



Limited Data Is Available Regarding Number of Mandatory Homeowners Associations; Options Exist for Information Gathering and State Oversight

at a glance

In Florida, there is no central repository of information on the number of homeowners associations, so limited information is available regarding how many associations exist and how many citizens are members. As intended by the Legislature, the state currently provides no regulation of such associations. However, the state offers arbitration services for election and recall disputes. This regulatory approach is consistent with that of other states. Specifically, our examination of 11 other states found varying levels of regulation, with most states providing about the same amount as Florida. Seven states, including Florida, rely on alternative dispute resolution processes at the local level to resolve disputes.

The Legislature could consider several alternatives to address the lack of information about homeowners associations or to increase the current level of state oversight. These alternatives have advantages and disadvantages, including varying fiscal impact.

Scope

As directed by the Legislature, this report examines Florida's regulation of homeowners associations and answers four questions.

1. How many mandatory homeowners associations exist in Florida and how many homes are members?
2. What is the current regulatory framework for mandatory homeowners associations in Florida and how does it compare to regulation of condominium associations and cooperatives?
3. How do other states regulate homeowners associations?
4. What options exist for amending Florida's current regulatory framework for mandatory homeowners associations?

Background

In Florida, associations can be created to manage 'common interest developments,' which are real estate projects that have common areas in which all owners have rights and ownership interests, such as homeowners associations, condominium associations, and cooperatives. Common areas, such as golf courses, swimming pools, playgrounds, parks, and docks are often set aside for recreational purposes and

may be owned or leased by the association. Each parcel or unit owner is expected to share in the costs of operating and maintaining these amenities.

State law defines homeowners associations as corporations responsible for the operation of a community or mobile home subdivision.¹ Homeowners associations are governed by covenants, which are enforced by elected boards who must balance the rights of parcel owners with the interests of the community. In these associations, membership is a mandatory condition of parcel ownership, with the voting membership made up of parcel owners. Mandatory membership homeowners associations, those empowered to levy assessments and fines for non-payment, are defined by state law and required to register with the Department of State, Division of Corporations.²

Over the years, there has been significant legislative interest in Florida's oversight of mandatory homeowners associations. For example, a 2007 Senate interim study examined alternative dispute resolution for homeowners associations and made several recommendations intended to facilitate expedient resolution of homeowner issues.³ In 2008, the Speaker of the House created the Select Committee on Condominium and Homeowners Association Governance. The committee issued its final report in March 2008, with a variety of recommendations, including increasing the Department of Business and Professional Regulation's enforcement tools, mandatory education for board members on good business practices, and allowing local law enforcement access to association records during investigations.

Similarly, the 2008 Legislature created the Community Association Living Study Council. The council issued its final report in March 2009, with numerous recommendations for immediate legislative action, including limiting a board's authority to borrow funds or establish a line of credit without the approval of members, legislative mechanisms to resolve conflicts between associations and mortgage holders over unpaid assessments, and expanding the jurisdiction of small claims court to include association disputes.

Most recently, during the 2009 legislative session, two bills were introduced that would have expanded the laws governing mandatory homeowners associations.⁴ Specifically, the bills would have required additional disclosures to association members if the association budget did not include funds for deferred expenditures, permitted fines of \$1,000 or more to become a lien on the property, and permitted associations to charge reasonable costs for copying records.

Questions and Answers—

How many mandatory homeowners associations exist in Florida and how many homes are members?

The state lacks comprehensive data on the number of homeowners associations in Florida. Although mandatory associations are required to register with the Division of Corporations, the division's database does not distinguish mandatory associations from other not-for-profit entities. Using available data, we estimate that there are at least 14,300 mandatory homeowners associations in Florida.

¹ Section 720.301(9), *F.S.*

² Homeowner associations are also governed by Ch. 617, *F.S.*, relating to not-for-profit corporations. In addition to mandatory homeowners associations, neighborhoods may also establish voluntary homeowner or neighborhood associations; such associations may charge dues and maintain common areas but homeowners are not required to participate.

³ *Alternative Dispute Resolution for Homeowners' Associations*, Report 2008-148, Committee on Regulated Industries, October 2007.

⁴ Senate Bill 880 and House Bill 27. Neither bill passed.

