

Welcome! Unauthorized Practice of Law



Hi and welcome to this month's edition of Manager's Minute! For those of you who attended our Firm's Communities of Excellence awards program

last month, and specifically our Managers of Excellence luncheon, it is not too early to start thinking about participating in next year's event. For more information, please visit www.communitiesofexcellence.net.

As you are aware, Hurricane Season is here. We have been incredibly fortunate for the last decade in terms of our state not suffering major hurricane damage but the longer we go without a storm hitting us, the closer we get to a storm hitting us! Your board members and your community's residents are relying on you to make preparations for them NOW. Update your community's Hurricane Plan as well as your out-of-state contact information for your directors, vendor contact information, etc., and keep all this information on a thumb drive you can take with you. Verify your insurance policies are up to date, make sure your tree trimming is completed, top off your generators and onsite fuel. You know what to do....just make sure you do it NOW so you are prepared. And two of the most important things you can do? Attend one of my Disaster Preparation seminars and find out if our free benchmarking program which documents your community's pre-storm condition is for you. Check out the course listings on the next page and [click here to find out more information about B&P's benchmarking program](#).

Howard J. Perl
Shareholder



The Florida Supreme Court finally issued its long awaited ruling on what constitutes the unauthorized practice of law ("UPL") in the community association context. The court approved a proposed advisory opinion from its Standing Committee on the Unlicensed Practice of Law on May 14 after the Florida Bar

petitioned to reexamine the original opinion which dates back to 1996. The Bar's petition asked for confirmation that about 20 tasks require the services of qualified attorneys, and therefore bar community association managers and other non-lawyers from performing them.

My Partner, Donna DiMaggio Berger, was quoted in the Daily Business Review as saying that managers often understand their job limits and the risks inherent in legal analysis, but are subject to pressure nonetheless from associations looking to cut monetary corners.

"I was really surprised where the focus was laid," Berger said. "To me it looked like a solution in search of a problem. The problem I've witnessed was always with boards. I've found many more board members who played lawyer than community managers who did."

"The bigger problem rests with the board members. They're the ones who are more likely to make these kinds of decisions," Berger added. "Often, a board puts pressure on the manager because of price points. They think they're going to load up the manager with this work, but that's not in the management company's or the association's benefit." [Click here for the full article](#).

The Supreme Court reiterated that only licensed attorneys can perform the following tasks (this list is not all inclusive): draft a claim of lien and satisfaction of claim of lien; prepare a notice of commencement; determine the timing, method and form of giving notices of meetings; determine the votes necessary for certain actions by community associations; advise community associations whether a course of action is authorized by statute or rule; draft amendments (and certificates of amendment that are recorded in the official records) to declaration of covenants, bylaws and articles of incorporation when members have to vote on these documents; determine the number of days to be provided for statutory notice; modify limited-proxy forms promulgated by the state; determine the number of owners' votes needed to establish a quorum; draft pre-arbitration demand letters; prepare construction lien documents; and oversee any activity that requires statutory or case law analysis to reach a legal conclusion. Please make sure you check with your association attorney before performing any of the above tasks. See you next month!

GET THE FREE APP!



We would like to introduce you to the 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.

Download the New
Becker & Poliakoff
Mobile App!



This Month's Tip...

Make sure you have the cell phone numbers for your Association attorney, insurance agent and engineer in case you need quick access to these professionals in an emergency.

Upcoming Classes and Events

[Board Certification Course for Condo/HOA/Co-op](#)

June 11, 2015, Miramar

[Curso De Certificación Para Miembro De La Junta De Condos/HOAs/Coops](#)

June 18, 2015, Miami

[Disaster Preparedness & Recovery: Are You Ready To Weather The Storm?](#)

June 30, 2015, Ft. Lauderdale

[Board Certification Course for Condo/HOA/Co-op](#)

July 10, 2015, Ft. Lauderdale

[Is A No Pet Building A Thing Of The Past](#)

July 15, 2015, Ft. Lauderdale

[Board Member Certification for Condo/HOA/Coop](#)

July 15, 2015, West Palm Beach

Classes may be subject to change.

Complete and updated 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.

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