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COMMUNITY LIVING

Fall 2020

**Check out our first edition
of 'A Salute to Managers' on
Page 12**

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- Ten Reasons to Serve on Your Board


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Community Associations Institute (CAI) is a national organization dedicated to fostering vibrant, competent, harmonious community associations. For more than 40 years, CAI has been the leader in providing education and resources to the volunteer homeowners who govern community associations and the professionals who support them. Our members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to associations. Our local chapter serves over 500 members with annual events including Trade Show & Expo, Golf Tournament, CAM & Board Member Education events and so much more.

READER COMMENTS & ARTICLES ARE WELCOME

Columns and ideas from all our members are always welcome. Send submissions in Microsoft Word format to: ced@cai-seflorida.org

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Consult with our Calendar on CAI-SEFlorida.org for Event Updates

Hot-Topics Breakfast



Delicious hot breakfast, networking and a free CE credit seminar on the last Tuesday of each month, at Jacaranda Country Club in Plantation. We hope to return to this format soon.

Be on the lookout for ongoing announcements on our website at CAI-SEFlorida.org.

Holiday Party



Wednesday, December 2
6:00pm-10:00pm

Grateful Palate in Ft. Lauderdale

An evening of fun, networking, food and drink, live entertainment and some of the most creative photography poses we have ever seen! We hope to see you there!

From the Desk of the Executive Director

Jill Proietti, CED, ced@cai-seflorida.org



Greetings to you all!

First, I would like to say that I hope you are all doing well are staying safe, and have been during the past seven months. CAI-SE Florida is concerned about each one of you and how you are faring during the pandemic. I do not believe that any of us would have

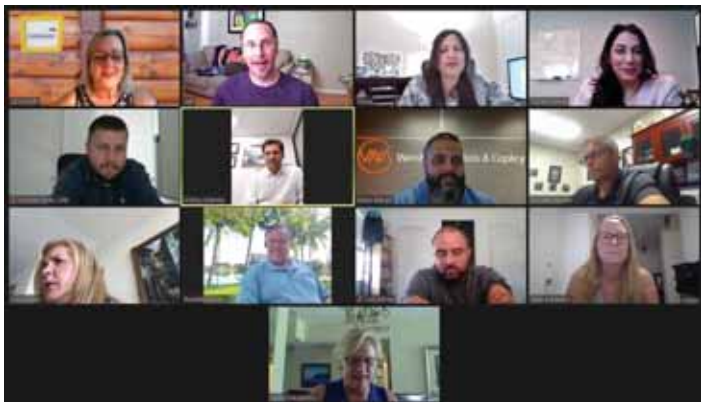
ever imagined that we would be in this position for so long.

I usually speak about how our events have been and what is coming up for the next few months, but as you know, there is not much to report, EXCEPT..... our golf tournament is being held on Friday, October 23 at Miami Shores Country Club and we are excited for it to be the awesome event it always is!! It will be the largest chapter function of this year and will no doubt be as fantastic as usual, despite all the changes that will have to happen due to COVID-19! Instead of our normal shotgun start, we will be utilizing tee times due to cart limitations, so we had to cap our golfers' capacity at 120. It will be different from all other golf outings, but we have confidence it will be a rousing success! Just to be able to see some colleagues will be awesome.

We are in the process of organizing our Holiday Gala for the first week of December, hoping we can pull it off with a few changes of course. So, with any luck, we will be together before the end of the year!

We encourage suggestions and participation on our committees so that we may bring you all the programs you, as members, are interested in. Please feel free to email me at ced@cai-seflorida.org or call 954-816-0661.

Please check our website regularly for all of our upcoming events, including distance learning webinars; you wouldn't want to miss anything! I look forward to seeing you at our next event, which will hopefully be very soon!



Your CAI-SEFL Board of Directors and staff hope to see you soon!

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We welcome our new (and renewed/re-joined) Chapter Members! June 5, 2020 to October 12, 2020. New members highlighted in bold.

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Note: existing companies and organizations may appear in bold (as new) if they added new individual members through the company, as Business Partner Members. In addition, existing individual members may appear as 'new' if he/she rejoined while changing membership type.



Florida Legal Update Summary

-Shayla Johnson Mount, Esq., Becker

The Florida Legislature was especially busy this past session filing, debating, and ultimately passing several community association related bills. Below is an outline of those bills and the potential impact on your community association this year.