There is no centralized repository of information about mandatory homeowners associations and their members. Current state law does not require mandatory homeowners associations to submit extensive data to the state, which limits the ability to quantify associations and their members. Mandatory associations are required to register annually with the Department of State's Division of Corporations.⁵ However, the division's database does not distinguish homeowners associations from other not-for-profit corporations, nor does the filing identify the number of homes within each association. Moreover, homeowners associations are not required to file project development plans with the Department of Business and Professional Regulation, which would indicate whether association membership is mandatory and the number of housing units within the development. Thus, the state lacks comprehensive information on the number of mandatory homeowners associations and the number of housing units represented by these associations.

Local governments also typically lack information about the number of mandatory homeowners associations in their areas. None of the six county property appraisers and planning departments we contacted maintains a current or accurate database of homeowners association data.⁶ Officials reported that some county and city neighborhood outreach units enable homeowners associations to voluntarily provide contact information in order to receive information from the local government, but these listings are not comprehensive.

A 2007 Senate report used national data to estimate that 4 to 6 million Florida residents lived in approximately 27,000 homeowners

associations.⁷ Our analysis of Department of State corporate filing data produced a lower estimate of at least 14,300 mandatory homeowners associations in Florida. We based this estimate on the names of nonprofit entities that filed annual reports with the Division of Corporations.⁸

What is the current regulatory framework for mandatory homeowners associations in Florida and how does it compare to regulation of condominium associations and cooperatives?

Florida laws governing homeowners associations provide consumer protection, but in keeping with legislative intent, the scope of services is limited to elections recalls and disputes. By contrast, condominium associations and cooperatives are regulated more rigorously by the Department of Business and Professional Regulation (DBPR) and condominiums are provided additional services via the Office of the Condominium Ombudsman.

Mandatory homeowners associations are not regulated in Florida. The Legislature has expressed its intent that homeowners associations not be subjected to extensive state regulation.⁹ In keeping with this legislative

⁵ Non-mandatory homeowners associations that are established as nonprofit corporations are also required to register.

⁶ We interviewed officials in Broward, Leon, Miami-Dade, Orange, Palm Beach, and Pinellas counties. We chose these counties because of geographical distribution and because more populous counties typically have more community associations.

⁷ *Alternative Dispute Resolution for Homeowners' Associations*, Florida Senate Committee on Regulated Industries, [Report Number 2008-148](#), October 2007. This report estimated the number of homeowners associations based on a 2006 publication by the Community Associations Institute, which reported that nationwide homeowners associations and other planned communities accounted for 52-55% of total associations condominiums accounted for 38-42%, and cooperatives accounted for 5-7%. The Senate report used the number of condominium associations reported by the Department of Business and Professional Regulation (20,000) and applied the national percentages, producing an estimate of 27,000 Florida homeowners associations.

⁸ Our estimate is subject to some uncertainty as some mandatory homeowners associations may have names that do not accurately reflect their status as homeowners associations; also, some voluntary associations may have filed and been included in our count.

⁹ Section 720.302(2), *F.S.*, provides that "The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations."

intent, DBPR provides limited services to homeowners associations. The department provides arbitration services for election and recall disputes within homeowners associations, with the cost of these services paid by the parties receiving the services. In Fiscal Year 2008-09, the department provided these services in 53 cases.

In 2004, the Legislature expanded the department's services to homeowners associations to include mediating disputes involving parcel owners' use of the parcel or common areas, meetings of the board and committees appointed by the board, and access to association records. DBPR data shows that between October 2004 and June 2007, the department received 3,246 cases, some of which were referred to both state and private mediators. DBPR absorbed the costs of these cases, as it had no dedicated source of funding. However, the department discontinued this service in 2006 due to the Legislature transferring mediation services from the department to the private sector.¹⁰

State law also provides consumer protections for homeowners association members. For example, according to s. 720.401, *Florida Statutes*, a prospective purchaser of a parcel or unit within a homeowners association may void a sales contract if a disclosure summary of the governing documents is not provided to the purchaser prior to executing the contract for sale. State law also provides that members have

- advance notice of meetings at which assessments will be considered;
- the right to attend board meetings;
- access to records; and
- the right to use common areas and recreational facilities without unreasonable restrictions.

A recent review of these provisions by legal experts concluded that current provisions of Ch. 720, *Florida Statutes*, provide a good operational structure for basic consumer protection.¹¹ In addition, parcel owners are provided a remedy in law for settling disputes through pre-trial mediation or arbitration as well as the judicial process. The review indicated that approximately 95% of homeowner disputes are solved through either pre-suit mediation or arbitration, which is typically more efficient and less expensive than the judicial process.

