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Florida Statute §768.0706 & CPTED: Proactive Risk Reduction for Associations

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Safety and security are ongoing concerns for community association boards, property managers, and residents. While community associations are not law enforcement agencies, they do play an important role in maintaining environments that reduce opportunities for crime and support resident safety. In Florida, recent legislation has increased awareness of the importance of proactive safety measures. One statute receiving increased attention in the property management and legal communities is Florida Statute §768.0706, which addresses certain security considerations for multifamily residential properties.

Although the statute is primarily directed at apartments, condominiums and duplex communities with 5 or more units, its concepts provide valuable guidance for condominium and homeowners' associations seeking to strengthen their overall risk management practices. One of the most practical ways to evaluate and improve safety conditions within a community is through Crime Prevention Through Environmental Design (CPTED).

UNDERSTANDING FLORIDA STATUTE §768.0706

Florida Statute §768.0706 was enacted to address premises liability claims related to criminal acts occurring on multifamily residential properties. The statute provides a framework under which property owners must demonstrate that they implemented reasonable security measures and training. When certain conditions are met, the law can provide a legal presumption against liability for criminal acts committed by third parties.

The statute identifies several types of security measures that may be considered when evaluating whether reasonable steps have been taken to address safety risks. These measures generally include:

- » Adequate lighting in parking areas, walkways, and common spaces
- » Operational locks or controlled access to residential buildings
- » Security cameras or other monitoring technologies
- » Crime prevention assessments or security evaluations
- » Crime deterrence measures consistent with recognized safety and security practices

The intent of the statute is not to require a specific security program, but rather to encourage property owners and managers to evaluate their properties and take reasonable steps to reduce foreseeable risks.

For community association boards, this concept reinforces an important principle: proactive evaluation of property conditions can play a significant role in reducing both safety and security risks and potential liability exposure.

THE ROLE OF CPTED IN PROPERTY SAFETY

Crime Prevention Through Environmental Design, commonly referred to as CPTED, is a widely recognized approach to improving safety by addressing how the built environment influences human

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behavior. Rather than relying solely on guards or technology, CPTED focuses on how design, layout, and maintenance can reduce opportunities for crime.

CPTED ASSESSMENTS TYPICALLY EVALUATE FOUR PRIMARY ELEMENTS

Natural Surveillance: Natural surveillance refers to the ability for people to observe activity within a space. Areas that are visible and well-lit tend to discourage unwanted behavior because individuals feel they may be seen or identified. This includes evaluating lighting coverage, landscaping that may obstruct views, and building layouts that create hidden areas.

Access Control: Access control focuses on guiding how people enter and move throughout a property. Functional gates, controlled building access points, and clearly defined pedestrian pathways help distinguish between public and private areas. When access points are clearly identified and managed, it becomes more difficult for unauthorized individuals to move unnoticed within the community.

Territorial Reinforcement: Territorial reinforcement involves using design features that communicate ownership and responsibility for a space. Signage, fencing, well-maintained landscaping, and defined property boundaries can reinforce that an area is monitored and cared for. These elements contribute to an environment where residents feel a sense of ownership and awareness.

Maintenance and Management: An often-overlooked component of safety is property maintenance. Broken lighting, malfunctioning gates, or damaged access control systems can undermine the effectiveness of otherwise strong security measures. Regular inspections and timely repairs help ensure that safety features remain functional and reliable.

APPLYING CPTED PRINCIPLES IN COMMUNITY ASSOCIATIONS

Many CPTED recommendations involve relatively simple operational improvements rather than large capital expenditures. Examples of practical actions associations may consider include:

- × Conducting periodic lighting evaluations in parking areas and walkways
- × Trimming landscaping that obstructs visibility near entrances and pathways
- × Ensuring gates, locks, and access control systems remain operational
- × Evaluating camera placement to ensure coverage of key common areas
- × Reviewing policies related to visitor access and vendor entry

These types of improvements can enhance visibility, strengthen access management, and reinforce resident awareness in the community.

SUPPORTING GOOD GOVERNANCE AND RISK MANAGEMENT

Community association boards have a fiduciary responsibility to make informed decisions regarding the maintenance and operation of their properties. Evaluating safety conditions through recognized methodologies such as CPTED can support responsible governance and demonstrate that boards are taking reasonable steps to address potential risks.

Additionally, documenting safety assessments and property evaluations can be beneficial when reviewing insurance coverage, developing maintenance plans, or responding to resident concerns regarding security. While no strategy can eliminate every potential incident, proactive planning and regular evaluation of property conditions can significantly reduce vulnerabilities.

LOOKING FORWARD

As legal standards and community expectations continue to evolve, property owners and association boards are increasingly encouraged to take a proactive approach to safety and security planning. By understanding the intent of Florida Statute §768.0706 and incorporating CPTED principles into property evaluations, community associations can strengthen their safety and security posture while supporting a well-maintained and secure environment for residents.

Thoughtful design, consistent maintenance, and ongoing awareness remain some of the most effective tools available for creating communities that are both welcoming and resilient.



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