



# FLORIDA COMMUNITY ASSOCIATION 2022 LEGISLATIVE GUIDE

**CALL**

COMMUNITY ASSOCIATION  
LEADERSHIP LOBBY

POWERED BY

**Becker**  
Becker & Poliakoff



# A LETTER FROM THE EXECUTIVE DIRECTOR OF CALL

Dear CALL Members:

The Florida Special Session produced the most sweeping legislation affecting condominium and cooperative associations in decades. SB-4D, known colloquially as the Condo Safety bill, became law on May 26, 2022. This law requires periodic engineering inspections and a new structural integrity reserve study for buildings three stories or higher. While SB-4D naturally has garnered the lion's share of attention, our guidebook contains a summary of all the newly passed bills that can impact your condominium, cooperative or HOA as well as operational tips and best practices.

As for SB-4D, the timing of the engineering inspections vary based on a building's proximity to the coastline. The new law imposes greater transparency requirements regarding a building's financial and structural security and boards who fail to conduct the required inspection and reserve study are deemed to have breached their fiduciary duty, potentially exposing individual directors to personal liability. Managers and management companies also have heightened responsibilities and accompanying liability for failing to meet those responsibilities.

Most years we see complicated community association legislation which requires subsequent legislation to address the unintended glitches that were not considered during drafting. However, SB-4D presents a unique number of substantive and procedural questions. A glitch bill next year is likely but certainly not guaranteed. Some of the questions raised by this new law include:

- How do you calculate the number of stories in a building?
- How are large communities with a mixture of building heights and varying proximity to the coastline impacted by this new law?
- What are the engineering qualifications needed to perform Phase II of the Milestone Inspection?
- Can the structural integrity reserve components be placed in a pooled reserve account?
- Can buildings with fewer than three stories continue to waive or only partially fund reserve components that may impact the structural integrity of the building such as the roof and exterior painting/waterproofing?



*Donna DiMaggio Berger,  
Founder & Executive Director*

The foregoing are just a few of the unanswered questions this new law is raising. However, until these laws are tested legally or revised in a future Session, definitive answers may not yet be possible and obtaining a legal opinion is advised. Given the statutory liability that may result from an incorrect decision, interpreting and implementing this new law is not to be taken lightly. This is not the job for the retired out-of-state attorney on your board, or your manager or a helpful post you read on social media.

Life safety projects must always take priority over aesthetics-based improvement projects. While renovations and improvements are a necessary part of keeping your community attractive and your members happy, these projects must take a backseat to necessary life safety projects. If your community is considering a renovation or other aesthetics-based project, it is incumbent upon your board to first confirm that all pending safety-related projects have been completed or will be undertaken simultaneously.

Many of you may be asking, “how are our members going to pay for all of this?” The answer is that the board must pass an operating budget each year that is sufficient to meet the association’s needs. For many of you that means your regular assessments will be increasing significantly. In addition, special assessments may be needed as well as financing. Many of you have already seen this borne out with the recent enormous insurance premium increases you were forced to bear. Living in a coastal condominium or cooperative unit used to be the most cost-effective housing option to enjoy a “piece of paradise”. The sad reality today, however, is that living in an older coastal condominium or cooperative unit is going to be among the most expensive housing choices and many people will be priced out of that market.

For more information on the new safety law, please visit [FLBuildingSafety.com](https://flbuilding.com).

Very Truly Yours,



**Donna DiMaggio Berger, Founder & Executive Director**  
Community Association Leadership Lobby

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## PART I

# CONDOMINIUMS, COOPERATIVES AND HOMEOWNERS' ASSOCIATIONS' BILLS THAT **PASSED**

# SB 4-D: BUILDING SAFETY

(Chapter 2022-269, Laws of Florida)

*Effective Date: May 26, 2022*

In a surprise move, the Florida Legislature decided in its pending Special Session to take up the “Surfside legislation” that did not pass during the Regular Session earlier this year. SB 4-D passed, and Section 553.899 was added to the Florida Statutes to provide for Mandatory Inspections of Condominium and Cooperative Buildings.

If a condominium building is three or more stories in height, a “milestone inspection” is required and must be performed by a licensed architect or engineer. A milestone inspection is defined as:

*“Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems as those terms are defined in s. 627.706, by a licensed architect or engineer authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.*

The inspection must be performed within 30 years from the date the Certificate of Occupancy (“CO”) was issued for the building. However, if the building is within three miles of the coastline, the milestone inspection must be performed within 25 years of the CO date.

