PROFESSIONAL HOA SERVICES INC
Community Association Management

HOA & Condo Board Member Responsibilities

A Practical Reference Guide for Florida Community Association Board Members

Serving on a Homeowners Association or Condominium Association board is a significant responsibility. Board members are elected by their fellow owners and are entrusted with the governance, financial health, and physical maintenance of the community. This guide summarizes key duties and obligations under Florida Statutes 718 (Condominiums) and 720 (HOAs).

Fiduciary Duties

- Board members owe a fiduciary duty to the association and all owners — act in the best interest of the community, not personal interests.
- Exercise the business judgment rule: make informed decisions based on reasonable investigation.
- Avoid conflicts of interest; disclose any potential conflicts before voting.
- Maintain confidentiality of executive session discussions and legal matters.
- Ensure the association carries adequate insurance coverage at all times.

Financial Responsibilities

- Adopt an annual budget that adequately funds operations and reserves (FL 718.112 / FL 720.303).
- Review monthly financial statements and bank reconciliations prepared by the management company.
- Approve expenditures per the association's spending authority thresholds.
- Ensure assessments are collected in a timely manner and delinquencies are addressed.
- Maintain adequate reserve funds for major capital expenditures.
- Obtain competitive bids for contracts exceeding threshold amounts per governing documents.
- Ensure annual financial reports or audits are completed as required by statute.

Meeting Requirements

- Board meetings: Minimum 48-hour posted notice required; open to all members (FL 718.112 / FL 720.303).
- Annual meeting: Minimum 14-day notice; election of directors by secret ballot.
- Quorum required to conduct business — typically a majority of the board.
- Minutes must be recorded, approved, and maintained as official records.
- Executive sessions permitted only for specific matters (legal, personnel, contract negotiations).
- Members have the right to attend and speak at all open board meetings.

Records Obligations

- Official records must be maintained and available for inspection within 10 business days of a written request (FL 718.111 / FL 720.303).
- Records include: governing documents, meeting minutes, financial records, contracts, insurance policies.
- Failure to provide records within the statutory timeframe may result in penalties.
- Electronic records are acceptable; the association may charge reasonable copying fees.
- Records must be retained for the periods specified in Florida Statutes.

Covenant Enforcement

- Enforce the Declaration, Bylaws, and Rules & Regulations consistently and fairly.
- Provide written notice and opportunity to cure before imposing fines (FL 718.303 / FL 720.305).
- A fining committee (not the board) must approve fines — committee must include non-board members.
- Fines must follow the fine schedule adopted by the board.
- Architectural changes require prior written ARC approval; enforce unapproved modifications.
- Document all enforcement actions in writing and maintain records.

Election Procedures

- Annual elections must follow the procedures in the governing documents and Florida Statutes.
- Secret ballot required for director elections (FL 718.112 / FL 720.306).
- Candidates must meet eligibility requirements in the governing documents.
- Election committee (not the board) must supervise the election process.
- Ballots must be counted by the election committee and results certified.
- Retain all election materials for at least one year after the election.

Disaster Preparedness & Recovery

- Maintain an up-to-date emergency contact list for all board members and key vendors.
- Ensure the association has adequate insurance coverage including windstorm and flood policies.
- Establish a pre-storm communication plan for notifying owners and residents.
- After a disaster, conduct a prompt property assessment and document all damage with photographs.
- Coordinate with your CAM to file insurance claims promptly and accurately.
- Engage licensed, insured contractors for all emergency and permanent repairs.
- Consult with your CAM regarding reserve fund and special assessment options for recovery financing.
- Maintain detailed records of all disaster-related expenditures for insurance and FEMA reimbursement.

DISCLAIMER: This guide is for general informational purposes only and does not constitute legal advice. Board members should consult with qualified Florida legal counsel for advice specific to their association.

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