

# INDEX

## – A –

accessing owners' units, 34  
 accounting  
   balance sheet, 10  
   expenses, 10  
   financial statements, 10  
   Generally Accepted Accounting Principles (GAAP), 10  
   income statement, 10  
   methods, 10  
     accrual, 10, 11  
     cash, 10  
     modified cash, 10  
   revenues, 10  
   reporting requirements  
 accrual accounting, 10, 11  
 benefits, 11  
 expenses, 11  
 financial statements, 11  
   accounts payable, 11  
   aged assessments receivable, 11  
   balance sheet, 11  
   prepaid assessments, 11  
 revenues, 11  
 administrative procedures, 100  
   invalid or unadopted rule, 101  
   minor violations, 100  
   notices of rule development, 100  
   rulemaking, 100  
   rules filed for adoption, 100  
   unlicensed activity  
     enforcement efforts, 101  
     renewal fee, 101  
 Advisory Opinion SC13-889, 58  
 Agency for Health Care Administration, 104  
 Agency for Persons with Disabilities, 104  
 alarm systems, 128  
   ancillary components, 128  
   central monitoring, 128  
     call verification methods, 128  
   intrusion/burglary alarms, 128  
     visual/auditory sensor, 128  
   low voltage alarm system project, 128  
   low voltage electric fence, 128  
   two-call verification protocol, 128  
 alterations and improvements, 35  
 Americans with Disabilities Act, 58  
   compliance, 58  
   Fair Housing Amendments Act of 1988, 59  
   Handicapped Accommodation Request Verification, 59  
   public lodging establishments, 59

annual budget, 6  
 annual budget meeting, 17  
 arbitration, 35, 66  
   demand for relief, 66  
   disputes, 67  
   Division of Florida Condominiums, Timeshares, and Mobile Homes (DFCTSMH), 66  
   mandatory binding, 67  
   mandatory nonbinding, 66  
   notice of the intention, 66  
   petition, 66  
   pre-suit mediation, 67  
   written notice, 66  
 arbitrator, 80  
 architectural control, 36  
 Architectural Design Policy, 36  
 architectural design rules, 37  
 Architectural Review Committee (ARC), 36  
 armed forces members licensure, 126  
   good standing, 127  
   honorable discharge, 127  
   licensing fee, 127  
   low-income individual, 127  
   professional license, 127  
   proper license, 127  
   relicense application, 127  
   temporary license, 127  
 assessments, 17-21  
   assessments essentials, 17  
   assessment levels, 17  
   delinquent assessments, 18  
   foreclosure, 18  
   lien, 18-21  
   overdue assessments, 18  
   special assessments, 17  
   suspensions, 18  
   take title, 18  
 assistance animals, *see service animals*  
 association  
   budget, 5  
   in distress, 76  
 audits, 14  
 automatic sprinkler system, 45

## – B –

bank loans, 23-24  
   assessment, 24  
   line of credit, 24  
 bidding process, 38  
   proprietary products, 39  
   research, 38-39  
 blockbusting, 78

board of directors, 55  
 fiduciary duty, 55  
 responsibilities, 55

budget, 6-9  
 annual, 6  
 common expenses, 6  
 drafting, 9  
 expenses, 5  
 line items, 5  
 operating costs, *see operating expenses*  
 operating expenses, 5-6  
 reserves, 6-8  
 social expenses, 6

budgeting process, 9

building code, 101  
 exemptions for licensing, 102  
 fire pump control panels, 102  
 fire service access elevators, 102  
 filtration testing, 102  
 Florida Building Code Compliance & Mitigation Program, 102  
 Homeowners' Construction Recovery Fund, 102  
 minimum radio strength, 102  
 permanent and temporary pools, 102  
 pump drivers, 102  
 single family residence, 101  
 smoke alarms, 102  
 two-way radio system, 102

- C -

carbon monoxide detectors, 45

case law updates 2016  
 Bartram v. U.S. Bank National Association, 112  
 Bona Vista Cd'm Ass'n, Inc. v. FNS6, LLC, 108  
 Brittany's Place Cd'm Ass'n, Inc. v. US Bank, NA, 110  
 Hilton v. Pearson, 108  
 Le Scampi Cd'm Ass'n, Inc. v. Hall, 109  
 Madison at Soho II Cd'm Ass'n, Inc. v. Devo Acquisition Enterprises, LLC, 110  
 Shores of Panama Club, LLC v. Shores of Panama Resort Comm Ass'n, Inc., 111

cash accounting, 10  
 expenses, 10  
 income, 10  
 Income Statement, 10  
 revenues, 10