Emotional Support Animals – Chapter 2020-76 (Senate Bill 1084)



This long championed and highly anticipated bill managed to make it to the finish line this year to become law on July 1, 2020. This law amends portions of the Florida Fair Housing Act (Chapter 760.20, F.S.) to officially define an “emotional support animal” (“ESA”) and prohibit discrimination in housing against individuals with a disability-related need for an ESA. More specifically, the new

law requires a housing provider (which for purposes of the law includes a community association) to make “reasonable accommodations” to allow for the individual’s ESA at no additional cost under certain circumstances. If the person’s disability is not readily apparent, the association can request additional supporting documentation from the person’s health care provider or other proof of disability (i.e.: proof of receipt of federal or state disability benefits). However, an association cannot inquire as to the person’s specific disability. The new law also makes the individual directly responsible for any personal or property damage the ESA causes and also makes it a second-degree misdemeanor to falsify or misrepresent information or documentation concerning an individual’s need for an ESA.

Fireworks - Chapter 2020-11 (Senate Bill 140)

The new law prohibits a homeowners association from passing a board-rule banning the use of fireworks on certain “designated holidays,”

including New Year’s Eve, New Year’s Day, and Independence Day. This law does not specifically apply to condominium associations and a homeowners association is still able to amend its Declaration to regulate or limit the use of fireworks within the community.

Law Enforcement Vehicles – 2020-5 (Senate Bill 476)

One of the first bills passed and approved by Governor DeSantis this session, is a law that prohibits a condominium, cooperative or



homeowners association from prohibiting a law enforcement officer from parking his or her assigned vehicle in an area where the individual would otherwise have the right to park.

State Reporting for 55+ Communities - Chapter 2020-153 (Senate Bill 255)

This law removes the requirement that 55+ communities must initially register, and biannually report its compliance status, to the Florida Commission on Human Relations. This bill does not eliminate the need for these communities to comply with federal reporting requirements.

Housing Discrimination – Senate Bill 374

This bill passed the House and Senate but, at the time of this writing, is still pending action by the Governor. If it becomes law, this bill will amend the Marketable Record Title Act (Chapter 712, F.S.), to automatically extinguish and make void as a matter of law any “discriminatory restriction” on the basis of race, color, national origin, religion, gender or physical disability which are contained in an Association’s recorded governing documents.

Continued on page 14



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Don't Get Hooked: How to Spot a Phishing Email Scam

-Lisa Elkan, Vice-President, Alliance Association Bank

During these turbulent times it may seem overwhelming as we all navigate the uncharted waters and try to adjust to a new normal. Many of you may have noticed an increase in telephone and email scams requesting donations, personal information and/or urgent requests like wire transfers. Business email compromise (BEC) and phishing email scams are on the rise – and you do not want to get “hooked”.

Phishing is a type of cybercrime that uses emails – disguised as coming from a person or organization you trust – in order to lure you into clicking a fraudulent link or providing access to sensitive information.

Hackers may be interested in targeting your intellectual property, financial account information or payment card data; and if one employee falls for a phishing attack, your entire system may be at risk.

As more people work remotely, unfortunately there are more opportunities for costly email compromise mistakes to be made. It's important to stay vigilant and keep an eye out for these red flags:

- The email includes a request for your username and password, either by replying directly to the email or by clicking on a link that takes you to a site where you're asked to input your information. **No one in your organization should ever ask you for your password.**
- The email appears to have been sent from the HR or IT department, but something doesn't look quite right.

- There are grammatical errors in the email or subject line.
- You do not know the sender, and the email has an unexpected attachment.
- The email contains email addresses that don't match between the header and the body, are misspelled (like @gmail.com), or have unusual formats (@company-othersite.com).



- The email includes links or email addresses that, when you hover over them, list a different destination than described.
- They try to create a sense of urgency in order to get you to respond.

Continued on page 22



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We know that 2020 has derailed your management plans and goals, but you have all risen to the occasion, and we want to salute you. We asked CAMs to share anecdotes with us, briefly describing what you have had to deal with during this pandemic. Here are some of their entries:

Miriam Santiago, Regional Director at FirstService Residential

As a Regional director we have had to advance immediately to Zoom meetings and new technology that was there, but not actually being used. We have had to learn how to protect and guide our managers, boards and fellow homeowners during this Covid-19 pandemic. We have had to develop and inform residents to protect themselves while keeping (confidential) the names of owners and employees that contracted the virus. We have had to train and develop ourselves in making sure that we protect ourselves and others with face coverings, cleaning protects and constant instructions to please wash your hands. Signs, Zoom meetings and masks are our reality right now and probably for some time to come. United we will move ahead and become stronger and more passionate about our fellow boards, employees and unit owners. Together we teach and remember those that we have lost combating this virus and preserving our way of life.

