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COMMUNITY ASSOCIATION
NEWSLETTER

November 4, 2020

SPECIAL ALERT

COMMUNITY ASSOCIATION EMERGENCY POWERS UPDATE

BY: VANESSA FERNANDEZ, ESQ. & CHRISTOPHER J. SHIELDS, ESQ.

Governor Ron DeSantis issued Executive Order 20-52 on March 9, 2020 declaring a state of emergency under Section 252.36 of the Florida Statutes relating to the outbreak of the novel coronavirus, SARS-CoV-2, and the disease caused by the virus, COVID-19. By virtue of Executive Order 20-52, as extended throughout the pandemic, many Condominium Associations, Homeowners Associations, and Cooperatives have been able to operate under the emergency powers in Sections 718.1265, 720.316, and 719.128 of the Florida Statutes respectively. According to Executive Order 20-213, the state of emergency was set to expire on November 3, 2020. The expiration of Executive Order 20-52 would mean that Associations could no longer operate under reasonable statutory emergency powers which have allowed many Associations to promulgate emergency rules and regulations relating to the coronavirus, and to adjust the format/location of membership meetings and board meetings throughout the pandemic.

On November 3, 2020 at 9:41pm, Executive Order 20-276 was filed extending Executive Order 20-52, as it had been previously extended, for another 60 days. Accordingly, the new expiratory date for Executive Order 20-52 will fall on January 2, 2021. This allows Associations to continue operating under any emergency plans or emergency rules and regulations through the holidays (which has been a concern for many Associations). Keep in mind that emergency plans and any emergency rules and regulations should still be adopted at a duly noticed Board Meeting, or as provided in the governing documents of the Association, in as practicable a manner as possible. For that reason, we are still advising Association clients to follow the proper notice protocols under the statutes, or as modified by the governing documents, including posting notice of Board Meetings and Membership Meetings.

The ability to exercise emergency powers has played an important role in how Associations are holding Annual Meetings. The emergency powers have allowed many Associations to forego physical location requirements in their governing documents and hold Annual Meetings via remote means in accordance with Sections 617.0820 and 617.0721 of the Florida Statutes. Please refer to our Summer 2020 Community Association Newsletter for more information on conducting community association meetings via remote means.

Keep in mind that the information above is not exhaustive. Information on the coronavirus pandemic is changing on a regular basis. If you have questions on how to conduct your Annual Meeting, or how to properly exercise your Community Association's emergency powers, please consult with your Association's legal counsel. Our office is always available to discuss any questions or concerns you may have with your Association's upcoming meetings.

This special alert is provided as a courtesy and is intended for the general information of the matters discussed herein above and should not be relied upon as legal advice. Christopher J. Shields (christophershields@paveselaw.com) is Florida Bar Certified in Real Estate Law as well as Condominium and Planned Development Law, a Partner in the Pavese Law Firm and heads the Community Law Section for the Firm. Christina Harris Schwinn (christinaschwinn@paveselaw.com) is a Partner in the Pavese Law Firm and also practices in the field of Labor/Employment Law. Keith Hagman (keithhagman@paveselaw.com) is a Partner in the Pavese Law Firm. Charles B. Capps (charlescapps@paveselaw.com) is Florida Bar Certified in Real Estate Law as well as Condominium and Planned Development Law and a Partner in the Pavese Law Firm. Chené Thompson (chenethompson@paveselaw.com) is a Partner in the Pavese Law Firm. Christopher Pope (christopherpope@paveselaw.com) is a Florida Bar Certified Lawyer in Condominium and Planned Development Law and a Partner in the Pavese Law Firm. Alexander J. Menendez (ajm@paveselaw.com) is an Associate in the Pavese Law Firm. Amy S. Thibaut (amythibaut@paveselaw.com) is an Associate in the Pavese Law Firm. Alton Kuhn (altonkuhn@paveselaw.com) is an Associate in the Pavese Law Firm. Vanessa Fernandez (vanessafernandez@paveselaw.com) is an Associate in the Pavese Law Firm. Susan M. McLaughlin (susanmclaughlin@paveselaw.com) is Of Counsel in the Pavese Law Firm.

Pavese Law Firm provides a wide array of legal services and is particularly experienced and capable in all aspects of Community Association Law. These matters include the following topics:

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- Construction Defect Litigation
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- Amendments of Governing Documents
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