

Insights

Designing Residential Communities? Don't Overlook This Critical Distinction.

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The recent *Vitalia at Tradition Residents' Association, Inc. v. Vitalia at Tradition, LLC* [decision](#) shines a spotlight on a key but sometimes misunderstood aspect of community governance: the difference between classes of members and classes of parcels.

In this case, the Fourth District Court of Appeal invalidated a developer's exemption from post-turnover assessments. Why? The governing documents failed to establish proper classes of parcels, as required by Florida law (§ 720.308(1)). While statutes allow associations to differentiate assessment obligations based on parcel characteristics—such as development stage or service levels—they do not permit exemptions tied solely to membership categories.

This ruling serves as a powerful reminder for developers, attorneys, and planners: Carefully draft declarations and covenants to align with statutory requirements and development objectives. Distinguishing obligations based on parcels, not just membership classes (which can include LLCs, trusts, or other entities), is critical to creating enforceable and equitable community structures.

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