



## MESSAGE FROM FIRM PRESIDENT, ALAN S. BECKER, ESQ.

For more than thirty-five years this Law Firm has excelled at providing top notch legal services to community associations. The Firm continues to be the leader in this field of law, successfully handling significant construction claims, hurricane losses from Andrew, Opal, Charlie, Jean, Francis, Katrina and Wilma (among others), continuing to develop law and legislation impacting community association operations through the efforts of both attorneys and staff in Tallahassee and throughout the State, making our CALL advocacy effort the most respected of its type statewide. The Firm is also the leading educator of both professional community association managers and volunteer board members – beginning large format workshops and seminars in 1977, this publication in 1980 and creating numerous other educational materials for our clients and industry leaders over the years. More than thirty thousand people have read materials published on the Firm's blog in this, its first year, alone. We created and then 'broke' the mold for Community Association Law Firms over and over again. Now I believe it is time to renew our commitment to client service as the top priority of Becker & Poliakoff, P.A.

To this end, I am pleased to announce the creation of the Becker & Poliakoff Client CARE Center. The CARE Center is a one stop client service center that handles all client questions, concerns or suggestions about our services. Our CARE Center staff will respond to inquiries within 24 hours and proactively reach out to our clients periodically.

We all know that businesses that treat their clients well will not only survive today's economic troubles, but actually thrive. We have been doing written surveys of our clients for years and feel this more interactive approach will ensure that our clients have such a positive experience working with Becker & Poliakoff that they are willing to recommend us to others.

**We created this program because we CARE. Please feel free to contact the CARE Center at 954-364-6090 or email [Care@becker-poliakoff.com](mailto:Care@becker-poliakoff.com) with your comments or concerns.**

*Best wishes for the holiday season and New Year.*

# NOMINATE YOUR COMMUNITY!

**The 2010 Florida Communities of Excellence Awards** is accepting nominations of communities that demonstrate best practices and accomplishments in several key categories. The only statewide independently judged program is sponsored by the Florida Community Association Journal and Becker & Poliakoff. Other sponsors include: Comcast, Progress Energy, Continental Group, Associa, GEM, Condo Conduit, Association Financial Services, Superior Bank, Aquatic Systems Inc, and Ameri Flood.

The 2010 Florida Communities of Excellence Awards will salute the dedicated efforts of communities across the state who are setting the standards in meeting today's challenges. Submissions will be reviewed and evaluated by a panel of independent judges and three finalists will be chosen in each of the nine categories. Judging of communities with less than 200 units and more than 200 units is done separately, for a total of six finalists in each category.

The 2010 Awards will recognize significant accomplishments in the following categories:

## **Environmental Protection & Preservation**

*This award recognizes communities that have adopted initiatives to promote natural conservation and restoration as well as communities with a strong record of environmentally sound policies.*



## **Energy/Water Conservation**

*This award recognizes communities that have invested in energy management and/or water reclamation & conservation programs that achieve cost economies while promoting environmentally-friendly practices.*

## **Disaster Preparedness**

*This award recognizes community associations that have developed and implemented comprehensive, effective plans for protecting lives and property in the event of a disaster as well as for community restoration in the aftermath of the emergency.*

## **Safety & Security**

*This award recognizes innovative programs, policies, and procedures that are designed to protect and ensure the safety of residents and property within the community.*

## **Financial Innovation**

*This award recognizes community associations that have established innovative policies and procedures to ease the impact of financial burdens during challenging economic times.*

## **Community Relations & Communications**

*This award recognizes outstanding efforts of community associations that demonstrate an extraordinary commitment to fostering harmony within the community.*

## **Best Website**

*This Award recognizes that Web sites offer the most immediate access and the potential to distribute information in the most thorough and effective manner. It will go to the Web sites chosen by the judges as most effective in promoting positive community relations through effective communications.*

## **Civic Volunteerism & Advocacy**

*This award recognizes community associations that actively contribute to civic welfare and improving society through creation of volunteerism programs to support local and regional non-profit and charitable causes.*

## **Family Friendly Programs & Initiatives**

*The Family Friendly Programs & Initiatives award recognizes communities in which family participation and well-being are actively promoted.*

Finalists will be recognized in the March Florida Community Association Journal and honored at the first annual Florida Communities of Excellence Conference & Awards Ceremony, Tuesday, March 23, 2010 at the Fairwinds Alumni Center of the University of Central Florida Main Campus in Orlando. The conference will focus on educating board members and professional managers with presentations by last year's winners, judges and experts in the industry. It will culminate with a gala awards ceremony and reception.