The law is being phased in by requiring buildings that received a CO before July 1, 1992, to complete the first milestone inspection by December 31, 2024. Further, the law requires the “local enforcement agency,” presumably the local building department, to send notice to associations of the milestone inspection requirement via certified mail. The association then has 180 days to perform a “Phase One” inspection.

The Phase One inspection requires the licensed architect or engineer to perform a visual inspection of the property and undertake a qualitative assessment of the building’s condition. If the Phase One inspection reveals no sign of substantial structural deterioration, then a “Phase Two” inspection is not required. A Phase Two inspection is required if substantial structural deterioration is identified. The Phase Two inspection may require destructive testing, at the inspector’s direction. The term “substantial structural deterioration” is defined in the new statute.

The engineer or architect performing either a Phase One or Phase Two inspection must prepare a written inspection report. The report must be sealed and have a separate summary pointing out its material findings.



The report with a separate summary must be given to the association and the local building official with jurisdiction over the building. The inspection report must:

- Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- Indicate the manner and type of inspection forming the basis for the inspection report.
- Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- Identify and describe any items requiring further inspection.

The association must then distribute a copy of the inspector-prepared summary of the inspection report to each unit owner by mail, personal delivery, or e-mail to those who have consented to receive electronic notice, must post a copy in a conspicuous place on the condominium property, and must publish a full inspector-prepared summary on the association website, if a website is required.

The new law gives local building officials discretion to prescribe timelines and penalties for non-compliance. County commissions may adopt ordinances establishing timelines for necessary repairs identified in a report, and such repairs must be commenced within 365 days after receiving the report. If the association fails to submit proof that the repairs have been scheduled or commenced for substantial structural deterioration identified in a Phase Two inspection report, the local law enforcement agency must review and determine if the building is unsafe for human occupancy.

Chapter 718 was amended to incorporate the requirements for the mandatory inspection report and to require a structural integrity reserve study. Section 718.103, Florida Statutes, was amended to add subsection (25), which defines a “structural integrity reserve study”, as follows:

*(25) “Structural integrity reserve study” means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481. At a minimum, a structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.*

In addition, Section 718.111(12), Florida Statutes, was amended to add the structural integrity reserve study as part of the official records that the association must maintain and to make the inspection reports official records of the association. The law requires that these reserve studies must be maintained as part of the official records of the association for 15 years. Milestone inspections must also be retained for 15 years. Renters are entitled to inspect the inspection reports.

If the association is required to have a website, the inspection reports described above and any other inspection reports relating to structural or life safety inspections of the condominium property and the association's most recent structural integrity reserve study must be posted on the website.

Perhaps the most significant change to the law, from an operational perspective, is the budget adoption process, particularly regarding reserves. The reserve schedule will now be required to include any items identified in a newly required "structural integrity reserve study." For buildings of three stories or more, the initial reserve structural integrity study must be completed by December 31, 2024, and must be performed at least every 10 years thereafter.

Effective December 31, 2024, an association may not vote to waive or reduce reserves for the items listed in the structural integrity reserve study. Further, effective December 31, 2024, the members of an association may not vote to use reserve funds, or any interest accruing thereon, that are reserved for items listed in the structural integrity reserve study for any other purpose other than their intended purpose.

The structural integrity reserve study must address: roofs; load bearing walls or other primary structural members; floors; foundations; fireproofing and fire protection systems; plumbing; electrical systems; waterproofing and exterior paint; windows; any other item which exceeds \$10,000.00 in deferred maintenance and replacement costs where the failure to replace or maintain such item negatively affects the other items listed herein and was identified by the engineer or architect performing the visual inspection portion of the structural integrity reserve study.

The restrictions on waiving, reducing or using items, which would be reserved for a structural reserve study, for another purpose is not limited to those buildings three stories and higher. Therefore, as currently written, we believe this may apply to all condominium buildings.

Failure to complete the milestone inspections and reserve study in a timely and proper manner "is a breach of an officer's and director's fiduciary relationship to the unit owners." If an association is required to have a milestone inspection performed, the association must arrange for the inspection to be performed and is responsible for ensuring compliance with Section 553.899. Further, the association is responsible for all costs associated with the inspection.