Chapter 2016-16, Laws of Florida, 99

Citizens Property Insurance Corporation, 103  
 depopulation procedures, 103  
 providing limitations, 103  
 revising provisions, 103  
 revising the requirements, 103

COA Financial Report Requirements, 14

cohabitation, 101  
 repeal of prohibition, 101

common expenses, 6

communication portal, *see website*

communication tactics, 69-70  
 accountability, 70  
 altercasting, 70  
 hierarchy structure, 70  
 listening skills, 69  
 body language, 69  
 providing feedback, 69  
 talking skills, 70  
 non-verbal methods, 70  
 repetition, 70  
 unambiguous language, 70  
 transparency, 70

community association  
 definition, 54

community association manager  
 definition, 54

community association management firm  
 definition, 54

community development districts, 103  
 limits, 103  
 minimum size requirements, 103  
 procedures, 103

community residential homes  
 Agency for Health Care Administration, 104  
 Agency for Persons with Disabilities, 104  
 definition, 104  
 Department of Children and Families, 104  
 Department of Elderly Affairs, 104  
 Department of Juvenile Justice, 104

competitive bidding, 38

compiled financial statements, 14

composite asphalt shingles, 37

Condominium Act, 76, 81

Condominium and Cooperative Acts, 7

condominium association  
 in distress, 76  
 termination of, 76, 77

condominium conversion, 77  
 disclosure requirements, 80  
 converter reserves, 80  
 developer warranties, 80  
 surety bond, 80

condominium/cooperative elections, 55  
 rules and procedures, 55

Condominium Reform Bill, 79  
 arbitrator, 80  
 conversion, 79  
 terms, 79  
 homestead exemption, 79  
 plan of termination, 79  
 relocation payment, 79

termination proceedings, 79  
 termination trustee, 79  
 condominium term limits, 56  
 condominium terminations, 122-124  
   revisions, 122-123  
     amended statutes, 123  
     economic waste, 123  
     new provisions, 123  
     property interest values, 123  
 conflicts of interest, 122  
   activity disclosure, 122  
   contracting services, 122  
   foreclosure sale, 122  
   statute contradiction, 122  
 contracts, 39  
   language, 40  
   right of first refusal, 40  
   self-renewal clause, 40  
 conversions, 76, 77  
 criminal background checks, 60  
   criminal history, 60  
   housing discrimination, 60  
   reasons for refusal, 61  
 criminal offenses and penalties, 117  
   provisions regarding charges, 118  
   types of, 117-118

– D –

dangerous dogs, 99  
   discretionary  
     actions, 99  
     quarantine, 99  
   euthanasia, 99  
   mandatory  
     actions, 99  
     quarantine, 99  
   severe injuries, 99  
 DBPR  
   boards and programs, 138  
   delinquency fees, 127  
   delinquent status licensee, 127  
 debit cards, 120  
   regulations, 120  
 declaration of covenants, 36  
 dedicated reserve funds, 9  
 Department of Agriculture and Consumer Services  
   (DACS), 104  
 Department of Children and Families, 104  
 Department of Elderly Affairs, 104  
 Department of Juvenile Justice, 104  
 Directors and Officers Liability Insurance (D&O  
   Insurance), 24-25  
 disabled  
   accommodations, 58

  defined, 60  
 disasters, 40  
   hurricanes, 40  
     hurricane shutters, 41, 42  
     insurance claims, 43  
       fiduciary obligation, 43  
       proof of loss, 44  
       statute of limitations, 43  
     post-storm actions, 43  
     preventative actions, 40-41  
     storm duration, 43  
 structural fires, 44  
   chemicals, 45  
   chimneys, 45  
   cooking, 44  
   grills, 45  
   hoarding, 45  
   lightning, 44  
   smoking, 45  
 wildfires, 44  
   preventative measures, 44  
 discharging a firearm, 99-100  
   recreational discharge, 100  
 Division of Law Revision and Information, 99  
 drafting a budget, 9  
 drones, 92  
   applications, 92  
   definition of, 92, 131  
   Florida Greenways and Trails System, 130  
   Florida Shared Use Nonmotorized Trail Network, 130  
   Freedom from Unwarranted Surveillance Act, 92  
     definition, 92  
     exclusions, 93  
     prohibited uses of, 93  
     violation provisions, 93  
   general liability coverage, 131  
   pedestrians, 131  
   personal delivery device operator, 130  
   right-of-way, 131  
   safety risks and liability, 92  
     air safety, 92  
     civil liberties, 92  
     crime, 92  
     physical injury, 92  
     privacy, 92  
     property damage, 92  
   surveillance, 93  
 Unmanned Aircraft Systems Act, 93-94, 131  
   board authority, 94  
   critical infrastructure facility, 131, 132  
   definition of, 94  
   Federal Aviation Administration, 132  
   local ordinances, 132  
   penalties, 132  
   policies, 94

