

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES, AND MOBILE HOMES

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	4/9/2012
File #	2012-02176

IN RE: PETITION FOR DECLARATORY STATEMENT

Docket No. 2012002610

HAWAIIAN GARDENS PHASE I ASSOCIATION, INC.

DS 2012-004

DECLARATORY STATEMENT

The Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes issues this Declaratory Statement under section 120.565, Florida Statutes.

PRELIMINARY STATEMENT

The Division received a Petition for Declaratory Statement January 12, 2012 from Hawaiian Gardens Phase I Association, Inc. seeking clarification of section 718.112, Florida Statutes. Specifically, the petition requests a Division statement on three issues relating to Petitioner's particular circumstances: 1) whether the association is a condominium association as defined by section 718.103(2), Florida Statutes; and if so, (2) whether an appointed board member who pled guilty to a felony but for which adjudication was withheld is ineligible to serve on the board as a "person convicted of any felony"; and (3) whether the delinquency of a constituent condominium association beyond 90 days renders that subassociation ineligible to appoint representatives to serve on the master association board or renders the member association candidates ineligible to serve on the master association board.

The Division acknowledged receipt of the petition on January 19, 2012. The Division informed the association it could not answer the questions presented without competent substantial evidence. The Division asked the association to provide: (1) a copy of the judgment or order related to the withheld adjudication; (2) a copy of the notice of master board elections referenced in the petition; and (3) a copy of the minutes of the board meeting at which the board determined to proceed with appointments and eligibility of candidates this year. Furthermore, the Division advised that it would not be able to issue a statement if any facts were disputed or where it seeks approval or disapproval of conduct which has already occurred.

Copies of the Petition and the acknowledgment were furnished to each of the underlying condominium associations and a director named in the petition. The Division received a Petition to Intervene and Respond from counsel representing three subassociations of Hawaiian Gardens Phase I: Allamanda Gardens, Begonia Gardens, and Camellia Gardens (hereinafter "intervening subassociations"), to dispute certain facts and oppose arguments of law set forth in the Petition for Declaratory Statement.¹ The Division sought further information from the subassociations regarding the disposition of the alleged felony conviction March 7, 2012, and received a response March 13, 2012, stating that the director did not have a judgment entered against him and that his civil rights were never suspended.² The association disputed this fact by

¹ See Pet Inter & Resp., Allamanda Gardens, Begonia Gardens, and Camellia Gardens Condominium Associations [hereinafter "Pet. Inter & Resp , AB&C"]

² Resp. Letter, Allamanda Gardens, Begonia Gardens, and Camilla Gardens Condominium Associations (Mar 13, 2012) [hereinafter "Resp. Letter, AB&C"]

reference to the terms of probation included in the judgment.³ The director asserted that he was not convicted of a felony and that his civil rights were not suspended.⁴

Notice of the petition was published February 3, 2012 in the *Florida Administrative Weekly*.

A hearing was not requested. Respondents requested the matter be expedited and Hawaiian Gardens moved to deny the motion.⁵ This statement is timely entered.

FINDINGS OF FACT

These findings of fact are based on information set forth in the petitions and accepted by the Division as submitted for the purposes of this order. The Division takes no position as to their accuracy.

1. Hawaiian Gardens Phase I Association is a Florida not-for-profit corporation organized under chapters 617 and 718, Florida Statutes, for the purpose of providing “one [] centralized management vehicle for the condominiums [that] comprise the Hawaiian Gardens Phase I development and for [its] eight [associated] individual and separate corporate [c]ondominium [a]ssociations” in Lauderdale Lakes, Broward County, Florida.⁶

2. The eight condominium subassociations of the Hawaiian Gardens “master” association are as follows: Allamanda Gardens, Begonia Gardens, Camellia Gardens, Dahlia Gardens, Elm Gardens, Fern Gardens, Geranium Gardens, and Hibiscus Gardens.⁷

³ Pet Letter (Mar. 16, 2012).

⁴ Resp. Letter (Mar. 20, 2012).

⁵ Resp Motion (Mar. 13, 2012); Pet'r Response (Mar 19, 2012).