Lisa Mann, Ambassador Community Management

The biggest issue by far revolves around pool closures. All my association pools are closed. I receive numerous calls each day as to when the pools will be opened, people volunteering to clean the pool area, but not the bathrooms, why are the bathrooms locked? My retort is always, why were you in the pool area in the first place when there are signs stating the pool is closed. The health department was called to answer this question which caused the health inspector to come out. At this particular association, the signs kept getting ripped down. We had to install a chain around the gate. Another pool issue we have are people jumping over a four (4)-foot fence, though chained. The pool and lawns inside the fence are still being maintained by giving those vendors the gate chain combination. All my other vendors are still working and I am still able to obtain proposals though possibly a bit slower.

Christina Ashley, Pointe of Americas II

It has been challenging with all the different temporary rules that had to be implemented and adhered to, as well as the constant caution that has to be taken when it comes to sterilizing pool furniture, elevators, gyms and any other common area. We have also challenged unit owners arriving from areas that are/were Covid-19 hotspots, and not self-isolating when they arrive. Difficult to enforce when they are owners; some complied when told to self-isolate, some refused. The absolute worst about this pandemic is that I lost one of my employees to the condition. She was only 56-years old, and a loyal employee of 13-years.

Sean Arena, The Oceanage Association, Inc.

This has been quite a year! The board I represent at The Oceanage is very progressive. As soon as COVID-19 began, the president and vice-president and I worked on a protocol for all workers / residents coming onto the property and those that were essential employees. We have the employees working at 30-hours, they are wearing masks and proceeding cautiously. The contractors have put in washing sinks across the property and are following our protocols. We have closed the Gym and the Clubhouse until we feel all can proceed cautiously. I have Dutch doors at my office entrance so all can come to that point but no further. Because of the concern of the Board and the residents towards the employees, we have had a very successful time during this pandemic. As a team we have worked out all of these procedures very well!

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Legal Update Summary

The law would allow the board by majority vote to amend its governing documents to remove any such restrictions.

Lease Requirements - Chapter 2020-102 (Senate Bill 469) – This law removes the requirement that a lease agreement must be signed by a subscribing witness.

Florida Guaranty Insurance Claims – Chapter 2020-155 (House Bill 529) – This bill increases the amount of insurance available through the Florida Guaranty Insurance Fund from \$100,000 to \$200,000 for each condominium or HOA claim, where the association has the responsibility to insure residential units.

Rental Agreements - Chapter 2020-99 (Senate Bill 1362) - Also known as the “Protecting Tenant at Foreclosure Act,” this law requires a party or entity who obtains a property at foreclosure that is subject to a pending lease agreement to provide to the tenant a 90-day notice to vacate.

Thankfully, **Senate Bills 295** and **1488** did not pass, both of which would have significantly revised

and limited the ability of a condo or homeowners association to bring construction defect claims against developers and builders on behalf of its members. This year, the legislature revisited the controversial issue of regulating short term vacation rental (i.e.: Airbnb) through consideration of **Senate Bill 1128** and **House Bill 1011**. These bills would have prohibited cities and counties from passing ordinances regulating or limiting an owner’s ability to use their home or unit as a short-term vacation rental. Although neither bill specifically addressed an association’s ability to pass rules or regulations regarding short-term rentals, it is likely that this issue will return next year for further debate before the Legislature. Prior to next year’s session, associations that are concerned with short-term rentals in their community should seriously consider amending their governing documents **now** as future versions of this bill may propose to limit an associations ability to regulate short-term rentals as well.

The advertisement features a hand holding a brown paper bag with the GlobalPro logo and the text "Love in a bag" and "#LoveinaBag". The background is a dark, blurred image of a city street. The text on the left side of the image reads:

GlobalPro
#LoveinaBag

The restaurant industry continues to suffer tremendously since **COVID-19** lockdowns went into effect over six months ago.

As things evolve into a new "normal," **GlobalPro** decided to support some of our hospitality clients in our community through an initiative we call **#LoveinaBag**

In the following month, we will feature some of our favorite restaurants in the hope that you will join us in helping restaurants get through these tough times.

To learn more about this initiative visit:
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Logos for **DeLoves Lolita**, **DeLoves**, and **sardinia** are displayed at the bottom.

