

Alliance of Delray Residential Associations, Inc.

Serving the Membership ♦ Improving the Community Lifestyle ♦ Working Toward Sustainable Development

Visit Our Website at: www.allianceofdelray.com

May 2020 issue of The Alliance Connection

The South County Civic Center is not allowing any meetings, large or small, from now through April 15 th. Therefore,

MAY 6, 2020 MEETING CANCELLED

You aren't missing anything!

This Newsletter Provides the Legislative Updates that we would have heard at the May 6, 2020 meeting:

COVID-19 Tips: page 2

Legislative Updates:

Representative Polsky: Page 4

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PBSO & PBCFR Updates:

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Alliance Attorney Joshua Gerstin Provides this information:

Disclosing the Names of Infected Members in Florida's Community Associations

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Census 2020: Page 8

**LOOK FOR ALLIANCE INFORMATIONAL "ZOOM" MEETINGS
TO BE ANNOUNCED ON E MAIL!**

OFFICERS AND DIRECTORS OF THE ALLIANCE:

Robert Schulbaum, *President*

Lori Vinikoor, *Executive Vice President*

Norma Arnold, *Vice President* Allen Hamlin, *Vice President*

Arnold Katz, *Vice President* Ken Markowitz, *Vice President*

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***Assistants to the President:* Rose DeSanto Madalyn Freund John Gentithes**

Rhoda Greifer Karen Rose Joel Vinikoor

***Legal Counsel:* Joshua Gerstin**

ALLIANCE OF DELRAY 1 MAY 2020

Here are Some Tips to Stay Healthy During this COVID-19 Pandemic We Want to See You at the Alliance's September Meeting!

Change your daily habits.

Avoid shopping at peak hours
and take advantage of delivery or
pick-up services with retailers.



Protect yourself and your community.

Wash your hands often with soap and water
for at least 20 seconds, especially after going
to the bathroom, before eating, and after
blowing your nose, coughing or
sneezing.

If you don't have soap and water,
use an alcohol-based hand
sanitizer with at least 60% alcohol.

Avoid close contact with people who
are sick, and stay home when you're sick.



Practice Social Distancing:

- Stay home as much as possible.
- Stay away from people who are sick or who have been sick in the past two weeks.
- Shop during off-hours when crowds are smaller.
- Avoid crowds and gatherings of 10 or more people.
- Keep at least 6 feet between you and other people.
- Avoid touching "high-touch" public surfaces.
- Wear cloth face coverings in public places.



Avoid crowded places.

Sporting events, community
festivals, and concerts.



Clean Surfaces

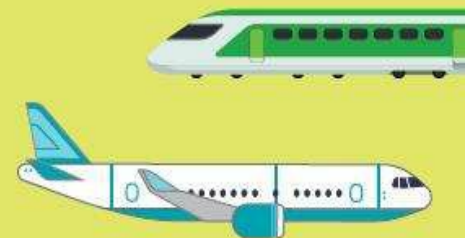


Every day, clean all surfaces that are
touched often, like counters,
tabletops and doorknobs.

Use cleaning sprays or wipes and
follow label instructions.

Avoid public transit if possible.

Don't travel to areas with active outbreaks.



Are you experiencing symptoms?

Symptoms may appear in 2–14 days after exposure to the virus.



FEVER



COUGH



SHORTNESS OF BREATH

**Call your
doctor if you
have
symptoms of
COVID-19**



HEROES WORK HERE

Legislative Update from Representative Tina Polsky

Dear Delray Alliance members-

I'm so sorry we can't have our legislative wrap-up in person. Here is a quick summary of the 2020 session.

We ended about a week later than originally scheduled and with fairly little controversy, although it ended rather unusually in the midst of the COVID-19 pandemic. The Florida Legislature is constitutionally mandated to pass a balanced budget and this year's \$93.2 billion budget included \$500 million for teacher raises, \$318.6 million for Everglades restoration, a 3% raise for all state employees, \$7,840 in per-pupil funding, and \$370 million for affordable housing projects (of which \$225m will go directly to local governments) as well as \$25.2 million to help mitigate some of the economic impacts of the COVID-19 pandemic. When the Governor gets the budget on the desk, he has one month to cull through the budget and veto any projects he sees fit. This must be completed before July.

The yearly tax package, HB 7097, was passed and includes the Back-to-School (August 7-9, 2020) and Disaster Preparedness (May 29-June 4, 2020) sales tax holidays. Unfortunately, due to COVID-19, the provisions for lowering the Business Rent Tax and Communications Service Tax were stripped from the bill. This has been signed by the Governor and will go into effect on July 1, 2020.