⁶ Art II, sec. 1, Arts of Incorpor, Hawaiian Gardens Phase I Ass'n [hereinafter “Arts. of Incorpor.”]

⁷ Art. IV, sec 1, Arts. of Incorpor. For the purposes of this statement, the Division refers to Hawaiian Gardens as the “association” or “master association,” and to its eight constituent condominium associations as “underlying associations,” “condominium associations,” or “subassociations.”

3. Membership in the master association is comprised of two classes: voting members and nonvoting members. Each subassociation board of directors appoints five of its directors to serve as voting members in the master association.⁸ These individuals must be current members of the subassociation board of directors.⁹ The unit owners of the condominium associations comprise the nonvoting membership.¹⁰ Condominium associations are not classified as members.¹¹

4. Each voting member of the master association “shall be a [d]irector of the [master association].”¹² The directors are also entitled to vote for the officers of the master association board.¹³

5. The master association is responsible for the maintenance, repair, upkeep, and management of the common elements of the eight subassociation condominiums and any recreational facilities or leases held “for the benefit of the condominium unit owners.”¹⁴ In addition, it reserves all common law and statutory powers granted not-for-profit corporations not in conflict with, among other things, the Florida Condominium Act, chapter 718, Florida Statutes. It has the power to assess its eight subassociations and the individual unit owners, make and enforce rules and regulations for all property within the development, and contract for management.¹⁵

⁸ Art IV, sec 1, Arts of Incorp. (“Voting Membership The [b]oard of [d]irectors of each [c]ondominium [a]ssociation shall appoint [five] of its [d]irectors to be voting members of the [master association] . . . for a total of forty voting members . . .”).

⁹ *Id.*

¹⁰ Art IV, sec. 2, Arts of Incorp. (“All members of the member [c]ondominium [a]ssociations shall be classified as nonvoting members of this [c]orporation”).

¹¹ See Art. IV, Arts of Incorp. Reference is made to subassociations as “members.” See note *supra* This is consistent with the subassociations’ legal capacity as statutory representatives of their unit owners See § 718.111(3), Fla Stat.

¹² See Sec 3, para (a), Bylaws, Hawaiian Gardens Phase I Ass’n [hereinafter “Bylaws”]

¹³ Sec. 4, para. (k), Bylaws.

¹⁴ Art II, sec 1, Arts. of Incorp

¹⁵ See Art II, Arts. of Incorp; sec. 10, Bylaws (“Funds for the payment of common expenses shall be assessed against and shall be a lien against the [c]ondominium *parcels* in the proportion or percentage of

6. The master association learned through its own investigation that a director of the master board was arrested and subsequently pled nolo contendere to a felony for which adjudication was withheld and a one-day probation sentence was imposed.¹⁶ The master association argues that the director is ineligible for board membership on the master board because his sentence under an adjudication withheld is a “conviction” for purposes of section 718.112(2)(d)(2), Florida Statutes.¹⁷ The intervening subassociations argue that the definition of “conviction” under section 921.0021, Florida Statutes, is inapplicable here and that because formal adjudication has been withheld, the director in controversy has not been “convicted of any felony” for the purposes of section 718.112(2)(d)(2), Florida Statutes.¹⁸ The parties dispute whether the director’s civil rights were suspended.¹⁹

7. The association argues that eight subassociations are “person[s]” for the purposes of section 718.112(2), Florida Statutes, and therefore a subassociation may not appoint a director to the master association’s board if it is delinquent in the payment of fees, fines, or assessments.²⁰

sharing common expenses provided herein, and in the [d]eclarations of [c]ondominium . . . In the event an assessment is not paid within ten [] days [the master association] may proceed to enforce and collect said assessment from the delinquent *owner* in any manner provided for by the [Florida] Condominium Act or these [bylaws] ” (emphasis added)).

¹⁶ Pet. for Decl. Stmt. 3. The association incorrectly stated the director pled guilty to the offense, in fact, he entered a plea of nolo contendere. See Pet. Inter. & Resp., AB&C, at 3-4.

¹⁷ Pet. for Decl. Stmt. 3-4.