For more information or to nominate your community, go to [www.communitiesofexcellence.net](http://www.communitiesofexcellence.net).

# 2009 YEAR IN REVIEW – THE ARTICLES

## VOL I

### **Products – Completed Operations Coverage – What is it and How Does it Work?** By Ken W. Goff, Esq.

*Information concerning types of losses covered by Contractor insurance and why it is important to require Completed Operations Coverage in construction contracts.*

### **Allowing Access to Official Records – New Requirements and Penalties** By Angela Chao Clark, Esq.

### **Associations Owing Assessments to Other Associations: Say it Isn't So!** By Brian P. Miles, Esq.

*Alerting community leaders to potential liability for assessments after foreclosure.*

### **Elevator Keys Must Be Uniform**

By Bradley F. Rothenberg, Esq.

## VOL II

### **To Be or Not To Be: Terminating a Condominium**

By Ray Newman, Esq.

### **Obtaining Mortgagee Consent a Little Easier for Condominium Associations** By John Cottle, Esq.

*Advice how to create valid amendments in light of mortgagee consent requirements.*

### **Common Defenses May Thwart Covenant or Rule Enforcement**

## VOL III

### **State of Distress:**

*Gary A. Poliakoff implores the federal government to require payment of community association assessments.*

### **A Rose by Any Other Name: The Disparate Treatment of Condominiums and Cooperatives Regarding Homestead Rights – Part 1** By Lance D. Clouse, Esq.

### **Enforcement Parking Restrictions by Towing Vehicles**

By Kevin L. Edwards, Esq.

### **Owners Have the Right to Add Items to HOA Board Agendas** By Bradley F. Rothenberg, Esq.

## VOL IV

### **Protect your Association's Assets Against Fraud**

By Gregory W. Marler, Esq.

*More and more community associations have been victimized by fraud or theft from rouge board members, managers and employees – protect yourselves with these practical tips.*

### **Earth Day** By Lisa Magill, Esq.

### **A Rose by Any Other Name: The Disparate Treatment of Condominiums and Cooperatives Regarding Homestead Rights – Part II** By Lance D. Clouse, Esq.

### **Estate and Incapacity Planning Tools Every Board of a Community Association Should Understand**

By Andrew Berger, Esq.

## VOL V

### **Paying for Casualty Damage Repairs – The Plaza East / Opt-Out Dilemma** By Robert Rubinstein, Esq.

*Understand how to address casualty claims pursuant to the statute and options available for tailoring those procedures to the needs of the community.*

### **The New Rules for Mandating Hurricane Protection**

By Kenneth S. Direktor, Esq.

### **Association as Employer: Unemployment Insurance**

By Jamie B. Dokovna, Esq.

## VOL VI

### **The Insurance Predicament For Condo Owners & Associations** By Lisa Magill, Esq.

*Impact of the Veto of SB 714*

### **To Secure or Not to Secure** By JoAnn Burnett, Esq.

### **Taxation of Golf Courses** By Keith Poliakoff, Esq.

## VOL VII

### **Summary of the 2009 Legislative Session**

By Yeline Goin, Esq. and David G. Muller, Esq.

## VOL VIII

### **Excerpts from Gary Poliakoff and Ryan Poliakoff's new book *New Neighborhoods: The Consumer's Guide to Condominium, Co-Op and HOA Living.***

### **Association as Employer: Applicability of Fair Labor Standards Act** By Jamie Dokovna, Esq.

## VOL IX

### **Hurricane Insurance Claims – What Do You Need To Do to Recover Insurance Money?** By Sanjay Kurian, Esq.

### **Dancing in the End Zone: Getting Your Attorney's Fees Paid by the Other Side** By Scott Petersen, Esq.

## VOL X

### **It's 1 A.M. Do You Know Where Your Money Is?**

By Ellen Hirsch de Haan, J.D.

*More tips to safeguard association funds.*

### **Recovering Insurance Proceeds from Employee Theft**

By Robert Rubin, Esq. and Cara Thomas, Esq.

A Few Reminders for Community Leaders

## VOL XI

### **Are They Lakes or Retention Ponds? What You Need to Know About Surface Water Management**

By Sarah Spector, Esq.

### **Mandatory Pre-Suit Mediation for Homeowner Associations: Frequent Problems – Practical Solutions**

By Jason R. Himschoot, Esq.