The Division of Florida Condominiums, Timeshares and Mobile Homes (the "Division") is given rulemaking authority related to milestone inspections and structural integrity reserve studies. The Division is required to obtain various information from associations before the end of this year and must then compile a searchable list on its website related to the information it receives.

Section 718.501 was amended to add subsection 3(a), which provides:

*(3)(a) On or before January 1, 2023, condominium associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:*

- 1. The number of buildings on the condominium property that are three stories or higher in height.*
- 2. The total number of units in all such buildings.*
- 3. The addresses of all such buildings.*
- 4. The counties in which all such buildings are located.*



*(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:*

- 1. The name of each association with buildings on the condominium property that are three stories or higher in height.*
- 2. The number of such buildings on each association's property.*
- 3. The addresses of all such buildings.*
- 4. The counties in which all such buildings are located.*

*(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (d) within six months after the change.*

Chapter 718 was further amended to require both the developer and a unit owner selling his/her unit to provide before the sale of the unit, copies of the inspector prepared summary of milestone inspection reports and copy of the most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.

Chapter 719 was amended to include these same requirements.

Section 468.4334, Florida Statutes, was amended to require a community association manager or community association management firm that has a contact with a community association with a building subject to Section 553.899 to comply with that section as directed by the board.

### **Other Issues Addressed In SB 4-D**

Section 553.844 was amended to address windstorm loss mitigation, requirements for roofs and opening protection. This Section provides that if an existing roofing system or roof section was built, repaired or replaced in compliance with the requirements of the 2007 Florida Building code or later and 25% or more of the same is being repaired, replaced or recovered, only the repaired, replaced or covered portion is required to be constructed in accordance with the Florida Building Code in effect when the repair or replacement is being made.

Chapter 720, Recall, was amended to refer to the revised subsections of Chapter 718 consistent with the revisions above.

# **CS/SB 438: UNITED STATES SPACE FORCE**

(Chapter 2022-183, Laws of Florida)

*Effective Date: July 1, 2022*

Revises the definition of the term “uniformed service” to include the United States Space Force.  
Revises Sections 718.113(4) and 720.304(2)(a) to allow owners to display in a respectful way one portable, removable official flag of the Space Force.





## PART II

# MISCELLANEOUS BILLS THAT **PASSED**



## **SB 222: SWIMMING POOL SPECIALTY CONTRACTING SERVICES**

(CHAPTER NO. 2022-90, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Authorizes certain persons, who are not certified or registered to perform the work of a specialty contractor, to perform certain specialty contracting services for commercial or residential swimming pools, interactive water features, hot tubs, and spas, under the supervision of specified licensed contractors.

## **SB 352: CONSTRUCTION LIENS**

(CHAPTER NO. 2022-120, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Revises Section 713.135 to provide that direct contracts to repair or replace an existing heating or air-conditioning system in an amount less than \$15,000 (an increase from \$7,500) are exempt from specified notice of commencement and applicability of lien requirements for authorities issuing building permits.

## **CS/SB 518: PRIVATE PROPERTY RIGHTS TO PRUNE, TRIM, AND REMOVE TREES**

(CHAPTER NO. 2022-121, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Revises the conditions under which a local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property when the tree poses an unacceptable risk to persons or property. Provides a definition of residential property and what documentation the property owner must provide from an arborist or landscape architect.

## **CS/HB 375: STRUCTURAL ENGINEERING RECOGNITION PROGRAM FOR PROFESSIONAL ENGINEERS**

(CHAPTER NO. 2022-81, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Establishes a Structural Engineering Recognition Program for Professional Engineers to recognize engineers who specialize in structural engineering and have gone above and beyond the minimum requirements for licensing, including passing the National Council of Examiners for 33 Engineering and Surveying Structural Engineering 16-hour PE 34 Structural examination. Authorizes a professional engineer recognized by the program to identify such recognition in her or his professional practice and marketing materials.

## **CS/CS/HB 423: BUILDING REGULATION**

(CHAPTER NO. 2022-136, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Provides that a local law cannot prohibit or restrict a private property owner from obtaining a building permit to demolish his or her single-family residential structure that is located in certain flood zones if the lower floor elevation is at or below the base flood elevation. However, the law will not apply to any single-family residential structure designated as a historic place. Requires a local building official to issue a certificate of occupancy or certificate of completion within a certain number of days after receipt of certain information, including the payment of all outstanding fees. Revises the requirements for when a local government requests certain additional information from an applicant for a building permit and limits the number of times the local government may request certain information from an applicant.



