments have failed at the meeting? (*M.F., via e-mail*)

**A.** Section 718.112(2)(b)3 of the Florida Condominium Act states that a proxy is valid for up to 90 days after the date of the first meeting for which it was given. Accordingly, the statute contemplates that membership meetings may be continued for up to 90 days from the original date and the proxies received for the original meeting are still valid. However, some association documents only contemplate that meetings may be adjourned and reconvened when there is insufficient owner participation to constitute a quorum of the members and not when there is insufficient participation to approve the action being voted on. As such, you would need to review your association’s bylaws and should consult with legal counsel.

Also, it would depend on the specific actions taken at the meeting and whether the adjournment was sufficient to allow the association to continue the meeting without additional notice to the members. Accordingly, while there may be procedural issues in how your particular meeting was handled, generally speaking, the statute contemplates that meetings may be continued and proxies for such continued meetings are good for up to 90 days from the original meeting date.

Chapter 720 of the Florida Statutes, the Florida Homeowners’ Association Act, contain similar language regarding proxies continuing to be valid for up to 90 days from the date of the original meeting.

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## Mediterra

Continued from Page 1D

sales and marketing for Mediterra.

Lucarno and Cabreo are two of the three Lake District neighborhoods being developed by London Bay at Mediterra. Along with Caminetto, the three neighborhoods celebrate stunning views of glistening lakes and nature preserves. Mediterra’s Parterre Garden and reflecting pool are within easy walking distance. Other parks and water features are found throughout the community and connected by nearly eight miles of walking and biking trails. The parks are just one highlight of Mediterra’s acclaimed array of amenities that offers a healthy, active lifestyle.

London Bay’s new coastal inspired one and two-story open-concept home choices in Lucarno range from 3,170 to 3,844 square feet under air. The floor plans feature spacious great rooms, island kitchens, and dining areas, a study or formal dining room, optional wet bars, three or four bedrooms, three or four baths, lofts, large walk-in closets and bathrooms in the master suites, and two or three-car garages. Residences showcasing Lucarno’s new Cameron and Martinique floor plans are under construction. Double-loaded cobblestone streets, sparkling lakes, glorious gardens, and majestic fountains combine to create the maintenance-free Lucarno neighborhood’s distinctive feeling. The neighborhood’s entry sequence includes the Parterre Garden, a French-inspired garden set on an island in the middle of a lake.

Several new open-concept floor plan choices ranging from 2,894 to 3,020 square feet under air are also available in Cabreo, a neighborhood that presents maintenance-free single-family luxury villas. Homesites on the neighborhood’s single-loaded streetscape measure 65 to 70 feet by approximately 145 feet and offer lake and nature preserve views. One of London Bay’s newest villa neighborhoods, Cabreo is situated adjacent to Mediterra’s landscaped walking trails and within comfortable walking distance of the community’s extravagant gardens. The new contemporary single-story home choices in Cabreo feature attractive covered entries, wide foyers, spacious great rooms, island kitchens, and dining areas, a study,



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three bedrooms, three bathrooms, master suites with large walk-in closets and elegant baths, and three-car garages. Each of the plans can include an optional pool bath and two of them can be modified to include a fourth bedroom. Two new residences featuring Cabreo’s new Langston and Devonshire floor plans are under construction.

London Bay’s furnished Pembroke model is now open for viewing and purchase in the Caminetto neighborhood. Priced at \$2,697,000 with furnishings, London Bay’s 3,527 square feet under air Pembroke model in Caminetto features three bedrooms and four bathrooms and showcases an interior by Romanza’s Luann Powers Gliwski. Her design incorporates warm metallics and a neutral color palette with sapphire blue, amber, and cream accents. The flooring is a large format porcelain tile with a travertine look. Beautifully designed coffered ceiling details are found throughout the home. The feature wall in the great room presents a floating drywall detail with multiple niches for a television, artwork, and accessories. The base Pembroke floor plan is priced from \$1,207,600.

A furnished model featuring London Bay’s Wellington floor plan is under construction in Caminetto, a Lake District neighborhood that includes single-family homes from the high \$1-millions to the low \$3-millions. The model will present an interior by Ro-

manza’s Senior Interior Designer Melissa Allen. The two-story, 4,670 square feet under air Wellington model will be oriented to provide lake views.

Mediterra’s last two golf course homesites and one preserve home site are available in Cortile, an estate and single-family home neighborhood. Cortile will include eighteen 4,200 to 7,000+ square foot estate residences and twenty-eight 3,100 to 6,200 square foot homes at build-out. Estate homesites are priced from \$950,000 to \$1.35 million. The 5,367 square feet under air, two-story, three-bedroom Cordoba model is open for viewing and purchase in Cortile and priced at \$2,875,000 with furnishings. London Bay’s completed two-story, four-bedroom Isabella model in the Serata neighborhood offers 4,285 square feet under air and is priced at \$2,745,000 with furnishings. One lakefront homesite is available in Serata. With just two grand estate homesites surrounded by preserves, the Il Cuore neighborhood is one of the finest estate properties in Naples. One site that allows construction of a residence a minimum of 8,000 to approximately 15,000 square feet is available.

The Club at Mediterra has been designated as a Top 50 Platinum and Distinguished Emerald Club. The Club received an Aurora Award for Best Residential Development and is number 49 on the Top Tier Club list. Mediterra was also named the “Best Place to Retire in Florida” and 10th best in the world since 2014 by Best Retirement Destinations. The Club was named one of the healthiest Club’s in the U.S. and was the first private residential Club to be honored with a “Green” certification. The Club is home to the world’s first golf course recognized as an Audubon Silver Sanctuary. Designed by Peacock and Lewis, Phase I of The Club’s two-phase Clubhouse enhancement initiative was recipient of the American Society of Interior Designers’ 2019 Design Excellence Award for Outdoor Living Design and CBIA’s 2019 Sand Dollar Award for Best Clubhouse Exterior. Phase I included an expansion and enhancements to the Clubhouse’s outdoor dining areas, bar, and fire pit terrace.