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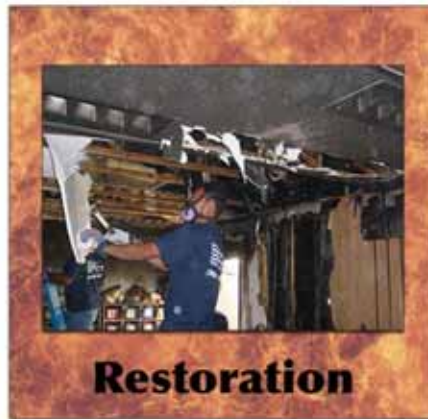
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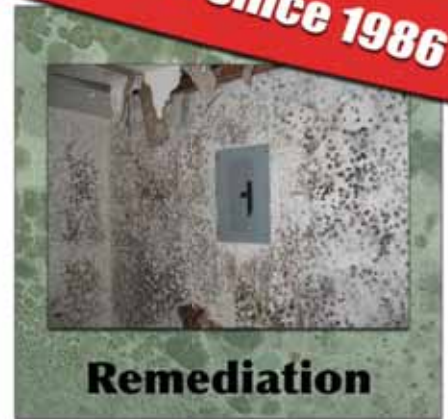




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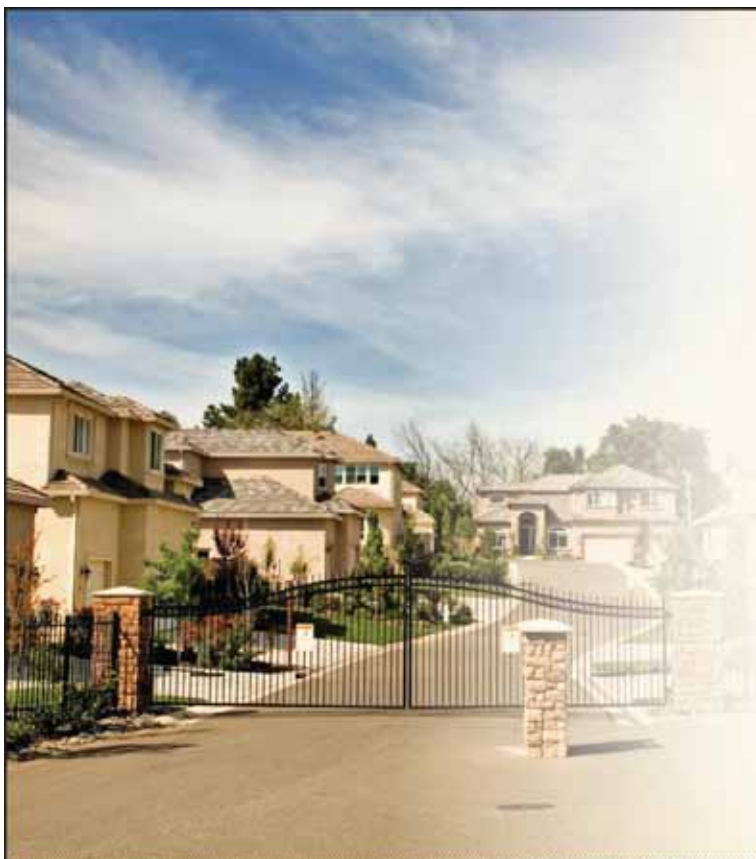


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How Can Transitioning from Self-Management to Professional Management Better Your Community?

Castle Group | Castle Blog: [CastleGroup.com](https://www.castlegroup.com)

There are several factors that lead community associations to stay self-managed. With decades of experience in transitioning self-managed communities into professionally managed communities, we have been able to identify these key factors and map out some of the downsides of staying self-managed along with the pros of switching to professional management.

Why are self-managed community associations hesitant to switch to professional management?

1. Self-managed communities are often wary of change.
2. Self-managed communities are often concerned about maintaining authority.
3. Self-managed communities often think that by keeping their management in-house they are saving money.

What are the downsides of staying self-managed?

In self-managed communities, it is more common that associations fall victim to lawsuits or penalties for unfair, incorrect, or late handling of resident issues. When a professional management company is involved, the liability no longer rests solely on the board members' shoulders and they are supported by an organization with experience, resources, and experts dedicated to solving these problems. Board members of self-managed communities are also solely responsible for handling escalated resident concerns, which can lead to unpleasant disagreements and rifts between neighbors.

Self-managed communities often miss out on the industry knowledge associated with managing multiple similar communities. With a professional management company, utilizing this resource can prove to be extremely useful. In terms of HOA and Condo management, if you are a member of a community board and your management company manages another community that is similar in size and features, your professional management company can compare the costs of services between the two communities and benchmark these expenses for cost control.

What are the pros of switching to professional management?

In a professionally managed community, authority always lies in the hands of board members. Professional management takes the legwork out of managing the community and leaves the decision making to the board. This allows the HOA board member or condo board member role to stop being a full-time job and be as it was originally intended: a volunteer position.

Staffing is an important concern for self-managed communities when considering changing to professional management. "Will we be able to keep the staff members we like if we switch to professional management?" is one of the most common questions we receive from self-managed communities. If your staff is working for your community and doing a great job, then you do not necessarily have to change when transitioning to professional management. Moreover, your new professional management company can provide these employees with resources, additional support, and an enhanced benefits package making them happier and more likely to stay with your community.

