

Memorandum

Memorandum No: 23-074

Date: May 22, 2023

To: Honorable Mayor, Vice Mayor, and Commissioners

From: Greg Chavarria, City Manager 
Greg Chavarria (May 25, 2023 13:55 EDT)

Re: May 14, 2023, Email to City Commission from Ronald Bibace - (District 1)

On May 14, 2023, members of the City Commission received an email from Ronald Bibace with the subject, "Failure of the Fort Lauderdale City Commission to comply with its mission in protecting Condo owners from unapproved major illegal construction." In his email, Mr. Bibace makes inaccurate statements regarding the City of Fort Lauderdale's responsibility as the agency tasked with issuing development permits and building permits as it relates to Section 718.113(2)(a) of Florida Statutes.

Mr. Bibace states he is an owner of a condominium at the Atlantic Ocean Club located at 4020 Galt Ocean Drive. On July 12, 2021, Building Enforcement issued a notice of violation to Atlantic Ocean Club Condo Apts Inc. (the Association) stating that the City inspector identified evidence of structural deficiencies with the rooftop pool resulting in what appeared to be widespread cracks and/or spalling along with penetration of water completely through to pool bottom slab. In response, the Association provided a letter from a structural engineer on July 27, 2021, stating that the pool structure warrants additional analysis to develop a repair protocol and that the pool is not in immediate danger of collapse. Since that time, the Association has been issued a building permit to make repairs to the building. At the time Mr. Bibace objected to the Association's ability to receive a building permit and make the decision to perform work without condo owner's consent.

In his most recent email on May 14, 2023, Mr. Bibace states that his issue is that the City allowed the Association to submit a development review application to increase the height on the building. The request to increase the height is separate from the structural issue aside from it being in the same area of the building. The basis for his issue is related Section 718.113(2)(a) of Florida Statutes which generally provides for the approval process required for Condominium associations to make material alterations or substantial additions. The City's land development regulations and the Florida Building Code are not the enforcement mechanisms for this statute. Mr. Bibace has been repeatedly told by staff that his issue is a civil matter. Furthermore, the agency tasked with being the arbiter of disputes under Section 718 is the State Department of Business and Professional Regulation's Division of Florida Condominiums, cooperatives, timeshares, and mobile home parks.

Please contact Development Services Director, Christopher Cooper, at ccooper@fortlauderdale.gov or 954-828-5980 if you have any questions.

c: Anthony G. Fajardo, Assistant City Manager
Susan Grant, Assistant City Manager
D'Wayne M. Spence, Interim City Attorney
David R. Soloman, City Clerk
Patrick Reilly, City Auditor
Department Heads
CMO Managers