Visit the Mediterra Sales Center at 15836 Savona Way off Livingston Road two miles north of Immokalee Road. The Sales Center and model residences are open daily. Visit Mediterra online at [MediterraNaples.com](http://MediterraNaples.com).

## Briefs

Continued from Page 1D

### TRANSACTIONS

#### RE/MAX Realty Group Commercial

Florida Properties I, LLC sold 50+ acres of land, zoned PDP located at 2029 Corbett Road in Cape Coral to Miramar Land Trust for \$3,600,000. **Michael J. Frye** brokered the deal and co-brokered with Fred Kolb and Dan Miller of Colliers International.

SWFLA Investments LLC sold 1.72+ acres with building located at 15650 S. Tamiami Trail, Fort Myers to PAR Investments I, Inc. for \$820,000. **Michael J. Frye** negotiated the transaction.

Newcom Real Properties, LLC sold 2.55+ acres at 4441 Chiquita Boulevard South in Cape Coral to Palmetto Capital Group, LLC for a retail development. The purchase price was \$625,000.00. **Hal Arkin** negotiated the transaction for the seller.

Phyllis Brand, Mark Evenson, Thomas Evenson, and Kurt Evenson sold 5+ acres zoned Industrial on Corbett Road in Cape Coral to Corbett Land Holdings, LLC for \$610,000.00. **Hal Arkin** represented the sellers and Michelle Morrisette with Sperry Global Commercial Affiliates represented the buyer.

Clock Tower Center LLC leased 11,084+ SF of showroom/warehouse space at 11315 Tamiami Trail E, Naples to Propane Connection. **Vedran Vicevic** negotiated the transaction.

Harbour Plaza, LLC leased 5,570+ SF of space at 17660 S. Tamiami Trail, Unit 309 to AZ Kids FL, LLC. **Michael**

**J. Frye, Jennifer Horne, and Coleen Frye** negotiated the transaction.

Cornerstone Builders leased 4,560+ SF at Palmetto Grove Industrial Park 2855 Work Drive Fort Myers. The leasing agent was **James B. McMenamy**.

Royal Palm Coast Holdings, Inc. leased 2,190+ SF of office space at 2503 Del Prado Blvd. Suite 510 to Allied Medical of SW Florida, Inc. **Michael J. Frye** and **Brad Welborn** negotiated the transaction.

Triple D Logistics leased 1,650+ SF of space located at 2891 Center Pointe Dr., Unit 301, Fort Myers. **Connie Baulbis & Jennifer Castriotta** negotiated the transaction.

G & M Price, LLC leased 919+ SF of office space located at 9724 Commerce Center Court to Massage Fort Myers, Inc. **Michael J. Frye** negotiated the transaction.

#### CRE Consultants

One Moore, LLC purchased a 3,442 SF office space at 23190 Fashion Drive, Suite P205-208, Estero from Coconut Point Properties, LLC for \$720,000. **Randal Mercer** and **Brandon Stoneburner** represented the buyer and Matt Stepan of Premier Commercial represented the seller in the transaction.

CSI Enterprises, Inc. leased 12,059 SF of office space in Beachway Professional Center at 3301 Bonita Beach Road, Suite 300-308, Bonita Springs from Klingler Properties B, LLC. **Dave Wallace** negotiated the transaction.

Technical Services leased 2,000 SF of office space in Metro Commerce Center at 11220 Metro Parkway, Unit 8, Fort Myers from Metro Commerce Center, LLC. **James Walls, Randal Mercer** and **Brandon Stoneburner** negotiated the transaction.

McDaniel Insurance Solutions, LLC leased a 1,000 SF office space at 3443 Hancock Bridge Parkway, Suite 201,

North Fort Myers from D&D 35 Corp. **Dane Eagle** represented the lessee and Igor Davidovich of Top Realty Group of Florida represented the lessor in negotiating the transaction.

### PERSONNEL

#### MVP Realty

**MVP Realty has announced their Top 25 Sales Agents (out of 700+ Realtors) for September 2019:** #1 Alex Greenwood; #2 Peggy Sheffell Lotz; #3 Cindy Riddle; #4 Pina Campbell; #5 Bridgette Garvey; #6 Elena Mello; #7 Michael Sopka; #8 Damaris Roman; #9 Elke Hein-glenn; #10 Saul Sanchez; #11 Shelly Hooper; #12 Jody Jurczak-Carr; #13 Chris Sweat; #14 Scott Riddle; #15 Christopher Soucy; #16 Mindy Sylvester; #17 Cathie Lowell; #18 German Hernandez; #19 Amy Luizzi; #20 Jim Natichioni; #21 Anna Eckstein; #22 Darlene House; #23 Dave Irwin; #24 Patrick Mulcahy; #25 Marlo Kersey.

#### RE/MAX of the Islands

**Sheila Hammons** was the Top Sales Associate for September. She is a member of the Sanibel and Captiva Islands Realtor® Association. **Sarah Ashton** was the Top Marketing Associate for September. She obtained a Bachelor’s degree in Economics and has her MBA from Northeastern University in Boston.

#### Southwest Florida R.E. Group

Southwest Florida R.E. Group, named **Alyssa Sweat** as director of operations. A former Lee County elementary school teacher and sports coach, Sweat has broad experience as an agent with excellent team-leadership skills.