## **SB 1058: PROPERTY INSURER REIMBURSEMENTS**

(CHAPTER NO. 2022-132, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Defines the term “unsound insurer” as one in unsound condition or in receivership. Revises requirements for coverage under the Florida Hurricane Catastrophe Fund of certain policies of unsound insurers assumed by authorized insurers or the Citizens Property Insurance Corporation.

## **CS/CS/SB 1062: SERVICE OF PROCESS**

(Chapter No. 2022-190, Laws of Florida)

*Effective Date: January 1, 2023*

Authorizes the Department of State to electronically receive service of process. Revises procedures for service on partnerships, limited liability partnerships, and limited partnerships. Requires the designation of registered agents by certain partnerships, corporations, and companies. Revises provisions related to service on public agencies and officers. Provides for substituted service on certain nonresidents and foreign business entities and on individuals and foreign business entities concealing their whereabouts.

## **CS/SB 1380: REAL PROPERTY RIGHTS**

(CHAPTER NO. 2022-171, LAWS OF FLORIDA)

*Effective Date: June 7, 2022*

Revises Section 712.03 to provide that use restrictions that are created before the root of title and are identified in the legal description of the property by specific reference to the official records book and page number, instrument number, or plat name will not be extinguished by marketable record titles. It also provides that MRTA will not extinguish any comprehensive plan; zoning ordinance; land development regulation; building code; development permit; development order; or any covenant or restriction that on the face of the first page of the document states that it was accepted by a governmental entity as a condition of any of the above-listed documents. Authorizes owners or operators of private property used for motor vehicle parking to establish rules and rates governing private persons parking on the property as long as such rules and rates are posted and clearly visible to persons parking on the property.

## **CS/HB 7049: LEGAL NOTICES**

(CHAPTER NO. 2022-103, LAWS OF FLORIDA)

*Effective Date: January 1, 2023*

Section 50.011 Publication of Legal Notices has been amended to revise the requirements for newspapers publishing legal notices, provide that publication is permitted on a publicly accessible website under 53.0311, and delete the option for publication on a newspaper’s website.

Substantial portions of 50.0211, Internet website publication, were deleted and Section 50.0311 was created and titled Publication of advisements and public notices on publicly accessible website and governmental access channels. Permitting a governmental agency to publish legally required advertisements and public notices if the cost is less than publishing in a newspaper on a publicly accessible website or governmental access channel; however, there are additional requirements for counties with a population of fewer than 160,000.

Requiring a governmental agency that uses a publicly accessible website to provide notice at least once per year in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners throughout the government’s jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail upon registering their name and address or e-mail address with the governmental agency.

Revising the Affidavit for Proof of Publication to include publication on a publicly accessible website. Providing notices of sale can also be published on a publicly accessible website for a least two consecutive weeks before the sale. Providing other types of notices where publication on a publicly accessible website is permitted.

## **CS/SB 2-D: PROPERTY INSURANCE**

(CHAPTER 2022-268, LAWS OF FLORIDA)

*Effective Date: May 26, 2022*

Creating the Reinsurance to Assist Policyholders program to be administered by the State Board of Administration. Requires certain property insurers to obtain coverage under this new program. Revises homeowner eligibility criteria for mitigation grants for retrofitting their properties to make them less vulnerable to hurricane damage. Requires insured claimants to establish that property insurers have breached the insurance contract to prevail in certain claims for damages. Requires the Office of Insurance Regulation to aggregate on a statewide basis and make publicly available certain data, trends and reports regarding the availability of reinsurance to domestic insurers selling homeowners' and unit owners insurance, the health of the homeowners' and unit owners insurance market. Prohibits certain insurance practices to prohibit advertisements that encourages consumers to make an insurance claim for roof damage and require certain language in roofing contractor marketing materials. Requires certain language in insurance policy if the insurer requires a separate roof deductible and requiring that the separate roof deductible policy meet certain requirements.