Lastly, a professional management company can save a community an exponential amount of money by providing the services that would normally need to be outsourced by a self-managed community. Software and IT support can be provided by the professional management company. At Castle, our Accounting experts take care of the community financials so that the Board no longer has to be concerned with outsourcing the work or handling it themselves.

For self-managed community board members, a professional management company can take the burden off of your shoulders and give you the opportunity to focus on governing your community. This change may seem difficult at first thought, but in the long run, your community will have access to a wealth of expertise, experience, and resources, making it an exceptional place that residents will look forward to coming home to.

Is your management company providing the layered support your community needs?

Castle Group's Community Management team provides a complete array of services to operate the administrative, financial, physical, and people aspects of your Community. We have organized our company around supporting the operations of the on-site teams by employing specialists in variety of areas. Some of these areas include: large-scale community management, food & beverage, high-rise management, project management, and financial services.

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Consulting Engineers Help Florida Condo Boards Save On Building Repairs

-Written and provided by m2e Consulting Engineers

All buildings will eventually need repairs, even if they were designed and constructed according to code requirements. Things like pumps and air handlers will gradually wear down due to friction, and lighting fixtures generally have internal components that deteriorate with heat. In our local area, Florida and Miami area condominiums and housing cooperatives are managed by boards, often composed of volunteers who decide how to proceed with needed building repairs. Construction can be expensive, so ideally the board should find a contractor who solves the issue for a reasonable price.

There are two common mistakes when choosing how to proceed with a repair: paying more than necessary and selecting an offer that does not solve the problem. Boards composed of volunteers have no guarantee that members have a technical background. And even if there are engineers or architects on the board, they may not have the free time needed to give their full attention to building issues.

Repairs conducted in single-family dwellings where the owner resides in the building are subject to more scrutiny due to the fact that the owner is present and bears the full cost. Consequently, repairs are diluted among each tenant as a maintenance fee, so the impact of a poor decision is not felt immediately.

The Role of Consulting Engineers

Consulting engineers assist in negotiations between condo boards and contractors as a neutral third party. A condominium board has the responsibility of comparing several building repair offers and consulting engineers can help determine which ones have a reasonable scope and price.

It is tempting to choose the cheapest priced contractor when there are many offers, but an under-priced

project could result in poor communication or calculation errors. In these cases, the final price ends up being much higher once you factor in the change orders that are required. Saving money by reducing the costs of building repairs is in the best interest of every tenant, but unreasonably low prices should be considered with caution.

However, the opposite can also happen. If a condo board chooses carelessly among the available offers, they can end up paying more money than necessary. This can result from an overpriced offer or one that includes unnecessary work. If building repair is urgent, boards are more vulnerable to price gouging. Be mindful not to take the first offer that is available, because it could be overpriced.

Strict Adherence to Florida Building Codes

The Florida Department of Buildings does not require a work permit for minor projects, but larger buildings in need of repair often exceed the established threshold. If a condo board does not attain a required work permit for a large repair, they may soon be faced with a hefty fine from the Department of Buildings.

Engineering consultants are familiarized with Florida building codes and permitting requirements, so they are capable of easily identifying cases where a work permit is necessary. Work permits involve a great deal of paperwork and experienced professionals are able to complete it quickly, all while the condo board can avoid hefty fines. Boards can ensure that even minor work is code-compliant with the help of an informed professional opinion.

Continued on page 23



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Continued from page 10
Avoid Phishing

Your email spam filters may keep some phishing emails out of your inbox. Unfortunately, scammers are always trying to outsmart spam filters, therefore, we encourage you to add extra layers of protection. Consider the additional measures below to protect yourself from phishing attacks:

- Implement dual-multi factor authentication measures to protect your devices and accounts.
- Utilize cybersecurity software to protect data stored on your computer and mobile devices.
- Confirm the legitimacy of email requests prior to replying.

There are several banks that offer services such as ACH Positive Pay and Check Positive Pay to help prevent online payment fraud. These services are designed to help management companies and associations thwart fraud attempts from cybercriminals, especially in this time when we all need to be more vigilant than ever.



For more information about Alliance Association Bank or to learn more about Positive Pay, please contact Lisa Elkan, Vice President of Alliance Association Bank at 561-212-2091 or via email at lelkan@allianceassociationbank.com

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Consulting Engineers

Inspecting Building Structure

Most building inspections will be conducted similarly, although the age of a building will come into play. Building plans are usually reviewed prior to the inspection to help with the process. The scope of what an inspector is looking for depends on the scope of a contract. For instance, a turnover inspection typically includes noting any visually observable defects and issues that may require further investigation. An inspection must identify any cracks, spalling or rebar corrosion that has occurred on masonry walls and balconies. Roofs, floors, windows and exterior finishes are evaluated for deficiencies or damages that may affect the stability and safety of the building.