¹⁸ Pet. Inter. & Resp., AB&C, at 3-4.

¹⁹ Resp. Letter, AB&C. In response, Hawaiian Gardens argues that the director’s civil rights were suspended, insofar as a condition of his probation, as required by section 948.03, Florida Statutes, the director was prohibited from “possessing, carrying, or owning any firearm” for his one day of probation. § 948.03, Fla. Stat.; see Letter from Joel McTague, counsel for Hawaiian Gardens, to Janis Sue Richardson, Chief Attorney, Div. Condos., Timeshares, and Mobile Homes (Mar. 16, 2012).

²⁰ Pet. for Decl. Stmt. 3-4.

CONCLUSIONS OF LAW

8. The Division has jurisdiction to enter this order pursuant to sections 718.501 and 120.565, Florida Statutes.

9. Section 120.565, Florida Statutes, provides:

(1) Any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances.

(2) The petition seeking a declaratory statement shall state with particularity the petitioner's set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set or circumstances.

10. Rule 28-105.001, Florida Administrative Code, provides:

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person.

11. Hawaiian Gardens Phase I Association has standing to petition for a declaratory statement.²¹

12. The subassociations and the named director have standing to intervene and respond as the petition affects their substantial interests as members of and a director of Hawaiian Gardens.²²

²¹ §§ 718.103(2), 120.565, Fla. Stat. (2011)

²² §§ 718.103(2), (4), 718.111(1), 120.565, Fla. Stat. (2011), Fla. Admin. Code R. 28-105.0027, *Chiles v. Dep't of St., Div. of Elections*, 711 So. 2d 151, 154 (Fla. 1st DCA 1998) ("there is no longer a requirement that the issue apply only to the petitioner")

I. Hawaiian Gardens as an “Association”

13. Section 718.103(2), Florida Statutes, provides:

“Association” means, in addition to any entity responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains other real property in which owners have use rights, where membership in the entity is composed exclusively of unit owners or their elected or appointed representatives and is a required condition of unit ownership.²³

14. Under the court’s test, an association must: (1) function like a condominium association in that it must operate real property in which condominium unit owners have use rights, and (2) have a membership constituency that is (a) exclusively composed of unit owners or their representatives and (b) mandatory as a condition of condominium unit ownership.²⁴

15. Hawaiian Gardens Phase I Association is a condominium association as defined by section 718.103(2), Florida Statutes. Hawaiian Gardens functions like a condominium association in that it is responsible for the operation and maintenance of the common elements of its eight subassociation condominiums and any recreational facilities or leases held “for the benefit of the condominium unit owners.”²⁵ Its membership is exclusively composed of the appointed representatives of condominium

²³ The legislature amended this provision to substantially similar form in 1991 to codify *Downey v. Jungle Den Villas Recreational Association*. Ch. 91-103, § 1, Laws of Fla. (amending § 718.103(2), Fla Stat (1990)), *Downey v. Jungle Den Villas Recr'l Ass'n*, 525 So. 2d 438 (Fla 5th DCA 1988)

²⁴ *Downey*, 525 So. 2d at 440-41.

²⁵ Art. II, sec 1, Arts of Incorpor. (“This [c]orporation is formed to provide one . . . centralized management vehicle for the condominiums which comprise the Hawaiian Gardens Phase I development for the eight . . . individual and separate corporate [c]ondominium [a]ssociations [and] to provide for the uniform and uniform maintenance, repair and upkeep of the entire [development] and for the economical discharge of the management and maintenance functions of the common elements . . . of each condominium and of the recreational facilities and any leases thereupon for the benefit of the condominium unit owners”).

unit owners as voting members and all unit owners as nonvoting members.²⁶

Membership is a required condition of unit ownership under the master association's articles of incorporation and the eight subassociations' declarations of condominium.²⁷

II. Felony Adjudication Withheld as a Conviction

16. Section 718.112(2)(d)(2), Florida Statutes, provides in relevant part: "A person who has been convicted of any felony in this state . . . is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board." The Division recently determined that a director convicted of a felony whose "partial restorations of civil rights failed to encompass [the] right to possess a firearm" was ineligible for board membership, stressing the legislature's intent to "broaden the eligibility requirements" for board membership in its 2008 amendment to the provision.²⁸

17. However, the Division may not issue a declaratory statement where the facts are in dispute.²⁹ The parties dispute the consequences of the judge's order withholding adjudication.³⁰ Although the subassociations contend that the director did not lose his civil rights and the master association argues that he did lose some civil rights, at least temporarily, the order does not clearly state legal consequences to either effect.³¹ Therefore, the Division declines to issue a statement on this issue.