provisions, 132  
 regulation, 131  
 use of drones within their communities, 94

– E –

elections

amended second notice, 105  
 cooperative regular elections, 106  
 electronic voting, 88-89, 105, 106  
   requirements, 106  
 ombudsman, 121  
 software providers, 89  
 suspension of voting rights, 121

elevators

amount of force, 105  
 clearance requirements, 105  
 private, 105  
 residential, 132  
   maintenance, 132  
   oversight responsibility, 132

estoppel certificates, 21-23, 124

delivery, 124  
 fees, 23, 137  
 new provisions, 124  
 requirements, 21-23, 136

– F –

failure to enforce, 67

laches, 67  
 republication, 68  
 selective enforcement, 67  
 waiver and estoppel, 67

Fair Housing Amendments Act of 1988, 59

favoritism, 39

FDIC Investment Options, 15

FDIC insured accounts, 16

checking, 16  
 savings, 16  
 money market, 16  
 certificates of deposit (CDs), 17  
 CD ladders, 17

Federal Housing Administration

restrictions on number of renters, 79

fees, 105

examination, 105  
 re-examination, 105

fidelity bonding, 24

crime coverage, *see fidelity bonding*  
 theft insurance, *see fidelity bonding*

Fifth District Court of Appeal, 7

financial institutions

service of process, 104

financial reporting

annual financial report, 119

sample form, 134

Financial Reporting Requirements, 13

audits, 14

Cash Receipts and Expenditures, 13

COA Financial Report Requirements, 14

compiled financial statements, 14

components, 15

HOA Financial Report Requirements, 13

report of cash receipts and expenditures, 125

review, 14

“Government in the Sunshine” laws, 120

written request rules, 119

fining, 65

fine schedule, 65

fining committee, 66

goal of compliance, 66

independent fining committee, 65

limitations, 65

fire inspections, 46

fire protection systems, 45-46

fire safety, 46, 101

annual inspection, 101

Chief Financial Officer, 107

Declaratory Statement, 107

Fire Prevention Code, 101

fire prevention standards, 101

Florida Fire Prevention Code (FFPC), 107

uniform standards for assisted living facilities, 103

first right of refusal, 81

floods, 47

damage from, 47

damage prevention, 47

Federal Emergency Management Agency (FEMA),  
 47

flood plan, 47

Florida Administrative Code, 133

Florida Building Code Compliance & Mitigation  
 Program, 102

Florida Condominium Termination Law, 77

Florida Insurance Guaranty Association (FIGA), 130

Florida Statute 633, 45

Florida Statute 718, 36, 45

Florida Statute 718.113, 42

Florida Statute 719, 36

Florida Statute 720, 38, 48

Freedom from Unwarranted Surveillance Act, 92

definition, 92

exclusions, 93

prohibited uses of, 93

violation provisions, 93

fumigation, 104

Department of Agriculture and Consumer Services  
 (DACS), 104

notification requirements, 104

registration or reregistration of fumigants, 104  
reoccupation, 104

– G –

Generally Accepted Accounting Principles (GAAP), 10

– H –

Handicapped Accommodation Request Verification, 59

HB 91, 99

HOA

elections, 55

rules and procedures, 55

Financial Report Requirements, 13

reporting requirements, 124

Homeowners' Construction Recovery Fund, 102

housing discrimination, 60

hurricanes, 40-44

hurricane shutters, 41, 42

insurance claims, 43

fiduciary obligation, 43

proof of loss, 44

statute of limitations, 43

post-storm actions, 43

preventative actions, 40-41

storm duration, 43

– I –

income spent on rent, 76

insurance, 48-49

best practices, 25

casualty insurance, 48

claims-made policy, 25

condominiums, 48

coverage, 48

exclusions, 48

inclusions, 48

replacement cost, 48

cooperatives, 48

D&O coverage, 24-25

fidelity bonding, 24

crime coverage, *see fidelity bonding*

theft insurance, *see fidelity bonding*

flood, 49, 129

admitted carrier, 130

authorized carrier, 130

Commissioner of Insurance Regulation, 129

eligible surplus lines insurer, 129

excess flood insurance, 129

Florida Insurance Guaranty Association (FIGA),  
130

full risk rate, 130

insolvency, 130

National Flood Insurance Program (NFIP), 130

surplus lines insurance, 130