Condominium associations and cooperatives are more stringently regulated than are mandatory homeowners associations. Florida's condominium associations and cooperatives are regulated more rigorously than are mandatory homeowners associations. DBPR oversees governing document (i.e., covenant) compliance, financial management, election disputes, and access to records for condominiums and cooperatives.¹² In addition, the department has the authority to enforce and ensure compliance with the law through investigations and may subpoena witnesses and levy fines of up to \$5,000 per violation. DBPR pays for the costs of these regulatory activities with a \$4 per unit fee assessed to all condominium owners. The fee amounted to \$5.1 million in Fiscal Year 2008-09.

Exhibit 1 provides a side-by-side comparison of statutory provisions for condominiums/cooperatives and homeowners associations.

¹⁰ Chapter 2007-173, *Laws of Florida*. DBPR retains arbitration of homeowners associations' election and recall disputes.

¹¹ *The Law of Florida Homeowners Associations*, Peter M. Dunbar, Esquire and Charles F. Dudley, Esquire, Seventh Edition, 2007.

¹² The department regulates condominium associations and cooperatives through Chs. 718 and 719, *F.S.* DBPR regulates all aspects of developer-controlled condominiums.

**Exhibit 1
Condominium Associations and Cooperatives Are Subject to More Rigorous State Oversight Than Are Mandatory Homeowners Associations**

Type of Dispute	Condominium/ Cooperative	Homeowners Association
Election/Recall of Board members	Mandatory arbitration through DBPR; appealable through the court system	Mandatory arbitration through DBPR; appealable through the court system
Access to association records	DBPR investigates and can impose administrative penalty	Private pre-suit mediation; if unsuccessful, pursue through court system
Violations of covenants/ association rules	DBPR can investigate and impose administrative penalty	Private pre-suit mediation; if unsuccessful, pursue through court system
Maintenance of common elements	DBPR can investigate and impose administrative penalty ¹	Private pre-suit mediation; if unsuccessful, pursue through court system
Internal disputes (e.g., noise, pets, parking)	Subject to DBPR mandatory arbitration before going through court system	Private pre-suit mediation; if unsuccessful, pursue through court system

¹ This applies to developer-controlled condominiums only.

Source: OPPAGA analysis.

In addition to the services provided by DBPR, the Office of the Condominium Ombudsman also assists condominium owners. The ombudsman is statutorily charged with

- preparing and issuing reports and recommendations on any matter or subject within the jurisdiction of DBPR’s Division of Florida Condominiums, Timeshares, and Mobile Homes;
- acting as liaison between the division, unit owners, boards of directors, board members, community association managers, and other affected parties;
- monitoring and reviewing procedures and disputes concerning condominium elections or meetings; and
- encouraging and facilitating voluntary meetings with and between unit owners, boards of directors, board members, community association managers, and other affected parties when the meetings may assist in resolving a dispute within a

community association before a person submits a dispute for a formal or administrative remedy.¹³

Although the office has no jurisdiction over homeowners association issues, as a courtesy to boards and homeowners it receives calls from homeowners associations and parcel owners regarding their rights and provides copies of the law at no charge. According to the ombudsman, many homeowners may not know their rights and may not have read their governing documents prior to closing on a home or parcel. Although the ombudsman’s office does not track and categorize homeowners association complaints, officials report that complaints are similar to those lodged by condominium owners—lack of access to association records, problems with elections, selective enforcement of covenants, and not being allowed to speak at meetings.

How do other states regulate homeowners associations?

Other states’ regulation of homeowners associations varies from no regulation to state level boards or commissions empowered to investigate complaints and levy fines. Similar to Florida, most states apply more rigorous regulation to condominium associations and cooperatives. Many states rely on local alternative dispute resolution processes to settle homeowners association disputes.

States vary widely in their regulation of homeowners associations. We compared homeowners association regulatory provisions of 11 states to those of Florida, selecting these states based on their size, proximity to Florida, and likelihood of having community associations due to their climate or geographical location.¹⁴ These states varied significantly in their regulation. Exhibit 2 shows that while most of the states have statutes governing homeowners associations,

¹³ Section 718.5012, F.S.

¹⁴ These states are Alabama, Arizona, California, Georgia, Maryland, Nevada, North Carolina, Oregon, Tennessee, Texas, and Virginia.

the majority has not designated a state level entity to regulate such associations.

