



LEGISLATIVE ACTION

Senate

House

•  
•  
•  
•

The Committee on Regulated Industries (Bradley) recommended the following:

1                   **Senate Amendment (with title amendment)**

2  
3                   Delete lines 25 - 156

4 and insert:

5                   revenues of \$750,000 or more and consisting of 100 or more units  
6                   must contract with a community association management firm or a  
7                   community association manager certified by the Community  
8                   Association Managers International Certification Board as a  
9                   Certified Manager of Community Associations or by the Community  
10                   Associations Institute as an Association Management Specialist



11 or a Professional Community Association Manager. Each board  
12 member or officer All board members or officers of an  
13 association that contracts with a community association manager  
14 or a community association management firm has have a duty to  
15 ensure that the community association manager or community  
16 association management firm is properly licensed and certified  
17 before entering into a contract.

18 Section 2. Subsection (6) is added to section 718.405,  
19 Florida Statutes, to read:

20 718.405 Multicondominiums; multicondominium associations.—  
21 (6) An association operating a multicondominium with total  
22 annual revenues of \$750,000 or more and consisting of 100 or  
23 more units must contract with a community association management  
24 firm or a community association manager certified by the  
25 Community Association Managers International Certification Board  
26 as a Certified Manager of Community Associations or by the  
27 Community Associations Institute as an Association Management  
28 Specialist or a Professional Community Association Manager. The  
29 community association manager or community association  
30 management firm must possess all applicable licenses required by  
31 part VIII of chapter 468. Each board member or officer of an  
32 association that contracts with a community association manager  
33 or a community association management firm has a duty to ensure  
34 that the community association manager or community association  
35 management firm is properly licensed and certified before  
36 entering into a contract.

37 Section 3. Paragraph (a) of subsection (1) of section  
38 719.106, Florida Statutes, is amended to read:

39 719.106 Bylaws; cooperative ownership.—



40        (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
41 documents shall provide for the following, and if they do not,  
42 they shall be deemed to include the following:

43        (a) *Administration.*—

44        1. The form of administration of the association shall be  
45 described, indicating the titles of the officers and board of  
46 administration and specifying the powers, duties, manner of  
47 selection and removal, and compensation, if any, of officers and  
48 board members. In the absence of such a provision, the board of  
49 administration shall be composed of five members, unless the  
50 cooperative has five or fewer units. The board shall be composed  
51 ~~consist~~ of not fewer than three members in cooperatives with  
52 five or fewer units that are not-for-profit corporations. In a  
53 residential cooperative association of more than 10 units, co-  
54 owners of a unit may not serve as members of the board of  
55 directors at the same time unless the co-owners own more than  
56 one unit or unless there are not enough eligible candidates to  
57 fill the vacancies on the board at the time of the vacancy. In  
58 the absence of provisions to the contrary, the board of  
59 administration shall have a president, a secretary, and a  
60 treasurer, who shall perform the duties of those offices  
61 customarily performed by officers of corporations. Unless  
62 prohibited in the bylaws, the board of administration may  
63 appoint other officers and grant them those duties it deems  
64 appropriate. Unless otherwise provided in the bylaws, the  
65 officers shall serve without compensation and at the pleasure of  
66 the board. Unless otherwise provided in the bylaws, the members  
67 of the board shall serve without compensation.

68        2. A person who has been suspended or removed by the



871556

69 division under this chapter, or who is delinquent in the payment  
70 of any monetary obligation due to the association, is not  
71 eligible to be a candidate for board membership and may not be  
72 listed on the ballot. A director or officer charged by  
73 information or indictment with a felony theft or embezzlement  
74 offense involving the association's funds or property is  
75 suspended from office. The board shall fill the vacancy  
76 according to general law until the end of the period of the  
77 suspension or the end of the director's term of office,  
78 whichever occurs first. However, if the charges are resolved  
79 without a finding of guilt or without acceptance of a plea of  
80 guilty or nolo contendere, the director or officer shall be  
81 reinstated for any remainder of his or her term of office. A  
82 member who has such criminal charges pending may not be  
83 appointed or elected to a position as a director or officer. A  
84 person who has been convicted of any felony in this state or in  
85 any United States District Court, or who has been convicted of  
86 any offense in another jurisdiction which would be considered a  
87 felony if committed in this state, is not eligible for board  
88 membership unless such felon's civil rights have been restored  
89 for at least 5 years as of the date such person seeks election  
90 to the board. The validity of an action by the board is not  
91 affected if it is later determined that a board member is  
92 ineligible for board membership due to having been convicted of  
93 a felony.