## **CS/SB 898: LODGING STANDARDS**

**("MIYA'S LAW")**

(CHAPTER 2022-222, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Creating Section 83.515 to require public lodging establishments with a certain percentage of units rented to require each employee to undergo a background screening, and permits the landlord to disqualify a person from employment if convicted or enters a plea of guilty or nolo contendere to criminal offenses involving disregard of safety for others or a crime of violence; amending Section 83.53 to require that landlords give at least 24 hours' notice prior to entry for repairs to the dwelling unit; amending Section 509.211 to add subsection (5) to require all public lodging establishment employees to undergo a background screening as a condition of employment, and for the public lodging establishment to maintain logs and establish policies and procedures for the issuance and return of dwelling unit keys; requiring the licensee to provide proof of compliance with subsection (5) to the Division of Hotels and Restaurants of the DBPR upon request; creating Section 509.098 to prohibit a public lodging operator from charging hourly rates, except for a late checkout fee.





## **CS/HB NO. 1571: RESIDENTIAL PICKETING**

(CHAPTER 2022-118, LAWS OF FLORIDA)

*Effective Date: May 16, 2022*

Creating Section 810.15 regarding Residential picketing. Defines the word “dwelling” and provides that it is unlawful for a person to picket or protest before or about a dwelling of any person with the intent to harass or disturb that person in his or her dwelling. Provides that a violation of this law is a second-degree misdemeanor. Further provides that before a person may be arrested for this violation, a law enforcement officer must go as near to the person, as may be done safely, and command the person picketing or protesting to immediately and peaceably disperse, and if such person does not follow the command, he/she can be arrested.

## **CS/SB 1190: TWO-WAY RADIO COMMUNICATION ENHANCEMENT SYSTEMS**

(CHAPTER 2022-210, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Amends Section 633.202, Florida Fire Prevention Code, to provide that the authority having jurisdiction shall determine the minimum radio signal strength for fire department communications in all new and existing buildings, and to delete the reference to “high-rise” buildings. Adds that two-way radio communication enhancement systems or equivalent systems may be used to comply with the minimum radio signal strength requirements; however, those systems are not required in apartment buildings 75 feet or less in height that are constructed using wood framing, if the building has less than 150 dwelling units and that all dwelling units discharge to the exterior or to a corridor that leads directly to an exit as defined by the Florida Building Code.

Provides that existing “high-rise” buildings and “high-rise” apartments are not required to comply with minimum radio strength for fire department communications and two-way radio communication enhancement systems until January 1, 2025; however, existing “high-rise” buildings not in compliance and existing “high-rise” apartment are required to apply for a permit for the required communications installation by January 1, 2024.

## **CS/HB 967: GOLF COURSE BEST MANAGEMENT PRACTICES CERTIFICATION**

(CHAPTER 2022-202, LAWS OF FLORIDA)

*Effective Date: July 1, 2022*

Creates Section 403.9339, directing the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences, in coordination & cooperation with the Florida Department of Environmental Protection, to administer a certification for golf course best management practices and to provide training and testing programs to obtain such certification. It also provides that a person certified under the program is exempt from certain local training and local ordinance requirements, that the program can share information with governmental entities, and can create an online registry of persons certified under the program.









## PART III

# BECKER COMMUNITY ASSOCIATION RESOURCES

# Becker *at your service*

At Becker, your success is our number one priority. **Our Community Association Practice offers a variety of benefits to help your community thrive.** From educational classes, to video series, podcasts, and more, we're here to help make your job as a board member or community manager as easy as possible. Make sure to take advantage of these resources and please reach out should you have any questions.

## VIDEO SERIES

Can They **Do** That?



Becker's video series, tackles some of the unique problems that homeowners and renters face today. We answer questions, no matter how far-fetched they may seem. From service animals to nudists in your community, we get to the bottom of it and let you know – "Can They Do That?"

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## LEGISLATIVE UPDATES



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[CALIBP.COM](http://CALIBP.COM)

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Annual meeting preparations and important association votes are big responsibilities. Are you ready?. Streamline operations for your community with two products that were designed with you in mind. Our online voting software, **BECKERBALLOT.COM**, and our website development platform, **MYCOMMUNITYSITE.COM** simplify the jobs of board members and property managers everywhere.

## NEW PODCAST



**TAKE IT TO THE BOARD**  
WITH DONNA DIMAGGIO BERGER  
*we speak condo. (and HOA!)*

Leading community association attorney Donna DiMaggio Berger acknowledges the balancing act without losing her sense of humor as she talks with a variety of association leaders, experts, and vendors about the challenges and benefits of the community association lifestyle.

