

“50/50 Games Not Permitted,” News-Press

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Q: My condominium association uses 50/50 raffles to raise funds for our committees. With the holidays around the corner and funding efforts in full effect, we are concerned about recent comments from some owners about this being illegal. Are 50/50 raffles allowed? (M.G., via e mail)

A: No. I have written on this topic in the past. Readers can find past copies of this column at <https://www.floridacondoalawblog.com/>.

Under Florida law, raffle-type games, including 50/50 raffles, are prohibited and considered unlawful gambling. A community association sponsoring, conducting, promoting, advertising, or assisting with unlawful activities could expose employees, board members, officers, and others to potential criminal prosecution, though I suspect this is a low priority crime with many law enforcement agencies.

However, if a violation were pursued, potentially serious legal problems could arise, including loss of the presumption of indemnification entitlement in the event legal proceedings are brought, and possible denial of insurance coverage under policies that typically provide defense coverage for legal actions brought against the association.

Q: Is there a law stating that condominium complexes have to have handicapped parking? I live in a “55 and over” condominium where only one parking space per unit is assigned. There are some guest spots where overnight parking is not permitted, and overflow parking in another area. There are no handicapped spots anywhere on the property. (L.H., via e-mail)

A: The answer to your question depends on a number of factors, the date of construction usually being the most relevant factor.

Under federal law, there are specific requirements for handicap or accessible

parking contained in the Americans with Disabilities Act, commonly referred to as the ADA. The ADA does not generally apply to many residential condominiums, as they are not legally considered “a place of public accommodation.” However, the ADA can apply to certain types of condominiums, depending on rental policies and services provided.

The required number of accessible parking spaces under the ADA depends on the total number of parking spaces contained on the property. For example, a parking facility that has between 51 and 75 total parking spaces is to have at least 3 parking spaces that are accessible to persons with disabilities (by car or van), and at least one 1 of those parking spaces is to be van-accessible.

The zoning regulations of the county or municipality in which your condominium is located, which is a separate level of legal jurisdiction, may also require a certain number of accessible parking spaces in your condominium. You should consult with local planning and zoning staff to confirm the existence of any additional accessible parking requirements.

Further, if substantial work is done on the property, the applicable building officials often interpret state and local building codes to require compliance with current standards on disabled parking, even if the project was previously “grandfathered” from such requirements.