²⁶ See Art IV, sec 1, Arts of Incorp.

²⁷ Art IV, sec. 2, Arts of Incorp.

²⁸ *In re Pierre Ass'n*, DBPR-2010-03379, Docket No 2010009834, Agency Clerk DS 2010-011, at 7 (Apr. 28, 2010). See Ch 2008-28, § 7, at 18, Laws of Fla.

²⁹ § 120.565, Fla Stat; Fla Admin. Code R. 28-105.003

³⁰ See *supra* note 19

³¹ The order restates the terms of probation codified in section 948.03, Florida Statutes, which states that the court may impose certain conditions, including "that the probationer . . . shall [b]e prohibited from possessing, carrying, or owning any . . . [f]irearm." § 948.03(1)(m), Fla. Stat

III. Subassociations as “Person[s]”

18. Section 718.112(2), Florida Statutes, provides in relevant part: “A person who . . . is delinquent in the payment of any fee, fine, or special or regular assessment . . . is not eligible for board membership,”³² and “a director or officer more than 90 days delinquent in the payment of any monetary obligation due the association shall be deemed to have abandoned the office, creating a vacancy in the office to be filled according to law.”³³

19. Condominium associations may be “person[s]” under the Florida Condominium Act.³⁴ However, the incorporation of case law into the regulatory scheme leaves some statutory gaps where master condominium associations, by their nature, deviate from the conceptual framework of a condominium.³⁵ In applying chapter 718 to master associations, the Division must instead construe its provisions in a manner that “find[s] application to the operational requirements of a master association.”³⁶ Hawaiian Gardens’ governing documents provide for the subassociations to elect their directors who are then appointed as the subassociation’s representatives on the master board. The direct elections in section 718.112(2)(d)(2), Florida Statutes, which is followed for the subassociations’ elections, does not fit the appointment process contemplated by section 718.103(2), Florida Statutes and Hawaiian Gardens’ governing documents.

³² § 718.112(2)(d)(2), Fla. Stat.

³³ § 718.112(2)(n), Fla. Stat.

³⁴ See § 1 01, Fla. Stat. (“In construing these statutes and each and every word, phrase or part hereof, where the context will permit (3) [t]he word “person” includes individuals, . . . associations, fiduciaries, corporations, and all other groups or combinations.”); see also *Vogel v. Number One Condo Ass’n*, DBPR Case No. 85A-401 (Aug. 20, 1987) (declaratory statement construing “unit owners” as those subassociations comprising the membership of a master association).

³⁵ See *Palm Greens at Villa Del Ray Recreation Ass’n v. Schlossberg*, Arb. Case No. 03-07-3298, Final Order, at *3 (Aug. 13, 2003) (“While the legislature took the first step by amending the statute to embrace the holding of [Downey] by its adoption in Ch. 91-103, Laws of Florida, . . . [t]here has been no further legislative action to assist in fitting what is otherwise essentially a square peg into a round hole.”)

³⁶ *Charles v. Wynmoor Cmty. Council, Inc.*, Arb. Case No. 94-0258, Final Order, at *8 (Nov. 8, 1994).

20. Hawaiian Gardens has the authority to directly regulate, assess, and hold liens against condominium units.³⁷ The ultimate responsibility for assessments due the master association does not rest with the underlying condominium associations, but with the unit owners.³⁸ However, the unit owners are not the “person[s]” with whom the provision is concerned in the context of a master association. Unit owners are not voting members of the master association, are not entitled by way of their membership to the right of directly electing the board of directors of the master association, and are not eligible to serve on the board of directors of the master association by way of their status as unit owners.³⁹ Thus, an interpretation of section 718.112(2)(d)(2), Florida Statutes, that construes “person” as a master association’s nonvoting, unit-owner members does not fit where such unit owners are not eligible to run for the master association board.