[TAKEITTOTHEBOARD.COM](http://TAKEITTOTHEBOARD.COM)

## ONLINE CLASSES



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## LEGAL INSIGHTS

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The Florida Condo & HOA Law Blog provides readers with up-to-date analysis of issues affecting associations in Florida. With many years of cumulative experience, our blog authors are community association attorneys who help to keep you apprised of important issues affecting your community.

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Becker's Community Association practice group has been an industry leader since we opened our doors in 1973. Today, we're proud to announce that we have the largest, dedicated team of Board Certified attorneys in Condominium and Planned Development Law in the state of Florida. Our Board Certified Specialists are committed to providing our clients the very best.

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# COMMUNITY ASSOCIATION PODCAST



## TAKE IT TO THE BOARD

WITH DONNA DIMAGGIO BERGER

*we speak condo.* (and HOA!)

Think you know what community association life is all about?

Think again. Residents must obey the rules, directors must follow the law, and managers must keep it all running smoothly. **Take It to the Board** explores the reality of life in a condominium, cooperative or homeowners' association, what's really involved in serving on its board, and how to maintain that ever-so-delicate balance of being legally compliant and community spirited. Leading community association attorney Donna DiMaggio Berger acknowledges the balancing act without losing her sense of humor as she talks with a variety of association leaders, experts, and vendors about the challenges and benefits of the community association lifestyle.

If you've got a question, **Take It To The Board with Donna DiMaggio Berger – We Speak Condo & HOA!**

Episodes are available for subscription on iTunes, Amazon Music, Spotify, or listen through any podcast streaming app.



[TakeltToTheBoard.com](https://TakeltToTheBoard.com)

# Becker

Becker & Poliakoff

### FEATURED EPISODE



#### **An Engineer's Perspective on Implementing Florida's New Condo Safety Law with Tim Marshall, Founder and President of A.T. Design**

The passage of SB 4-D during the Florida Legislature's Special Session in May 2022, requires significant changes for thousands of Florida multifamily communities. These changes include mandated engineering inspections and reports, new structural integrity reserve studies and non-waivable, full funding of certain reserves.



# WHY CHOOSE BECKER?

# Becker

Becker & Poliakoff

Becker grew out of its pioneering role creating the law pertaining to the operation of common ownership housing. Many of the leading cases in the field bear the firm's name. Today, Becker has more **Florida Bar Board Certified Attorneys in Condominium and Planned Development Law** than any other law firm in the state.

Board certification demands rigorous testing and is in recognition of having the highest standards of skill, specialty knowledge, proficiency, professionalism, and ethics in community association law.

Use this handy checklist to measure value.

Becker

Does your attorney respond to inquiries within 24-hours?



Does your attorney keep you updated on the status of your inquiry?



Does your attorney provide correct, clear, and concise counsel?



Does your firm host classes for board members?



Does your firm provide resources such as newsletters and guides?



Does your firm have a lobbying arm?



Does your firm help shape legislation?



Does your firm have over 45 years of community association experience?



Does your firm also provide legal services in construction, real estate, land use & zoning, property claims, litigation, and intellectual property?



Does your firm offer flexible fees, including reduced hourly rates?



Does your firm prepare a complimentary annual meeting notice package?



Does your firm offer a proprietary e-voting solution with discounted pricing for clients? (BeckerBALLOT.com)



Does your firm offer a one-stop website building application for community associations with discounted pricing for clients? (MyCommunitySite.com)



Does your firm offer complimentary construction defect and reserve funding evaluations?



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# HAND IN HAND

SERVICES THAT COMPLIMENT OUR COMMUNITY ASSOCIATION CORE PRACTICE

**We wrote the law relating to common ownership housing. These additional services stem directly from 45+ years of representation and innovation.**

## REAL ESTATE

Real Estate law has been a core practice for Becker since its founding in 1973. The firm has helped shape the local landscape through representation of developers of multi-family and single-family residential communities; business and property owners; and financial institutions. We have represented clients in the successful acquisition, financing, development, and sale of all types of unimproved land and improved properties for residential and commercial use.

