

Florida State Laws

Applicable To Governing Home Owner Associations

Homeowner Associations are governed by a chain of documents and laws.

- The **Articles of Incorporation** that are filed with the Secretary of State provide the legal basis of the association in the form of an Incorporated Non-Profit Corporation.
- The recorded map or '**plat**' defines each owner's title to property; and the association's title to common areas.
- The **CCR's (Covenants, Conditions, and Restrictions)** are publicly recorded deed restrictions.
- The **Bylaws** are the rules for management and administration.
- **Resolutions** are additional rules and regulations that the association may adopt.
- **Federal Laws** also apply. Some (not all) include the The Fair Housing Act, Internal Revenue Codes, the American Disabilities Act, the Virginia Graeme Baker Pool and Spa Safety Act, the FCC OTARD (Over the Air Reception Devices) Rule - Satellite Dishes, and the Fair Debt Collection Practices Act.
- Information regarding **State Laws** which are specific to common interest communities, such as condominiums, cooperatives, and homeowner associations, are provided below. Typically there are additional state laws, specific to Common Interest Communities that also require compliance. Examples of these include coastal development, storm-water runoff, condo elevator inspections, and pool operations; to name a few.
- **Local Ordinances**, while not specific to homeowner associations, will apply to building codes, animal control, abandoned cars, water restrictions, etc.
- **Additional legal regulations** may be found in the form of case law; standards set by professional organizations such as accountants, engineers, architects, home inspectors, and real estate brokers; as well as lender requirements.

Considerations:

- State laws affecting Common Interest Communities have evolved over time, and continue to do so.
- Bills affecting Common Interest Communities are frequently introduced in the state legislature and may be in different stages of consideration, approval, or enactment.
- It is not uncommon to find conflicts within or between governing documents, such as the covenants and the bylaws. There may also be conflicts between governing documents and statutes. When this occurs, attorneys must consider applying Rules of Interpretation.
- Because of the frequently dynamic nature of state laws, with unforeseen changes and possible conflicts in governing documents or statutes, it is strongly recommended that association boards and members seek legal counsel; in particular with firms that have expertise or strong practice experience in the area of Common Interest Community law.

Florida Department of Business Regulation; Division of Florida Condominiums (Laws)

The [Division of Florida Condominiums](#) has the authority to enforce the following laws:

- [Chapter 719, Florida Statutes, The Cooperative Act](#)
- [Chapter 718, Florida Statutes, The Condominium Act](#)
- [Chapter 607, Florida Statutes, The Florida Corporations Act](#)
- [Chapter 617, Florida Statutes, The Florida Not-For-Profit Corporations Act](#)
- [Chapter 468 Part VIII, Florida Statutes, Community Association Management \(CAM\) Law, Rules Condominiums - Chapters 61B-15 through 25, 45 and 50, Florida Administrative Code](#)
- [Cooperatives - Chapters 61B-75 through 79, Florida Administrative Code](#)

In addition, Chapters 61B-45 and 61B-50, Florida Administrative Code, contain rules relating to the arbitration of disputes. Chapter 61B-25 contains rules regarding lists maintained by the **division** for volunteer and paid mediators.

In June of 1998, the state **division** adopted administrative rules to implement its responsibility to ensure compliance with the provisions of Chapters 718 and 719, Florida Statutes. The resolution guidelines specify the action the **division** will take when accepted complaints are received. The rules provide for different treatment of violations by developers and violations by unit owner controlled associations, designate violations as either major or minor, provide for different methods of complaint resolution, discuss repeat violations and aggravating and mitigating factors, and provide for civil penalties. The resolution guidelines are found in:

- 61B-20.004 - 61B-20.006 - Resolution Guidelines for Condominium Developers
- 61B-21.001 - 61B-21.003 - Condominium Guidelines for Unit Owner Controlled Associations
- 61B-77.001 - 61B-77.03 - Resolution Guidelines for Cooperative Developers
- 61B-78.002 - 61B-78.004 - Cooperative Guidelines for Unit Owner Controlled Associations

In conjunction with the jurisdiction granted to the **division** by the Condominium & Cooperative Acts, the following are responsibilities that the **division** has under Chapters 718 & 719, Florida Statutes:

- The **division** receives annual fees from each condominium and cooperative association based on the number of residential condominium or cooperative units in the association. The typical fee is \$4 per unit, payable January 1 of each year.
- The **division** provides training programs for condominium and cooperative association board members and unit owners, by contracting with a private vendor to provide training courses.
- The **division** maintains a toll-free telephone number accessible to condominium and cooperative board members and unit owners (**800.226.9101**).
- The **division** has a program to certify both volunteer and paid mediators to provide mediation of condominium and cooperative disputes.

Homeowner Associations

- [Chapter 720, Florida Statutes](#)
- [Chapters 61B-81 and 82, Florida Administrative Code](#)

Community Association Manager Licensing

- A community association manager or community association management firm manages community associations with 10 or more residential units or budgets of \$100,000 or greater for compensation. Examples of compensation are cash, goods, services, etc.
- A community association management firm must be licensed, and each community association manager within the firm must be licensed.

For specific questions, contact the state **department** at **(850) 487-1395** or review the rules of the profession at <http://www.myfloridalicense.com/dbpr/pro/cam/index.html>. You should also check with your county or city to learn whether or not a local business tax receipt is required for services that do not require a state license.

Office of the Condominium Ombudsman

"It is the mission of the [Office of the Condominium Ombudsman](#) to improve the quality of life for Florida condominium owners through prompt, professional and courteous service as a neutral, informative and accessible resource." Created by an act of the Legislature in 2004, the Office of the Condominium Ombudsman was established to be a resource for unit owners, board members, condominium associations, and others. The Ombudsman's duties are described in Section 718.5012 Florida Statutes. You may either call **(954) 202-3234** or e-mail questions concerning your condominium to the Ombudsman at ombudsman@dbpr.state.fl.us.