In a continued effort to "fix" the healthcare industry the House passed legislation that would expand the scope of practice for several health care professionals. Nurse Practitioners and Physicians Assistants will be allowed to practice primary care medicine without the supervision of a licensed Physician (HB 607). In addition to this, Pharmacists will be allowed to test and treat patients for flu, strep and other minor conditions (HB 389). Both of these bills have been signed by the Governor and will go into effect on July 1, 2020.

There were definitely some controversial bills that passed such as E-verify, private school voucher expansion, parental consent for abortions and tighter restrictions on getting citizen initiatives on the ballot. I'd be happy to dive deeper into some of these issues when we meet in person again....I hope soon.

Stay safe,

Tina



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Message from District Chief Anthony Tozzi 4 th Battalion

Palm Beach County Fire Rescue employees are currently following all social distancing guidelines and wearing masks while in public or within 6 feet of each other. We are limiting the time we would normally spend doing activities outside of our stations such as community events, inspections and training.

Please only call 911 for emergencies. Firefighters are still responding to all types of emergency calls, including possible COVID-19 cases with the same level of care. We are taking extra precautions to protect the public and ourselves. 911 Dispatchers are asking additional questions of callers to help determine which calls may or may not be COVID-19 related. Our Fire Stations currently have limited public access. Our firefighters as always, are committed to continuing to provide excellent service to care for our community during this time of need. We ask everyone to stay home and stay safe.



Message from Captain Robert Sandt PBSO District 4

Thank you to Captain Sandt (photo left) for the following updates:

1. Please continue to be extremely vigilant of a noticeable increase of scams occurring throughout West Delray and surrounding areas. Below are the most commonly, but not limited to reported: (Please report any suspicious calls or requests to local Law Enforcement immediately)
 - A. Compromised bank/debit cards- DO NOT surrender your cards to ANYONE! Notify your banking institution via the number on your card for status verification. We continue to have residents meet suspect(s) at local Publix and Walgreens to surrender debit card.
 - B. NEW Coronavirus scams are beginning to surface. (Please report any suspicious calls or requests to local Law Enforcement immediately. We have recently had individuals knock on doors and advise they are from the CDC, THEY ARE NOT! Please do not answer the door and notify law enforcement immediately!
2. Please leave yourself plenty of time while traveling on the roadways. IF you should have to leave your home under CDC guidelines and Governors Executive Stay at Home/Orders.
3. Please continue your "Social Distancing", avoid social gatherings. COVID19 Testing being conducted at Delray Civic Ctr.
4. Please continue to monitor real time updates through the CDC regarding the Coronavirus, and take recommended precautionary measures via our health professionals in order to minimize your risk to exposure; however, please remember not to panic.
5. Please remember to lock your vehicles and remove your spare keys and fobs. We have recently experienced an INCREASE in auto burglaries, ALL vehicles were left unlocked. Please remain vigilant by locking your doors, leave interior/exterior lights on and set your car and home alarms.

I am hopeful that everyone is doing well and staying healthy and safe. I'm confident we will all get back to our normal way of life here soon, better than we've ever been.

I look forward to seeing everyone together again very soon.

Regards,

Captain Robert Sandt
District 4- Delray Beach
Palm Beach County Sheriff's Office



GERSTIN & ASSOCIATES

ATTORNEYS & COUNSELORS AT LAW

Disclosing the Names of Infected Members in Florida's Community Associations

*By: Joshua Gerstin, Esq.**

If a community association is aware a member has the coronavirus, the first step for the association should be to alert its members without naming the infected member(s). In this initial alert, the Association should remind its members to follow the guidelines of the local governing authorities and the [CDC](#) regarding staying healthy during this pandemic (washing hands, social distancing, etc.). After sending the initial alert, determining whether the association can or must disclose the identity of an infected member is the troublesome next step. Although this issue has not been decided by the courts or an administrative agency yet, there are various laws governing the disclosure of confidential medical information Florida's community associations should familiarize themselves with.



The most widely known law covering medical information confidentiality is the federal Health Insurance Portability and Accountability Act known as "HIPPA". According to HIPPA, community associations do not qualify as a "covered entity" (ex. Doctor's office, etc.). As such, HIPPA generally does not apply to most of Florida's community associations. However, Florida Statute [§456.057](#) entitled Ownership and Control of Patient Records; report or copies of records to be furnished; disclosure of information ("Florida Medical Records Act") and Florida Statute [§720.303\(5\)©\(4\)](#) (for homeowner associations) or [§718.111\(12\)©\(3\)\(d\)](#) (for the condominium associations) pertain to medical records within an association's Official Records and may apply if the association has possession of the owner's medical records indicating he/she is infected. Based on a "strict reading" it is reasonable to conclude these Florida statutes ([§720.303\(5\)©\(4\)](#), [§718.111\(12\)©\(3\)\(d\)](#) and [§456.057](#)) prohibit a community association from disclosing the identity of an infected member when knowledge of the infection was obtained from information contained in the infected member's medical records.