It is important to hire a qualified engineering consulting firm to inspect any potential structural problems that may occur in a building. These professionals have the expertise to advise on problems found and provide recommendations. Normally without the input of an engineering consultant, other inspections would only occur as a result of routine inspections by management, or something reported by a board member, resident or visitor and would be the focus for the inspection.

Prioritizing Condo Repairs and Upgrades

Issues that occur in buildings like water infiltration, cracks in the walls, damaged paint and noisy ventilation equipment are inevitable. However, many issues can go by undetected until they cause a malfunction in a key building system. Such issues can only be discovered if the building is inspected by a qualified professional. Aesthetic problems tend to receive plenty of attention because they are obvious, but the most urgent issues are often hidden.

Condo consulting engineers can suggest a priority list of maintenance issues after a detailed inspection of a building. Being proactive about solving problems is faster, less expensive and less disruptive than waiting for an equipment breakdown. For instance, you will want to avoid a broken air conditioning unit on the hottest days of summer- a much smarter option is to inspect ventilation systems before summer arrives.

Managing building reparations without the help of a professional third-party opinion is risky. Co-op and condo boards can end up paying for overpriced or unnecessary work. Consulting engineers can help boards to change their maintenance approach to one that is proactive- fixing issues before they occur often reduces both cost and disruption.



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Legal Morsel: New Florida Legislation on Emotional Support Animals

-Robert L. Kaye, Esq., B.C.S. / Kaye Bender Rembaum

In the 2020 Legislative session, the Florida Legislature adopted Senate Bill 1084, which was signed into law by the Governor, and became effective on July 1, 2020. This new law addresses emotional support animals on a state level. It provides clarification regarding qualifications for this special status under Florida's Fair Housing Act, as well as identifies penalties for wrongfully and/or fraudulently attempting to qualify for the exempt status and have the animal. However, while significant and helpful, it is also important to bear in mind that there are Federal laws on this topic that apply as well and care is needed to avoid potential conflicts.

The new Section 760.27 of Florida Statutes, within the Florida Fair Housing Act, initially adds a definition for an "emotional support animal". Specifically, an emotional support animal is one that "does not require training to do work, perform tasks, provide assistance, or provide therapeutic emotional support by virtue of its presence which alleviates one or more identified symptoms or effects of a person's disability." When considering an application for an emotional support animal, the Statute indicates that the person requesting the emotional support animal cannot be required by the housing provider (which includes associations) to pay extra compensation to the provider in order for the requesting individual to have the animal.

The new Statute does allow the housing provider/association the right to deny the reasonable accommodation request under certain circumstances. One instance is if such animal poses a direct threat to the safety or health of others or poses a direct threat of physical damage to the property of others, which cannot be reduced or eliminated by another reasonable accommodation. This could be significant in the event there is an existing resident who may have a documented medical condition that would be negatively impacted by the presence of the animal (such as an allergy condition).

If the disability is not readily apparent, a housing provider/association may request reliable information that reasonably supports that the person requesting the animal has a disability and lists the types of supporting documents that would qualify as acceptable. These include: a determination of disability from any federal, state or local government agency; receipt of disability benefits or services from any federal, state or local government agency; proof of eligibility for housing assistance or a housing voucher received because of a disability; information from a health care provider, with the requirement that if such provider is not physically located in Florida, the provider must have provided in-person care or services to the applicant on at least one occasion (this "in-person" care requirement for an out-of-state provider is a significant change in the new Statute); and, information from any other source that the housing provider/association reasonably determines to be reliable in accordance with federal law. Also authorized in the new statute is for the housing provider/association to request reliable information that may include identifying the particular assistance or therapeutic emotional support provided by the specific animal; and, other information that the housing provider reasonably determines to be reliable under federal law.

If the person requesting the animal is asking for more than one emotional support animal, the housing provider/association may request information regarding the specific need for each animal. Proof of compliance with state and local requirements for licensing and vaccinating each emotional support animal may also be required.

A housing provider/association may not request information that discloses the diagnosis or severity of a person's disability or any medical records relating to that disability.

Continued on page 27

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Covid-19 and Mental Health

-Provided by Florida HEALTH website

The outbreak of COVID-19 is stressful for most people. Fear and anxiety about a disease can be overwhelming and cause strong emotions in adults and children. Taking care of yourself, your friends, and your family can help you cope with stress. Helping others cope with their stress can also make your community stronger.