Some of the states we examined have no laws that specifically address homeowners associations (e.g., Alabama, Tennessee), while others such as Nevada and Virginia have a state-level entity empowered to maintain information on associations, levy fines, and assess fees to offset state costs. Nevada recognizes both for-profit and not-for-profit corporations as homeowners associations and can assess up to \$3 per unit for regulatory costs (e.g., ombudsman services, state commission oversight activities). Its regulatory commission also has authority to issue subpoenas and conduct hearings related to disputes. Virginia has a state level board that can sue governing boards for specific violations and assess fines. Associations are required to register with the state and file annual reports as well as pay fees of up to \$1,000.

Rather than state regulation, seven states, including Florida, rely on alternative dispute resolution processes at the local level to settle homeowners association disputes. To divert association disputes from the courts, Florida law requires the initiator to participate in a pre-suit mediation process, with costs split between both parties; failure to participate can result in the prevailing party being unable to collect attorney’s fees if the case goes to court. Two states—California and North Carolina—require associations to establish procedures for solving small claims disputes at the association level using a third party.

See Appendix A for more specific information about the regulatory framework used in each of the states we examined.

**Exhibit 2
States Vary Widely in Their Regulation of Homeowners Associations**

Regulatory Issue	States (N=12)
No Governing Statutes	AL, TN
No State Level Regulation	AL, AZ, CA, FL, GA, NC, OR, TN, TX
State Level Regulation	MD, NV, VA
Incorporated Associations Only	FL, GA, NV, NC, OR
Incorporated/Unincorporated	AZ, CA, MD, TX, VA
Alternative Dispute Resolution	CA, FL, MD, NC, OR, TX, VA

Source: OPPAGA analysis of states’ statutes.

What options exist for amending Florida’s current regulatory framework for mandatory homeowners associations?

The Legislature could consider several alternatives to the current regulatory framework governing mandatory homeowners associations (see Exhibit 3). Some of these options would address the current lack of information on the number of mandatory homeowners associations in Florida and the extent and nature of problems experienced by these associations. Other options would increase the scope of regulation similar to the framework used to regulate condominium associations and cooperatives. Each alternative has advantages and disadvantages, including varying fiscal impact.

Exhibit 3

The Legislature Could Consider Several Options for State Oversight of Homeowners Associations

Option	Advantages	Disadvantages
Option 1 – Maintain the status quo		
<p>Maintain the status quo with homeowners associations receiving no regulatory oversight.</p>	<ul style="list-style-type: none"> ▪ Does not require state resources or funding for additional services to regulate homeowners associations. 	<ul style="list-style-type: none"> ▪ The number of homeowners associations and homes governed by those associations would continue to be unknown. ▪ The extent of problems existing with homeowners associations would continue to be difficult to determine.
Option 2 – Direct the Department of State to collect information on homeowners associations		
<p>Revise corporate filing and annual report requirements to capture basic information on the number of housing units within the association and whether homeowners association membership is mandatory.</p> <p>To implement this option, the Legislature would need to amend s. 617.0121, <i>Florida Statutes</i>, to direct the Department of State to collect the data.</p>	<ul style="list-style-type: none"> ▪ Collecting data on the number of homeowners associations and units within homeowners associations would allow the Legislature to estimate the costs of providing additional services to mandatory membership homeowners associations. ▪ The Department of State reports that it can collect this information at no additional cost. 	<ul style="list-style-type: none"> ▪ Would increase the reporting requirements for associations
Option 3 – Expand the Office of the Condominium Ombudsman to include homeowners associations		
<p>Expand the jurisdiction of the Office of the Condominium Ombudsman to include homeowners associations. Services to such associations would include facilitating voluntary meetings to assist in resolving disputes within an association before the dispute is submitted for a formal or administrative remedy. The office would also be responsible for providing educational materials to homeowners, boards of directors, and other affected parties and for tracking the number and types of disputes.</p> <p>To implement this option, the Legislature would need to amend Ch. 720 and s. 718.5012, <i>Florida Statutes</i>, to require the Office of the Condominium Ombudsman to provide services to homeowners associations.</p>	<ul style="list-style-type: none"> ▪ Many disputes involving homeowners associations are similar to those involving condominiums. ▪ The informal resolution of disputes by the condominium ombudsman can help homeowners associations and their members resolve problems without the expense of pre-suit mediation/arbitration/court resolution. ▪ Providing educational information to homeowners associations boards of directors and owners may reduce the numbers of disputes. ▪ The state could require the ombudsman to begin tracking the number and types of disputes to determine if further regulation is needed. 	<ul style="list-style-type: none"> ▪ Since records are not kept by the state on the number and cost of homeowners associations disputes, the need for and the cost of additional services cannot be determined at this time. ▪ The Legislature would need to create a funding source and estimate fees to pay additional Ombudsman staff to provide these services.