homeowners' associations, 48

mold, 48

policies

electronically delivered, 129

transferring, 128

authorized insurer, 129

commercial lines policies, 129

risk management, 25

stand-alone policy, 25

intrusive questions, 61

discriminatory, 61

illegal, 61

investing reserve funds, 15

aggregate deposits, 15

best practices

CPA recommendation, 15

FDIC insured accounts, 16

checking, 16

savings, 16

money market, 16

certificates of deposit (CDs), 17

CD ladders, 17

fiduciary duty, 15

laddering, 17

liquidity, 15

options, 15-17

primary checking account, 15

primary reserve account, 15

principal-protected, 16

risks, 16

fixed income spectrum, 16

volatile assets, 16

irrigation, 33

– L –

landscaping, 37

costs, 37

liability, 34-35

liens, 18-21

automatic stay, 21

claim of, 20

condominium lien, 19

contest of, 19

cooperative lien, 19

foreclosure, 20

HOA lien, 19

money judgment, 20

notice of contest, 19

notice of intent, 19

notice period, 19

placing, 18

qualifying offer, 20

recorded claim, 19

- release of, 19-20
- take title, 21
- lighting, 37
- loopholes, 80
- low income persons licensure, 126

– M –

- management, 121
  - agreements, 121
- managers
  - conflict of interest, 54
  - duties and responsibilities, 53-55
  - record of association activities, 55
- mandatory non-binding arbitration
  - certification, 121
  - mediation of disputes, 121
  - rules of procedure, 106
- mandatory reserves, 7-8
  - required language, 8
  - voting on, 8
- market manipulation, 78
- material alterations, 35
- military and veteran affairs, 100
  - servicemember, definition of, 100
- mobile homes, 102
  - association rights, 102
  - class voting, 106
  - contract to purchase, 102
  - definitions, 106
  - fees, 106
  - filing and examination of a prospectus, 106
  - non-ad valorem assessments, 102
  - notice of lot rental increases, 102
  - notice requirements for written complaints, 102
  - provider filing and curriculum for educational training programs, 106
  - recall of director(s), 106
  - recall by written agreement, 106
  - renewed rental agreement, 102
  - tape-recording or videotaping, 102
  - voting, 102
- modified cash method, 10, 11-13
  - benefits, 12
  - expenses, 12
  - financial statements, 12
    - assets, 12
    - Balance Sheet, 12
    - deficit, 12
    - equity, 12
    - Income Statement, 12
    - liabilities, 12
    - revenues, 12, 1
    - shortcomings, 12
  - Income Statement, 13

Profit & Loss Sheet, see *income statement*

– N –

- notary public, 130
- veteran health identification card, 130

– O –

- official records, 91, 118
  - definition and inclusions of, 91
  - protected information, 119
  - provisions, 118
  - restricted information, 119
  - website documents, 118
  - website requirements, 118
- ombudsman, 121
- online voting, 88
  - adopt a resolution, 88
  - benefits of, 88-89
  - Division of Florida Condominiums, Time Shares and Mobile Homes (DFCTSMH), 88
  - voting rules, 88
  - requirements, 88
  - uses, 88
- operating budget, 6
- operating costs, see *operating expenses*
- operating expenses, 5-6
- ordinances
  - conflict, 62
- owners
  - obligations, 57
  - rights, 57

– P –

- personal delivery devices, see *drones*
- Pew Research Center, 88
- physical alterations, 35
- physical or mental impairment, see *disabled*
- policies and procedures, 65
- pool, 34
- pre-litigation procedures, 66
- property insurance, 48
  - casualty insurance, 48
  - condominiums, 48
    - coverage, 48
    - exclusions, 48
    - inclusions, 48
    - replacement cost, 48
  - cooperatives, 48
  - flood, 49
  - homeowners' associations, 48
  - mold, 48
- property maintenance, 31-34
  - common elements, 32

- maintenance review, 32
  - drainage, 33
  - grounds, 33
    - tripping hazards, 33
  - irrigation issues, 33
  - landscaping, 33
  - lighting, 33
  - playground, 34
  - pool area, 34
  - roofline, 32-33
  - siding and trim, 33
  - trees, 33
  - wood decking, 33
    - dry rot, 33
- proactivity, 32
- reserve study, 32
- responsibilities, 31
- shifting responsibility, 32