It is natural to feel stress, anxiety, grief, and worry during an ongoing crisis like the COVID-19 pandemic. Everyone reacts differently and your own feelings will change over time. Notice and accept how you feel. Taking care of your emotional health will help you think clearly and react to the urgent needs to protect yourself and your family. Self-care will help your long-term healing.

If you or someone you care about is feeling overwhelmed with emotions like sadness, depression, or anxiety, or feel like you want to harm yourself or others, call:

- 911
- Disaster Distress Helpline at 1-800-985-5990 or text TalkWithUs to 66746 (TTY 1-800-846-8517)

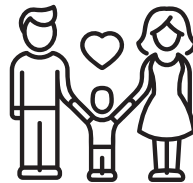


Things you can do to support yourself

- Take breaks from watching, reading, or listening to news stories, including social media. Hearing about the pandemic repeatedly can be upsetting.
- Take care of your body. Take deep breaths, stretch, or meditate. Try to eat healthy, well-balanced meals, exercise regularly, get plenty of sleep, and avoid alcohol and drugs.
- Make time to unwind. Try to do activities you enjoy.
- Connect with others. Talk with people you trust about your concerns and how you are

feeling. Many people are using video chats to feel connected to their friends and loved ones and report that it is helpful to relieve anxiety and stress.

Call your healthcare provider if stress gets in the way of your daily activities for several days in a row.



Things you can do to support your child

- Take time to talk with your child or teen about the COVID-19 outbreak. Answer questions and share facts about COVID-19 in a way that your child or teen can understand.
- Reassure your child or teen that they are safe. Let them know it is ok if they feel upset, confused or even angry about the disruption to their normal life. Share with them how you deal with your own stress so that they can learn how to cope from you.
- Limit your family's exposure to news coverage of the event, including social media. Children may misinterpret what they hear and can be frightened about something they do not understand.
- Be a role model. Take breaks, get plenty of sleep, exercise, and eat well. Connect with your friends and family members.

**FLORIDA
COVID-19
RESPONSE**



FloridaHealthCovid19.gov

Emotional Support Animals

Continued from page 24

The housing provider/association may develop and make available the application form the housing provider/association prefers be used in making the application, but may not require the use of a specific form or notarized statement or deny a request solely because the requesting party did not use the housing provider/association's method.

The statute expressly indicates that emotional support animal registration of any kind is not, by itself, sufficient information to reliably establish that a person has a disability or disability-related need. If the animal causes any damage to the premises or another person, the owner of the animal is liable for such damages.

A significant and notable portion of this Bill is the addition of Section 817.265 F.S., within the Criminal Code of Florida. This new provision identifies as a misdemeanor of the second degree for falsifying information or written documentation or knowingly providing fraudulent information or written documentation for an emotional support animal application.

Continued on page 30



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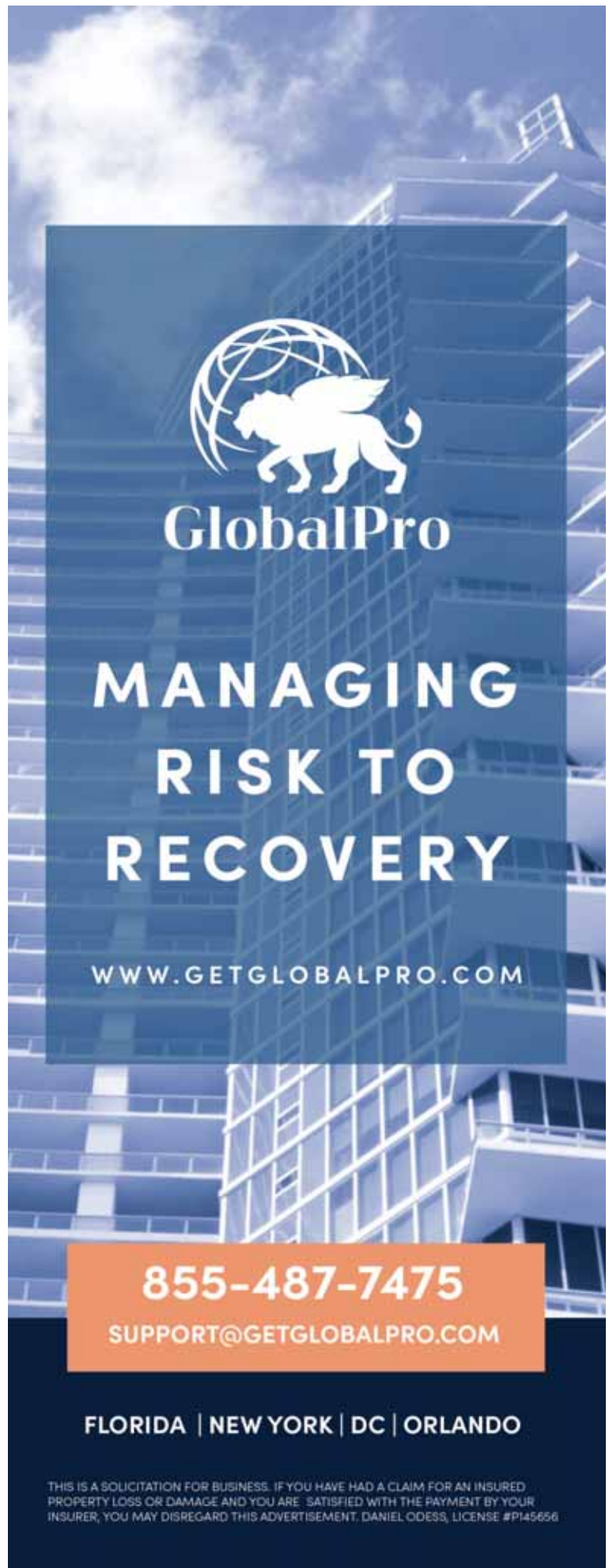
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Ten Reasons