Option	Advantages	Disadvantages
Option 4 – Regulate homeowners associations similar to condominium associations and cooperatives		
<p>Revise s. 720.302(2), <i>Florida Statutes</i>, to direct the Department of Business and Professional Regulation to regulate homeowners associations in a manner similar to that of condominium associations and cooperatives. Regulatory responsibilities would include covenant enforcement, mediation/arbitration of election disputes, access to records and financial management.</p>	<ul style="list-style-type: none"> ▪ State level mediation services may resolve disputes at less cost to homeowners associations' members than pre-suit mediation. ▪ Educational benefits from DBPR could prevent disputes from occurring. ▪ State regulation could result in more uniform enforcement of laws applying to homeowners associations. 	<ul style="list-style-type: none"> ▪ Since records are not kept by the state on the number of homeowners associations, the number of units within the associations, and the number of related disputes, it is difficult to accurately determine the need for and the cost of additional services. However, a DBPR analysis conducted in 2005-06 for homeowners association regulation and education shows the need for 34 professional staff and 6 support staff at an estimated recurring cost of \$10 million annually, including mandatory training. Civil penalties paid by homeowners associations were estimated to offset recurring costs by \$111,083 annually. ▪ The Legislature would need to create a funding source and set fees to pay for the additional staff and services provided by the Department of Business and Professional Regulation. For homeowners associations with few or no disputes, the cost of regulation would likely exceed the value of DBPR services.

Source: OPPAGA analysis.

Appendix A

States Vary in Their Regulation of Homeowners Associations

Other states vary significantly with regard to their regulation of homeowners associations. Like Florida, some states have no state-regulation, while others have boards or commissions empowered to conduct investigations, sue, and levy administrative fines for each violation. In addition, several states, including Florida, rely on alternative dispute resolution processes at the local level to settle homeowners association disputes.

State	Homeowners Association Definition	Governing Statute(s)	State Level Regulation	Alternative Dispute Resolution
AL	None	None	None	None
AZ	A nonprofit corporation or unincorporated association of owners that is created pursuant to a declaration to own and operate portions of a planned community and that has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration; different statutes apply to condominium associations	Yes	None	None
CA	A nonprofit corporation or unincorporated association created for the purpose of managing a common interest development; common interest development includes both single-family homes and condominiums	Yes	None	<ul style="list-style-type: none"> ▪ Association must provide a procedure for resolving disputes, making use of available local dispute resolution programs involving a neutral third party. ▪ Association or owner cannot file an enforcement action in superior court unless they have tried to resolve the conflict by way of an alternative dispute resolution method. ▪ Any party to a dispute may initiate the process required by law by serving on all other parties to the dispute a Request for Resolution. ▪ The dispute must be resolved within 90 days; both parties pay costs of resolution.
FL	A Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel; different statutes apply to condominium associations.	Yes	None	<ul style="list-style-type: none"> ▪ For disputes related to issues other than elections, the parties must use pre-suit (binding) mediation by a private mediator, followed by court action if not resolved. ▪ For election and recall disputes, the Department of Business and Professional Regulation provides arbitration services, paid for by the parties using the services. ▪ Dues/assessment disputes not subject to pre-suit mediation or arbitration.