## CONSTRUCTION LAW & LITIGATION

The firm has handled numerous and varied construction-related cases, many of which have involved complex issues with a multitude of defendants and scores of construction defects. Our attorneys represent clients in both transactions and disputes ranging from single- and multi-family dwellings to large commercial buildings, planned unit developments, multi-use retail, industrial, and governmental projects.

## TITLE SERVICES

The firm operates Becker Title to assist clients with residential real estate closings, title and escrow services. Becker Title has offices throughout Florida and is backed by a team of attorneys who have handled thousands of successful real estate closings.

## BUSINESS LITIGATION

The firm's Litigation Practice is dedicated to providing strategic, innovative, and aggressive representation for our clients in all litigation matters. Becker's reputation as a pioneer and leader in community association law is well-known throughout the legal community. There is almost no issue our attorneys have not dealt with before – everything from civil and criminal cases to foreclosure and complex contractual matters.

## GOVERNMENT LAW & LOBBYING

Our dedicated Community Association Leadership Lobby (CALL) is a statewide advocacy group that represents the interests of our over 4,000 community association clients. We help draft legislation and work closely with legislators and members of the executive branch to improve the laws that impact community associations in Florida. Additionally we represent condo clients in negotiations with various developers, municipalities, and utilities on zoning issues, easements, and settlements.



# IS IT TIME TO AMEND YOUR DOCUMENTS?

## GENERAL AMENDMENT CHECKLIST

### General Provisions and Definitions

- ☐ Does your Declaration define important words and phrases such as “short-term rental,” “guest,” and “single-family residence”?
- ☐ Should your amendment process/procedure be amended to make it easier to pass proposed changes?

### Association Maintenance Responsibility and Owner Maintenance Responsibility

- ☐ Does the current Declaration clearly define the maintenance responsibilities of the association and owners for such things as landscaping, shared walls, or other shared amenities?
- ☐ Does your Declaration contain an “incidental damages” clause?
- ☐ Does your Declaration allow for self-help procedures for abandoned or vacant properties?

### Collections and Assessments

- ☐ Does your Declaration contain language which automatically incorporates statutory changes to Chapter 720 (HOA) or Chapter 718 (Condo) (“Kaufman Language”)?
- ☐ Does your Declaration allow you to charge the highest allowable interest rate and/or late fees when an owner becomes delinquent?
- ☐ Does your Declaration entitle you to pre-suit attorney fees and costs for collections enforcement?

### General Use Restrictions

- ☐ Do your Governing Documents limit the type and amount of animals allowed to occupy a unit or household?
- ☐ Do your Governing Documents prohibit smoking while on association property?
- ☐ Do your Governing Documents regulate where and what type of landscaping is allowed on lots?
- ☐ Are your Governing Document references to clotheslines, occupancy, car charging stations, and antennae consistent with current law?

### Bylaws and Other Governing Document Amendments

- ☐ Should the date and time of the annual meeting be amended to reflect updated preferences and practices regarding the same?
- ☐ Should the number of director positions be amended?
- ☐ Should the quorum threshold be lowered to make it attainable based on current owner participation?

### Board and Member Meetings & Official Records Requests

- ☐ Has your board adopted rules governing the frequency, duration, and other manner of member statements during board and member meetings?
- ☐ Has your board adopted rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections for official records requests?

# Insurance Damage Claim?

## We've got you covered.

Your insurance company has a team of attorneys and adjusters on their side.  
You should have your own professionals on yours.



We are the one and only public adjusting company that exclusively serves **community associations** throughout Florida. We know your business.

- On-Site Analysis
- Policy Review
- Damage Documentation
- Loss Estimate
- Negotiation and Settlement with Insurance Company

We don't get paid until you do.

Every community association will experience a significant property damage claim at some point during its lifespan. In addition to windstorms, fires and floods there are the everyday water leaks with which volunteer boards and managers must contend. While it is reasonable to believe that after years of dutifully paying your insurance premiums your damage claims will be paid quickly and in full, the reality is often quite different.

Time-strapped volunteer board members and managers are at a significant disadvantage while trying to shepherd an insurance claim on their own. And the insurance company's adjuster is not there to help you maximize your claim-in fact, it is the opposite. The insurance company's adjuster is there to minimize or even deny your claim if possible. Our team intimately knows your business and will fight hard to maximize your insurance payout.

**844.394.2518**  
[associationadjusting.com](http://associationadjusting.com)

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## Schedule Your Free Consultation Today!