In most instances, a community association will not be in possession of medical records indicating a diagnosis of infection. Often times, an association will learn a member is infected from the inadvertent or purposeful disclosure by a care provider. In such instances, the association should determine whether the sick member authorized the disclosure to the association. If so, the association should ask the sick member for written authority to disclose the information identifying him/her as having the coronavirus. Without written approval from the sick member, the purposeful or inadvertent disclosure by a medical professional of an infection does not give the association the ability to broadcast the same information to all of its members free from liability for its actions.

Most often, the association will have third or fourth hand information from an owner who knew or saw something leading them to conclude a member has been infected. Broadcasting such information to other members, although it may seem at least anecdotally accurate, will subject the association to liability.

Some alternative approaches to disclosing the name of the infected member(s) are:

1. Contacting the local health authorities and obtaining their opinion as to whether this person, based on the surrounding demographic, should be brought to a hospital for quarantine or what steps the person and the association should take.
2. Contact the individual to determine whether he or she would consent in writing to the disclosure of the infection. If the answer is yes, no problem, the association can disclose.
3. The Association should determine whether the individual and the in-home care givers are both isolating in the home and not going outside other than in their backyard or on their balcony. The association should routinely check-in with the person/caregivers via telephone and driving by as much as practical. Many condominium associations have security cameras that can monitor whether the infected member has left his/her unit and entered a common area or came into contact with a common element (ex. Elevator). The Association should continue this for the longest maximum time the CDC states a person is infectious. If an infected member flouts the CDC isolation guidelines, the police and local health department should be notified and asked to take action. Relaying this health related information regarding an infected member to the health or police authorities would most likely not violate the above cited laws.
4. Florida's condominium associations should enact an action plan for banning any infected members from using the common areas and common elements (if they are not closed already). These plans should be done at a meeting of the board of directors with its attorney that is closed to the membership due to the discussion of medical information and anticipated litigation. However, the infected member(s) cannot be denied ingress or egress to their units/homes. Therefore, especially in Florida's condominium associations, a plan for extra, sustained cleaning of all common elements (ex. Elevators) and common areas are a must.

Community association members, especially those in 55+ communities, are rightfully afraid of catching the coronavirus. As we become aware of the increasing amount of infections, community association members will demand their associations release the names of the infected with impassioned pleas for their own safety. When this happens at your community association, your initial focus should be on alerting members to the many ways they can protect themselves while consulting with the association's attorney and local health professionals in the development of an action plan.



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Legislative Update from Representative Emily Slosberg

Dear Members of the Alliance of Delray Residential Associations,

As we continue to face the uncertain and unprecedented circumstances created by the COVID-19 pandemic, I would like to say that my staff and I stand ready to assist you during these trying times. I am also proud to report that after two long and arduous months in Tallahassee, we emerged from the 2020 session of the Florida legislature with some major wins.

As I am sure you already know, traffic safety has always been one of my top legislative priorities and this year was no different. Alongside Representative Ardian Zika, I was able to pass HB 37, School Bus Safety, which doubled the fines for illegally passing a stopped school bus that is loading or unloading students. This legislation will go a long way toward protecting our vulnerable students from careless drivers.

Additionally, I was able to secure over \$150,000 in funding for the Rales Rides senior transportation program run by the Ruth and Norman Rales Jewish Family Services. That funding will allow Rales JFS to continue to provide critical transportation support for senior citizens in our community, helping them maintain active and fulfilling lives.

This session, I also filed a “hands-free texting” bill to ban the handheld use of mobile devices while driving, which would have enhanced our state’s current ban on texting while driving. Additionally, I filed a bill to require insurance companies to treat mental health and substance abuse treatments the same way they treat medical and surgical treatments. While we made some great strides with both bills, they unfortunately died without a single committee hearing.

Another major bill that I cosponsored this session was HB 199, Donna’s Law, which passed and eliminated the statute of limitations for the prosecution of sexual offenses against victims under the age of 18. This important change in the law recognizes that it can take years for victims to come forward and allows them to seek justice once they are ready for it.

Yours in public service,

Representative Emily Slosberg
Florida House of Representatives, District 91
Capitol Phone: (850) 717-5091
District Phone: (561) 496-5940

CENSUS 2020

April 1, 2020 is only a reference date! You still have time to respond to the 2020 Census. This is so important for Palm Beach County’s representation in government and for disbursement of government funding.