State	Homeowners Association Definition	Governing Statute(s)	State Level Regulation	Alternative Dispute Resolution
GA	A corporation formed for the purpose of exercising the powers of the property owners' association; different statutes apply to condominium associations	Yes	None	None
MD	A person having the authority to enforce the provisions of a declaration and includes an incorporated or unincorporated association; different statutes apply to condominium associations	Yes	Enforcement authority of Division of Consumer Protection to the extent that a violation of any provision of this title affects a consumer	<ul style="list-style-type: none"> ▪ A home rule county located in the Southern Maryland class may establish a homeowners association commission with the authority to hear and resolve disputes between a homeowners association and a homeowner regarding enforcement of covenants or restrictions. ▪ The commission provides alternative dispute resolution services, including binding arbitration.
NV	'Association' or 'unit-owners' association' means the unit-owners' association organized under NRS 116.3101, which lists requirements; includes associations organized as a corporation, association, limited-liability company, trust, or partnership; includes condominium associations	Yes	<ul style="list-style-type: none"> ▪ Commission for Common-Interest Communities and Condominium Hotels: five members overseen by the Real Estate Division of the Department of Business and Industry, which can issue subpoenas and conduct hearings on disputes ▪ An ombudsman investigates disputes; associations must register with the ombudsman ▪ Fees imposed on associations to pay for administering Ombudsman and Commission (not to exceed \$3/unit) 	<ul style="list-style-type: none"> ▪ An aggrieved party sends written notice to the alleged violator and then files an affidavit with the Real Estate Division. ▪ The ombudsman attempts to resolve the dispute; if unable to, the ombudsman issues a report to the division. ▪ The division investigates whether cause exists to justify a hearing, and if so, files a complaint with the commission and schedules a hearing to be held within 90 days. ▪ After the hearing, the commission or hearing panel makes a final decision on the merits of the complaint. If the respondent is determined to have committed a violation, the commission or hearing panel can issue various orders or fines.
NC	The membership of the association at all times shall consist exclusively of all the lot owners or, following termination of the planned community, of all persons entitled to distributions of proceeds; incorporated associations only; different statutes apply to condominium associations	Yes	None	<ul style="list-style-type: none"> ▪ For small claims, an aggrieved party may request that a hearing be held before an adjudicatory panel appointed by the association's executive board.
OR	The organization of owners of lots in a planned community, created under statute and required by a governing document, or formed under ORS 94.572; incorporated associations only; different statutes apply to condominium associations	Yes	None	<ul style="list-style-type: none"> ▪ Before initiating litigation or an administrative proceeding between the association and an owner, the initiator must offer to use a dispute resolution program. ▪ If the party receiving the offer does not accept the offer within 10 days, the initiating party may begin litigation or administrative proceeding. ▪ If a dispute resolution program exists in the county but the initiator does not make the offer to use it, the litigation or administrative proceeding may be stayed for 30 days. ▪ If the resolution process is not completed within 30 days of initial offer, initiator may begin litigation/ administrative proceeding.

State	Homeowners Association Definition	Governing Statute(s)	State Level Regulation	Alternative Dispute Resolution
TN	None	None	None	None
TX ¹	'Property owners' association' or 'association' means an incorporated or unincorporated association that (A) is designated as the representative of the owners of property in a residential subdivision; (B) has a membership primarily consisting of the owners of the property covered by the dedicatory instrument for the residential subdivision; and (C) manages or regulates the residential subdivision for the benefit of the owners of property in the residential subdivision; different statutes apply to condominium associations	Yes	None	<ul style="list-style-type: none"> ▪ An owner or property owners' association may use alternative dispute resolution services. ▪ Before an association takes an enforcement action against an owner, it must give written notice to the owner. ▪ If an owner is entitled to an opportunity to cure the violation, he/she has the right to request a hearing before the board or a board-appointed committee. <p>None of the above apply if the association is filing a suit; if a suit is filed, a party to the suit may file a motion to compel mediation.</p>
VA	'Property owners' association' or 'association' means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in the declaration; different statutes apply to condominium associations	Yes	<ul style="list-style-type: none"> ▪ There is a Common Interest Community Board, which may sue and/or assess a monetary penalty on association boards for specific violations. ▪ Board may order an association board to cease and desist violating applicable statutes, failing to register, materially misrepresenting facts in an application for registration, or refusing to furnish the Board required information/records. ▪ Association must file an annual report, pay a fixed fee established by the Board, and pay the lesser of \$1,000 or 0.05% of the association's gross assessment income during the preceding year. ▪ There is a Common Interest Community Management Information Fund and a Common Interest Community Management Recovery Fund to promote the improvement of common interest communities and to protect the interests of associations, respectively. 	<ul style="list-style-type: none"> ▪ The Director of the Common Interest Community Board appoints an ombudsman to assist association members and track complaints and laws. ▪ The board requires associations to establish reasonable procedures for resolving written complaints. ▪ If owners do not comply with the applicable statutes, the association can take action including filing suit; however, a declaration may provide for arbitration of disputes or other means of alternative dispute resolution.

¹ Other Texas statutes, with different definitions of homeowners associations, do not provide for alternative dispute resolution.
 Source: OPPAGA analysis of states' statutes.

The Florida Legislature
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