To Volunteer to Serve on The Board of your Association

There are many reasons why homeowners volunteer to be a part of your Board of Directors. Below are 10 reasons to Volunteer for your Board of Directors. Our community is constantly looking for dedicated and talented homeowners to join our Board of Directors. Give it a shot!

1. To protect you property values and maintain the quality of life you expect in your community.
2. To correct a problem within your community. Perhaps parking is an issue, or maintenance has been neglected.
3. To give back to your community and neighbors.
4. To be sociable, meet your neighbors, and make friends.
5. To advance your career and build your personal resume by including your leadership capacity and community volunteer service.
6. To have fun accomplishing things around your community together with your neighbors. Being on the Board doesn't always have to be negative.
7. To get educated on the many facets of running a community association such as; the many laws and regulations, maintenance and repair, and understanding financials.
8. To express yourself and be creative while offering your opinion on solutions to your communities day to day problems.
9. To earn recognition from your peers for your contributions to the community.
10. To advance the 'givers gain' mentality of improving society as a whole while assisting your neighbors throughout the community.

As you can see, joining your Community Association Board of Directors can be rewarding in many ways. Give it a try!

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Emotional Support Animals

Continued from page 27

The wrongful conduct also includes otherwise knowingly and willfully misrepresenting through a verbal or written notice, as having a disability or disability-related need for an emotional support animal or being otherwise qualified to use an emotional support animal. This could result in imprisonment for a period not to exceed sixty (60) days and/or a fine of up to \$500.00. If an individual is convicted for this conduct, the person must also perform 30 hours of community service for an organization that serves persons with disabilities or for another entity or organization that the court may decide upon. These sanctions could apply not only to the individual requesting the reasonable accommodation, but also to the "medical provider" who provides fraudulent information to support the request.

While it is significant that there are criminal sanctions included in this new statute, it is also necessary to recognize the limits that are included in it as well. The words "knowingly" and "willfully" create a substantial burden on the State in prosecuting an alleged incident since it will be required to prove beyond a reasonable doubt the knowledge and intent of the party being charged, which can be extremely difficult to do.

Whether a local Assistant State Attorney is willing to pursue such a charge is generally an open question at this time.

Although it is helpful to have these guidelines in the State statutes, it is also important to keep in mind that there are Federal Fair Housing Laws that include this particular issue and whenever there is any conflict between the Federal and State requirements, the Federal law will apply. Since these types of issues can create costly potential exposure to associations, it remains a necessity that board members consult with competent association attorneys versed on this topic whenever confronted with a request for a reasonable accommodation of this type.



Robert L. Kaye is Board Certified in Condominium and Planned Development Law, and Managing Member of Kaye Bender Rembaum. Mr. Kaye has served on the Florida Bar's Grievance Committee, the Committee on the Unlicensed Practice of Law and is a member of the Condominium Committee of the Real Property Section of The Florida Bar. He also lectures on Community Association law and is regularly published on the subject. Mr. Kaye hosts KBR's appearances on the radio show, 'Ask the Experts', from 6pm to 7pm, the first Thursday of each month.



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County & State Covid-19 Orders & Procedures

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CAI Covid-19 Page and Resources

Don't forget to check out the main CAI COVID-19 page and share it with your members. Be sure to place a link on your website and push out on social media.

[Take me there](#)

Community Associations Institute Southeast Florida Chapter