21. The association’s interpretation likewise fails to reconcile the eligibility problem. The eight subassociations are not the “person[s]” with whom section 718.112(2)(d)(2), Florida Statutes, is concerned because they are not eligible for board membership under the master association’s governing documents. Of the two classes of members in the master association, only voting members may be seated on the board of directors. The subassociations are not classified as voting or nonvoting members; rather, voting members include only those five directors appointed by each subassociation board. A subassociation director appointed to the master association board may not be individually “delinquent in the payment of any fee, fine, or special or

³⁷ Art. II, sec 2-4, Arts. of Incorporation, sec. 5-6, Bylaws.

³⁸ See *supra* note 15; Pet. Decl Stmt. 4.

³⁹ See *Charles*, Arb. Case No. 94-0258, at 8 (finding § 718.112(2)(d)(3), Fla Stat does not entitle unit owners to directly elect master association representatives where declaration provides they are “nonvoting members”).

regular assessment” even where the subassociation is delinquent in paying the total amount of master association maintenance fees owed to the master association.⁴⁰

22. The master association’s interpretation is also inconsistent with section 718.112(2)(n), Florida Statutes, which deems any “director or officer more than 90 days delinquent in the payment of any monetary obligation due the association . . . to have abandoned the office, creating a vacancy to be filled according to law.” A director or officer may be delinquent in *her* monetary obligations due the association, in which case she will be deemed to have abandoned the office. But the *subassociation’s* monetary obligations are not *her* monetary obligations. Moreover, if the five directors were removed due to the association’s delinquency, the vacancy could not be “filled according to law” because all otherwise eligible candidates (the remaining directors of the subassociation, if any) would be ineligible for the very same reason.

23. “[C]onstruction of a statute which would lead to an absurd result should be avoided.”⁴¹ The association’s interpretation would conflict with an overarching purpose of the Florida Condominium Act by posing serious threats to unit owner control and representation. Though an underlying condominium association may be delinquent in its assessments as an association, an individual unit owner who is not delinquent would be deprived of the very rights the act was designed to protect. Entire subassociations would have no representation on the master association board regardless of a number of its unit owners’ individual good standing.

24. The lack of a favorable fit between section 718.103(2), Florida Statutes, and the provisions of section 718.112(2), Florida Statutes, requires a reading that gives

⁴⁰ § 718.112(2)(d)(2), Fla. Stat.

⁴¹ *Winter v. Playa del Sol, Inc.*, 353 So.2d 598, 599 (Fla. 4th DCA 1977) (citing *McKibben v. Mallory*, 293 So. 2d 48 (Fla. 1974))

effect to each.⁴² The only application of “person” consistent with the Florida Condominium Act and the operational structure of Hawaiian Gardens is one in which statutory term “unit owner” is analogized with Hawaiian Gardens’ use of the term “voting member.” In the vast majority of condominium associations envisioned by chapter 718, Florida Statutes, unit owners are the voting members eligible to run for election to the association’s board of directors unless a unit owner fails to meet one of the statutory eligibility requirements. In Hawaiian Gardens, only members of the subassociations’ directors may be appointed as voting members, and only voting members may be seated on the master board.

25. The Division has long applied such terms as “unit owner,” “member,” and “person” to mean “voting member” in the context of a master condominium association.⁴³ Where the governing documents establish that the membership consists of the underlying condominium associations, “unit owner,” “member,” and “person,” refer to those associations where applicable.⁴⁴ Likewise, where the governing documents, as here, establish that the membership consists of nonvoting member unit owners and certain voting member representatives, such terms apply to the voting membership for

⁴² See *Velez v. Miami-Dade County Police Dep’t*, 934 So. 2d 1162, 1165 (Fla. 2006) (A statutory interpretation “must give full effect to all statutory provisions” and “avoid readings that would render part of a statute meaningless.”) (quoting *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So. 2d 452, 455 (Fla. 1992) and *Unruh v. State*, 669 So. 2d 242, 245 (Fla. 1996))

⁴³ See, e.g., *In re Wynmoor Cmty. Council, Inc.*, BPR-94-04603, Docket No. DS94029, at 6 (Aug. 4, 1994) (construing provision requiring distribution of proposed council budget to “unit owners” as requiring only that the proposed budget be distributed to voting members as defined in governing documents); *Vogel v. Number One Condo. Ass’n*, Case No. 85A-401 (Aug. 20, 1987) (construing “unit owners” as those subassociations comprising the membership of a master association).