### **Documenting Rule Violations in Preparation for Litigation or Arbitration** By K. Joy Mattingly, Esq.

# FREE EDUCATIONAL FORUMS FOR BOARD MEMBERS, PROPERTY OWNERS AND MANAGERS

Becker & Poliakoff's Annual Community Association Leadership Conferences, now in their 34th year, will focus on strategies for communities to deal with the economic crisis. These free educational forums for board members, property owners, managers and others will be held at 14 locations throughout Florida. This year's theme is Staying Afloat: Strategies for helping your community in difficult Economic Times. Topics will include Collections in Today's Economy including liability of owners vs. subsequent purchases and foreclosing the claim of lien as well as options available to associations including collecting rents in lieu of assessments, depositing rents in to the court registry, extraordinary receiver appointments and extra judicial remedies, among others.

In addition, a panel of attorneys will answer questions on a wide range of issues including employment law, covenant enforcement, dealing with local governments, 2010 Legislative

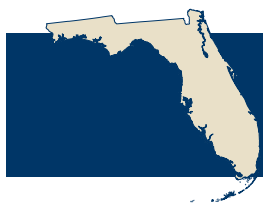
Session, construction defect claims and related issues. The conference has been approved for two (2) continuing education credit hours in Insurance and financial management for Community Association Managers. Other attendees will receive a Certification of Participation from Becker & Poliakoff .

The first conference will be held on January 15 in Ft. Myers and will wrap up on March 27 in Daytona Beach. All events begin at 8:30 with registration and breakfast. The conference begins at 9:00 am and ends at 12:30 pm. There will be an exclusive "Client Only" breakfast at 8 am with Firm Founder Gary Poliakoff (schedule permitting) who will be speaking about and signing his new book, *New Neighborhoods, The Consumer's Guide to Condominium, Co-Op, and HOA Living*. Each Becker & Poliakoff client received one complimentary copy of the book by mail and others will be available for sale at the conference.

## 2010 COMMUNITY ASSOCIATION LEADERS CONFERENCE SCHEDULE AND LOCATIONS;

Friday	January 15, 2010	Barbara B. Mann Center, Ft. Myers
Friday	January 29, 2010	Hilton St. Petersburg Carillon Park, St. Petersburg
Saturday	January 30, 2010	Port St. Lucie Civic Center, Port St. Lucie
Saturday	February 6, 2010	Hilton Naples, Naples
Saturday	February 6, 2010	Hawks' Cay Island Resort, Duck Key (Florida Keys)
Friday	February 12, 2010	Emerald Coast Conference Center, Ft. Walton Beach
Saturday	February 13	Hyatt Sarasota, Sarasota
Friday	February 19, 2010	The Boardwalk Beach Resort, Panama City Beach
Friday	February 26, 2010	Hilton Orlando, Altamonte Springs
Saturday	March 6, 2010	Signature Grand, Ft. Lauderdale
Friday	March 12, 2010	Holiday Inn - Viera Conference Center, Melbourne
Saturday,	March 13 2010	Kravis Center - Cohen Pavilion, West Palm Beach
Saturday	March 20, 2010	Hilton Miami Airport, Miami
Saturday	March 27, 2010	Plaza Resort, Daytona Beach

For more information or to register for this FREE educational conference, go to [www.becker-poliakoff.com/events/ca/](http://www.becker-poliakoff.com/events/ca/) for the event nearest you.



### NEW ON FLORIDA CONDO & HOA LAW BLOG

- Bank Liability for Assessments During Foreclosure
- Avoiding Pitfalls when Obtaining Loans
- FHA Condo Guidelines

*The Community Update newsletter written by Becker & Poliakoff, P.A. is published for the benefit of our clients, friends and colleagues. Becker & Poliakoff, P.A. is committed to law related education to benefit the Firm's clients and the public. The objective of this newsletter is to keep officers and directors of Condominium, Cooperative and Homeowner Associations informed about matters affecting their communities operations and was not sent for the purpose of obtaining professional employment. The information provided herein is provided for informational purposes only and should not be construed as legal advice. The publication of this newsletter does not create an attorney-client relationship between the reader and Becker & Poliakoff, P.A. or any of our attorneys. While we make every attempt to ensure that the information contained in the newsletter is accurate, neither Becker & Poliakoff, P.A. nor the author of any article contained in this newsletter are responsible for any errors or omissions. Readers should not act or refrain from acting based upon the information contained in the newsletter without first contacting an attorney, if you have questions about any of the issues raised herein. The hiring of an attorney is a decision that should not be based solely on advertisements or this newsletter. Before you decide, ask us to send you free written information about our qualifications and experience.*