

# Welcome!



Welcome to this month's edition of Manager's Minute! For those of you who don't know, I have been a licensed

community association manager in Florida since 1988, and spent twenty (20) years as a community association manager before becoming an attorney in the field. I hold the AMS® and PCAM® designations awarded by the Community Associations Institute (CAI®). My mother and father were community association managers also!

Funny story. I was in Pittsburgh a few weekends ago to attend my college fraternity's 100th Anniversary. Had a great time catching up with old friends. I posted a picture from my 1979 fraternity composite on my Facebook page. I did not remember or even realize that the composite photo had "House Manager" underneath my name. My Partner Donna DiMaggio Berger commented "You were managing even back then?" Speaking of Donna, she is presenting a great class on October 27 - **Building and Protecting a Brand for your Community**. You can sign up on the next page!

Please take a minute (or two!) to review the information we provide for you. If you have any topics you would like me to include, please send an email to me at [hperl@bplegal.com](mailto:hperl@bplegal.com).



## Can I Send Association Notices Via Email?

Section 718.112(2)(d)(6), Florida Statutes, provides that in order for a condominium association to use e-mail as an alternative to written notice (by U.S. Mail or hand delivery, with receipt), the Bylaws must allow it. If your Association has not already done so, you should consider amending your Bylaws to allow the Association to give official Association notices via e-mail. The Association then can solicit owners for permission to transmit official Association notices via e-mail. However, owners should be made aware that once they consent to receive official Association notices via e-mail, their e-mail address can be released to owners requesting owner e-mail addresses as part of an official records request. This is because one of the exceptions when e-mail addresses can be released pursuant to a records request is when the e-mail address is used for official notice. Of course the Association can use e-mails for unofficial notices (reminders, informational, surveys, etc.) without having to release these e-mail addresses as part of an official records request.

## Are Association Emails Considered Association Official Records?

The law is not really developed in this area. However, arbitration decisions have addressed the issue. In *Humphrey v. Carriage Park Condominium Association, Inc.*, Case No. 08-04-0230 (March 30, 2009/Final Order/Campbell), 2014), the arbitrator ruled that e-mails between directors that are only on the director's personal personal computers are not official records of the Association, as the property of an individual director does not become the property of the Association because of his or her service on the Board. The arbitrator noted in a footnote that the conclusion may be different if the Association owns a computer on which it does business, including e-mails. The inference is that emails to and from an Association or management computer are official records and are subject to an official records request. While arbitration decisions of the Division are not binding as law, they may be considered persuasive when dealing with similar issues in the condominium or even homeowners association context in court.

## GET THE FREE APP!



We would like to introduce you to the new Becker & Poliakoff App to help make running your association a little bit smoother. This FREE App provides you with a wealth of knowledge from the Firm's community association practice group, including a Frequently Asked Questions section where you can view Ken Direktor's responses to common association questions, searchable Florida statutes, and a handy tool which allows you to easily create meeting minutes.

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## This Month's Tip...

As we enter budget season, remember to check your association documents in regard to budget meeting mail out notice requirements. While the Statutes require a fourteen (14) day notice, your documents may require a longer notice. If your documents require a fifteen (15) or thirty (30) day notice, that is the notice that must be provided to the membership.

### Action Items:



- 1) Establish/Update e-mail policies.
- 2) Review documents regarding budget meeting mail out notice requirements.

## Upcoming Classes and Events

*All of our classes take place around the State. Class times vary. Click on the link below for the class you are interested in for registration information:*

### [2015 Legal Update](#)

Port St. Lucie, October 21, 2014

### [Board Member Certification for CONDOS ONLY](#)

West Palm Beach, October 22, 2014

### [Dealing with Difficult People](#)

Miami, October 23, 2014

### [Elections, Voting & Sunshine Laws](#)

Miramar, October 24, 2014

### [Building and Protecting a Brand for your Community](#)

Ft. Lauderdale, October 27, 2014

### [Board Member Certification for HOAs ONLY](#)

West Palm Beach, October 28, 2014

### [Is a "No Pet" Building a Thing of the Past?](#)

West Palm Beach, October 29, 2014

### [2015 Legal Update](#)

Miramar, October 29, 2014

### [Board Member Certification for HOAs ONLY](#)

Ft. Walton Beach, October 31, 2014

### [Is a "No Pet" Building a Thing of the Past?](#)

Ft. Lauderdale, November 4, 2014

Information and registration for the above as well as all of our over 25 FREE courses can be found at <http://www.bplegal.com/events>.

**ALL COURSES ARE FREE. LIGHT REFRESHMENTS ARE SERVED.  
MOST COURSES QUALIFY FOR MANAGER CEUs.**

**Seating is Limited so registration is required.**