

# THE COMMUNITY BUILDER

## Florida Condominium Board Members Required to Submit Election Certificates

This is a special notice to all Florida condominium Board members from Sentry Management. Last year, the Florida legislation passed and the Governor signed into law an amendment to F.S. 718.112 3(b). The content of that change is stated below:

F.S. 718.112 3(b)

Within 90 days after being elected or appointed to the board, each newly elected or appointed director shall certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members. In lieu of this written certification, the newly elected or appointed director may submit a certificate of satisfactory completion of the educational curriculum administered by a division-approved condominium education provider. A director who fails to timely file the written certification or educational certificate is suspended from service on the board until he or she complies with this subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification or educational certificate for inspection by the members for 5 years after a director's election. Failure to have such written certification or educational certificate on file does not affect the validity of any action.

As a matter of course of preparation for each annual meeting held in 2010 and coming in 2011, Sentry Management provided or will provide a blank certificate to you by your manager at the time of the election (whether you were elected or appointed). Our records show that there are many of you who have not provided this certificate or the educational certificate to us for the official records of the association. While the above statute indicates that the certificate not being on file does not invalidate the actions of the board, legally there was an automatic suspension from the Board during the time either of these certificates have not



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been provided. During this period of suspension, if there were motions or quorum was achieved through the presence of an invalid board member, the association may be susceptible to some very real issues, the least being a fine by the DBPR. As you all know, we live in a very litigious period and members who may be upset by decisions of a board may be more likely to take a very negative stance if they were to learn of this deficiency.

A director who previously complied with the requirement to obtain an educational certificate or filled out and returned the certification and is re-elected or appointed without interruption is not required to resubmit a certificate each time.

We urge you to check with your manager to make sure you have complied with either of the certificates required.