94       3. When a unit owner files a written inquiry by certified  
95 mail with the board of administration, the board shall respond  
96 in writing to the unit owner within 30 days of receipt of the  
97 inquiry. The board's response shall either give a substantive



871556

98 response to the inquirer, notify the inquirer that a legal  
99 opinion has been requested, or notify the inquirer that advice  
100 has been requested from the division. If the board requests  
101 advice from the division, the board shall, within 10 days of its  
102 receipt of the advice, provide in writing a substantive response  
103 to the inquirer. If a legal opinion is requested, the board  
104 shall, within 60 days after the receipt of the inquiry, provide  
105 in writing a substantive response to the inquirer. The failure  
106 to provide a substantive response to the inquirer as provided  
107 herein precludes the board from recovering attorney's fees and  
108 costs in any subsequent litigation, administrative proceeding,  
109 or arbitration arising out of the inquiry. The association may,  
110 through its board of administration, adopt reasonable rules and  
111 regulations regarding the frequency and manner of responding to  
112 the unit owners' inquiries, one of which may be that the  
113 association is obligated to respond to only one written inquiry  
114 per unit in any given 30-day period. In such case, any  
115 additional inquiry or inquiries must be responded to in the  
116 subsequent 30-day period, or periods, as applicable.

117 4. An association with total annual revenues of \$750,000 or  
118 more and consisting of 100 or more units must contract with a  
119 community association management firm or a community association  
120 manager certified by the Community Association Managers  
121 International Certification Board as a Certified Manager of  
122 Community Associations or by the Community Associations  
123 Institute as an Association Management Specialist or a  
124 Professional Community Association Manager. The community  
125 association manager or community association management firm  
126 must possess all applicable licenses required by part VIII of



871556

127 chapter 468.

128 5. Each board member or officer of an association that  
129 contracts with a community association manager or a community  
130 association management firm has a duty to ensure that the  
131 community association manager or community association  
132 management firm is properly licensed and certified before  
133 entering into a contract.

134 Section 4. Subsection (1) of section 720.303, Florida  
135 Statutes, is amended to read:

136 720.303 Association powers and duties; meetings of board;  
137 official records; budgets; financial reporting; association  
138 funds; recalls.—

139 (1) POWERS AND DUTIES.—An association that operates a  
140 community as defined in s. 720.301 must be operated by an  
141 association that is a Florida corporation. After October 1,  
142 1995, the association must be incorporated and the initial  
143 governing documents must be recorded in the official records of  
144 the county in which the community is located. An association may  
145 operate more than one community. An association with total  
146 annual revenues of \$750,000 or more and consisting of 100 or  
147 more parcels must contract with a community association  
148 management firm or a community association manager certified by  
149 the Community Association Managers International Certification  
150 Board as a Certified Manager of Community Associations or by the  
151 Community Associations Institute as an Association Management  
152 Specialist or a Professional Community Association Manager. The  
153 community association manager or community association firm must  
154 possess all applicable licenses required by part VIII of chapter  
155 468. The officers and directors of an association are subject to



871556

156 s. 617.0830 and have a fiduciary relationship to the members who  
157 are served by the association. Each officer and director of an  
158 association that contracts with a community association manager  
159 or a community association management firm has a duty to ensure  
160 that the community association manager or community association  
161 management firm is properly licensed and certified before  
162 entering into a contract. The powers

163

164 ===== T I T L E A M E N D M E N T =====  
165 And the title is amended as follows:

166 Delete lines 5 - 11

167 and insert:

168 contract with a community association management firm  
169 or a community association manager certified by the  
170 Community Association Managers International  
171 Certification Board as a Certified Manager of  
172 Community Associations or by the Community  
173 Associations Institute as an Association Management  
174 Specialist or a Professional Community Association  
175 Manager; requiring the community association  
176 management firm or certified community association  
177 manager to possess all applicable licenses; providing  
178 that association board members, officers, and  
179 directors have a duty to ensure such community  
180 association management firm or community association  
181 manager is properly licensed; requiring that such  
182 community associations managers also be certified;  
183 providing an effective date.