⁴⁴ See *Vogel*, Case No. 85A-401, at 3-4

the purposes of section 718.112, Florida Statutes.⁴⁵ This is especially true regarding rights and duties attendant to voting and elections.⁴⁶

26. The master association may invoke the provisions of section 718.112(2)(d)(2) and (2)(n), Florida Statutes, against delinquent voting members. A director on the master association board “shall be deemed to have abandoned the office” if delinquent in *her* assessments due the master association for more than 90 days.⁴⁷ A director of a subassociation that is appointed as a voting member but delinquent in *her* assessments due the master association is ineligible to be seated as a director on the master association board.

For the reasons stated above it is hereby:

ORDERED that Hawaiian Gardens Phase I Association, Inc. is a condominium association as defined by section 718.103(2), Florida Statutes. The Division will not issue a statement regarding felony adjudications withheld because the facts are in dispute. The 90-day delinquency of the total amount due the master association by a subassociation does not render that subassociation ineligible to appoint representatives to serve on the master association board and does not render the member subassociation candidates ineligible to serve on the master association board under

⁴⁵ See *In re Wynmoor Cmty. Council*, BPR-94-04603, at 6 (“Although the unit owners are . . . members in the council for the purposes of enjoyment of use rights in properties owned by the council, they are not made voting members for budgetary or other purposes. Accordingly, the statute should be construed to require that a copy of the proposed council budget be distributed in advance to the voting membership, or in this case the various representatives on the board of directors of the council.”).

⁴⁶ Section 718 106, Florida Statutes “provides that full voting rights are an appurtenance to the unit as is membership in the association. It follows, then, that the reference in section 718 112(2)(e), [Florida Statutes], to ‘unit owners’ refers to voting members of the association.” See *id.*, at 6, n 2. Likewise, because voting members are the only “eligible persons” for the purposes of section 718.112(2)(d)(2), Florida Statutes, it follows that “person” refers to the voting members of the master association.

⁴⁷ Fla. Stat. § 718.112(2)(n)

sections 718.112(2)(d)(2) and (2)(n), Florida Statutes, unless an individual candidate is 90-days delinquent in his or her individual payment due the master association.

DONE and **ORDERED** this 4th day of April 2012, at Tallahassee, Leon County, Florida.






MICHAEL T. COCHRAN, Director
Department of Business and
Professional Regulation
Division of Florida Condominiums, Timeshares,
and Mobile Homes
Northwood Centre
1940 North Monroe Street
Tallahassee, FL 32399-1030

NOTICE OF RIGHT TO APPEAL

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY ADVERSELY AFFECTED PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULE 9.110, FLORIDA RULES OF APPELLATE PROCEDURE BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(c), FLORIDA RULES OF APPELLATE PROCEDURE BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL ACCOMPANIED BY APPROPRIATE FILING FEES AND WITH THE AGENCY CLERK, 1940 NORTH MONROE STREET, NORTHWOOD CENTRE, TALLAHASSEE, FLORIDA 32399-2217 WITHIN THIRTY (30) DAYS OF THE RENDITION OF THIS FINAL ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to Hawaiian Gardens Phase I Association, c/o Joel McTague, Esq., Frank Weinberg Black, P.L., 7805 SW 6th Court, Plantation, FL 33324, and Michael S. Bender, Esq., Kaye, Bender, Rembaum, P.L., 1800 Park Central Blvd. South, Pompano Beach, FL 33064, on this 9th day of April 2012.

for: 

Robin McDaniel, Division Clerk

Copies furnished to:

Janis Sue Richardson
Chief Attorney