For information go to: <https://www.census.gov/>

To respond to the Census: <https://2020census.gov/>



POST-SESSION REVIEW

STATE SENATOR KEVIN RADER, DISTRICT 29



Dear Alliance Membership,

This year's Legislative Session was prolonged and ultimately came to an end on Thursday, March 19, with the final vote on the budget. However, due to the COVID-19 Pandemic, the Legislature may need to return to Tallahassee to adjust the 2020-2021 budget that we previously passed. As far as legislation is concerned, this year's Session was very successful as I was able to pass SB 540 Insurance Guaranty Associations and SB 302 Adoption Records as stand-alone bills. These bills also passed the House of Representatives and will be sent to the Governor for his signature. Also, SB 108 Specialty Bee License Plates and SB 106 Instructional Personnel Salaries passed by way of larger legislative packages. I am very proud of these bills and know that they will assist not just our community, but all Floridians alike. HB 607 Health Care Practitioners and SB 1128 Vacation Rentals were heavily debated pieces of legislation. SB 1128 Vacation Rentals passed two committees and then died in the Rules Committee. This bill would have preempted all regulations of vacation rentals to the state, including the inspection and licensing of the rental property, and sequentially created a one-size-fits-all directive. It went against home rule, and I know that many in our community were wary of this legislation. Although it failed this year, it is the fourth time it has been introduced into the Legislature, and I will continue to monitor this bill should it be refiled in the future.

Conversely, HB 607 Health Care Practitioners was debated, almost through the entirety of Session. This bill passed the Legislature and was signed into law on March 11 by Governor DeSantis. This allows for Nurse Practitioners (APRNs), who meet specific requirements to autonomously practice without the supervision of a physician in rural and underserved areas. They will be registered with the Department of Health (DOH) and be able to practice in areas such as family medicine and general internal medicine but are not able to perform any surgical procedure other than subcutaneous procedures. These are just a few highlights of this Session as unfortunately we are unable to meet on May 6 to discuss it further. However, I hope that you are all safe and healthy.

My office is here to help, so please contact us with any issues or concerns.

A handwritten signature in black ink that reads "Kevin Rader". The signature is written in a cursive, flowing style.

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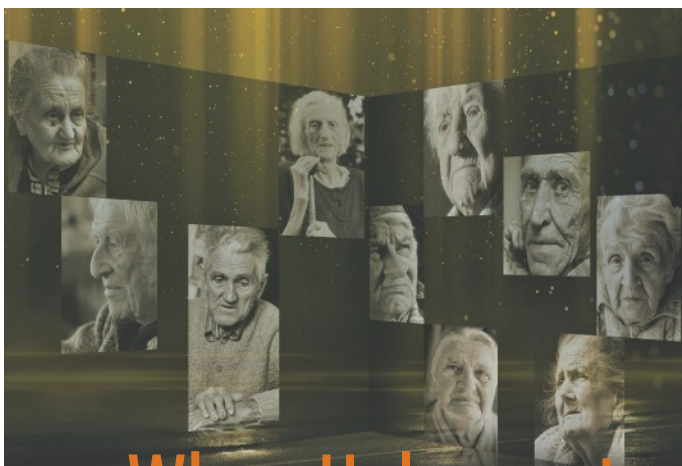


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Dear Delray Alliance Members:

I'm hoping all are keeping well and observing social distancing to the greatest extent possible while we await the end of this crisis. I regret that we are unable to be with you in person for our end-of-session report, but please enjoy this short summary of some key items instead.

Significant Bills that Passed this Session

SB 712, termed the “Clean Waterways Act,” increases fines for violations of environmental rules and creates substantial accountability measures for localities and farmers to adhere to environmental rules. SB 712 is the most significant water policy legislation the legislature has seen in quite some time.

HB 1461 is a bill I proudly passed to allow out-of-state licensed dentists to practice in rural and underserved communities. The legislation was originally passed in 2008 but sunsetted without renewal in 2019. Upon the Governor’s signature, new out-of-state dentists will be able to participate and obtain health access dental licenses.

A bill I am passionate about, **Jordan’s Law (HB 43)** finally passed the legislature. It honors a young boy from the west coast who died despite DCF intervention. This legislation includes more protections in child dependency cases and requires a central database so law enforcement is also aware of prior investigations.

Budget Breakdown

Key highlights include the following:

- \$500 million for teacher pay raises: \$400 million allocated towards beginning teacher pay and \$100 million towards veteran teacher pay;
- \$100 million for the Florida Forever land-buying conservation fund;
- \$370 million (full funding) for the Sadowski Affordable Housing Trust fund without transfers to other budget silos;
- \$335 million for a 3% state employee raise;
- \$300 million added to Florida’s reserves to potentially deal with the outbreak of coronavirus; and
- Just under \$48 million for the tax package, a reduction from the initial proposal of \$193 million. The tax package includes \$42 million for the three-day back-to-school sales tax holiday on August 7-9, and \$5.6 million for the seven-day disaster preparedness sales tax holiday from May 29 – June 4.

Best wishes for a safe spring and summer,

Lori