– R –

- reasons for refusal, 61
- recalls
  - arbitration petition, 120
  - recalling a board member, 68, 120
    - disciplinary characteristics, 68
    - file a petition, 69
    - recall requirements, 68
    - vacancy, 69
- recall petition, 120
- receivership, 121
- redeveloper, 77
- Regulatory Council of Community Association, 57
- renters
  - responsibilities, 57
  - rights, 57
- resale value, 36
- research strategies, 38
- reserve accounts, 7
- reserve funding, 8
  - mandatory reserves, 8
  - required language, 8
  - voting on, 8
  - waiving of reserves, 8
- reserve study, 7
- reserves, 6-8
  - cyclical events, 6
  - emergency situation, 9
  - establishing, 6
  - Florida Statute 720, 6
  - formula, 7
  - full funding, 8
  - fully funded, 9
  - funding plan, 7
  - mandatory, 8

- merge accounts, 9
  - non-pooled, 8
  - pooled, 8
  - special assessment, 9
  - vote to waive, 7
  - waiver, 7
  - waiving, 8
- residential segregation, 78
- restrictions, 63
  - application, 74
  - CCRs, 63
  - formal documents, 63, 64
    - amending, 63
  - typical, 64
- reversion phenomenon, 77
- rodents, 47
- rules
  - ambiguity, 64
  - approval, 65
  - defined, 64
  - enforcement, 65
  - formal documents, 64
  - procedural rules & regulations, 64
  - workshop, 65

– S –

- service animals, 59-60
  - definition, 59
  - request for assistance animal, 59
- service of process, 105
  - executive office, 105
  - mini-suite, 105
  - virtual office, 105
- servicemember,
  - definition, 100
- shingles, 37
- short-term rentals, 82
  - Airbnb, 83
  - cease-and-desist demand, 87
  - declaration of covenants, 83
  - delinquent behavior, 86
  - finances, 87
  - hosts, 83
  - insurance issues, 85
  - landlord policies, 86
  - liability policy, 85
  - monitoring, 87
  - positives, 86
  - purchase applications, 87
  - renters' insurance, 86
  - security issue, 84
  - suspension of use rights, 87
  - tenancy restrictions, 84
    - guest/occupancy restrictions, 84



- nuisance restrictions, 84
- rental restrictions, 84
- umbrella liability insurance, 85
- Vacation Rental by Owner (VRBO.com), 83
- violations, 83, 87
  - of association rules, 83
  - notice of, 87
- siding, 37
- sinkholes, 46, 104
  - certificate of authority, 104
  - insurance, 104
  - Office of Insurance Regulation, 104-105
  - statute of limitation for claims, 46
  - warning signs, 46
- smoke detectors, 45, 102
- social expenses, 6
- sprinkler system, 45-46
- state regulation
  - Florida Department of Business and Professional Regulation (DBPR), 58
  - responsibilities, 58
  - violations, 58
    - denying or delaying access, 58
    - failure to maintain, 58
    - withholding possession, 58
- structural fires, 44
  - chemicals, 45
  - chimneys, 45
  - cooking, 44
  - grills, 45
  - hoarding, 45
  - lightning, 44
  - smoking, 45
- substantial additions, 35

- T -

- takeover, 77
  - blocking, 81
  - hostile, 81
- term limits, 56, 120
  - alternatives, 56
  - benefits, 56
  - detriments, 56
- termination
  - path to, 78
  - plan of, 79
  - proceedings, 79
  - statute, 79
  - trustee, 79
- timeshares, 125
  - interest holder, 125
  - plan termination provisions, 125-126
  - quorum, 126
  - term extension provisions, 126

- trade secrets, 100
  - financial information, 100
- transparency and privacy, 62
- two-way radio system, 102

- U -

- Unmanned Aircraft Systems Act, 93-94
  - board authority, 94
  - definition of, 94
  - policies, 94
  - use of drones within their communities, 94
- unlicensed practice of law, 58
  - Advisory Opinion SC13-889, 58
- Use of Criminal Records by Providers of Housing and criminal background checks, 108
  - Real Estate-Related Transactions (USHUD), 107
    - Guidance Statement, 107
  - violation, 108

- V -

- vermin, 47
  - protection, 47
  - responsibility, 47
- rodents, 47
- virtual meetings, 89
  - rules for, 89
  - Skype, 89
  - videoconferencing, 89
- volunteers, 55-56
  - board of directors, 55
  - fiduciary duty, 55
  - responsibilities, 55
- committees, 56
  - ad hoc, 56
  - fixed, 56
  - HOA, 55
- voting, see *elections*

- W -

- webcasting, 89
  - privacy, 90
  - streaming meetings, 89
- website, 90
  - documents, 118
  - inclusions, 90
  - password protected content, 91
  - requirements, 90, 118
- wildfires, 44
  - preventative measures, 44
- wood composite siding, 37