

**COOPERATIVE
UNIT OWNER
RIGHTS AND
RESPONSIBILITIES**

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INTRODUCTION

The State of Florida provides a number of rights for cooperative owners through Chapter 719, Florida Statutes (F.S.), also known as the Cooperative Act, and the corresponding administrative rules, Chapters 61B-75 through 61B-79, Florida Administrative Code (F.A.C.). Along with these rights come various responsibilities that correspond to this type of community living. This brochure summarizes the rights and responsibilities of unit owners under the Cooperative Act.

You should refer to the specific statutory section or rule for the exact language of the cited provision. You may visit www.MyFlorida.com/dbpr/ or contact the Division at the address on this brochure to obtain a copy of the statute or the rules.

RIGHTS

Unit owners have the right to:

Meetings and Notices

1. Receive at least 48 hours notice, posted conspicuously on the association property, of board and committee meetings. Section 719.106(1)(c), F.S.
2. Attend board and committee meetings except for meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, when the meeting is held for the purpose of seeking or rendering legal advice. Section 719.106(1)(c), F.S.
3. Receive notice of meetings at which the board will consider a special assessment or changes to rules concerning unit use. Notice must be by mail or personal delivery and posted on the cooperative property at least 14 continuous days in advance. Section 719.106(1)(c), F.S.
4. Receive notice of unit owner meetings, including an agenda, which the association must provide by mail or personal delivery and by posting on the cooperative property at least 14 continuous days in advance. Section 719.106(1)(d), F.S.
5. Receive advance notice of the budget meeting along with a copy of the proposed annual budget, which the association must provide by mail or personal delivery at least 14 days in advance of that meeting. Section 719.106(1)(e), F.S.
6. Speak at board, committee, and unit owner meetings subject to reasonable written restrictions. Section 719.106(1)(c) and 719.106(1)(d)4., F.S.
7. Record board, committee or unit owner meetings subject to reasonable restrictions. Section 719.106(1)(c), F.S.
8. Receive written notification of any special assessment which must state the specific purpose(s) of the special assessment. Upon completing the project, any excess funds are considered common surplus. Section 719.108(9), F.S.
9. Receive notification of a hearing before a committee of other unit owners before the board can levy a fine provided in the articles of incorporation or bylaws. Section 719.303(3), F.S.

Elections

1. Receive the first notice of the date of the election no less than 60 days prior to the election either by mail or personal delivery. Section 718.106(1)(d)3., F.S. Rule 61B-75.005(4), F.A.C.
2. Submit his or her name, in writing, as a candidate for election to the board no less than 40 days prior to the election. Section 719.106(1)(d)1., F.S. Rule 61B-75.005(5), F.A.C.
3. Submit candidate information sheet no less than 35 days prior to the election. Section 719.106(1)(d)3., F.S. Rule 61B-75.005(7), F.A.C.
4. Receive a second notice of the election, an agenda, an inner envelope, an outer envelope, and copies of any timely submitted candidate information sheets mailed or personally delivered no less than 14 days prior to the election. Rule 61B-75.005(8), F.A.C.
5. Vote for the board by written, secret ballot or voting machine if there are more candidates than vacancies. If there are not more candidates than vacancies, then the association is not required to hold an election. Section 719.106(1)(d)1., F.S. Rule 61B-75.005(1)(d), F.A.C.
6. Vote for the board by limited or general proxy if different election procedures are approved by a majority of the total voting interests and are provided for in the association bylaws.

Section 719.106(1)(d), F.S.

Voting, Generally

1. Vote by limited proxies unless general proxies are specifically allowed by statute. Section 719.106(1)(b), F.S.
2. Vote at a meeting or by written agreement with a majority of all unit owners to recall any board member. Section 719.106(1)(f), F.S.; Rules 61B-75.006 through 61B-75.008, F.A.C.

Association Funds

1. Receive annual financial reports as follows:
 - a. If the association consists of 50 units or less or has annual revenues of less than \$100,000, within 60 days following the end of the fiscal or calendar year or annually as provided in the bylaws, the association must provide a financial report of actual receipts and expenditures. Section 719.104(4)(a), F.S.; Rules 61B-76.006(6)(a), and 61B-76.006(8), F.A.C.
 - b. If the association consists of more than 50 units and has annual revenues in excess of \$100,000, within 90 days following the end of the fiscal or calendar year or annually as provided in the bylaws, the association must provide compiled, reviewed, or audited financial statements. Section 719.104(4)(b), F.S.; Rules 61B-76.006(6)(b), and 61B-76.006(8), F.A.C.
2. Vote for an alternate budget if the developer still controls the association and the board adopts a budget which exceeds 115% of the previous year's assessments.
3. Petition the board for a special meeting of the owners to vote on an alternate budget if the developer is not in control and the board adopts a budget which exceeds 115% of the previous year's assessments. Section 719.106(1)(e), F.S.
4. Pay assessments on a quarterly or more frequent basis. Section 719.106(1)(g), F.S.

Generally

1. Exclusive possession of their condominium unit. Section 719.103(23), F.S.
2. Membership in the association and full voting rights as provided in the cooperative documents. Section 719.105(1)(a), F.S.
3. Use the common areas and association property without paying a use fee unless the cooperative documents so provide, or the unit owners by a majority vote of the association approve of such a fee, or unless the charges relate to expenses incurred by an owner having exclusive use of the common area or association property. Section 719.104(5), F.S.
4. Use the cooperative's common areas and recreation facilities, together with their invited guests, in accordance with the cooperative documents and properly adopted association rules and regulations. Section 719.109(1), F.S.
5. Inspect the association's official records subject to the reasonable rules adopted by the association.
 - a. The association must make its records available for unit owner inspection within five working days after receiving a written request.
 - b. Unit owners have the right to make or obtain copies of the official records at their own reasonable expense. Sections 719.104(2)(b), and 719.104(4)(c), F.S.
6. Receive a substantive written response to an inquiry submitted to the board by certified mail. The response must be sent within 30 days, or within 60 days if the board requests a legal opinion, or within 10 days of receiving the division's advice, if the board requests advice from the division. Section 719.106(1)(a)2., F.S.
7. Apply to the circuit court of the county in which the cooperative is located for a receiver if the association fails to fill vacancies on the board sufficient to constitute a quorum. Section 719.1064, F.S.
8. Participate in the voluntary mediation or mandatory, non-binding arbitration processes to resolve certain disputes. Sections 719.1255 and 718.1255, F.S. (Found within the *Condominium Act*); Rule 61B-45, F.A.C.

9. Vote to cancel any grant or reservation made by a declaration, lease, or other document, and any contract made by an association prior to turnover of control to the unit owners other than the developer. Section 719.302, F.S.
10. Bring action for damages or injunctive relief, or both, against the association, another unit owner, a tenant or invitee, or a director who willfully and knowingly fails to comply with Chapter 719, F.S., the applicable administrative rules, or the cooperative documents. Sections 719.303(1), 719.1255, and 718.1255, F.S. Rule 61B-45, F.A.C.

RESPONSIBILITIES

Unit owners have the responsibility to:

1. Pay their share of the common expenses as defined in the statute and the cooperative documents. Sections 719.107(2), 719.108(1), and 719.108(8)(a), F.S.
2. Use the common areas in a manner which will not hinder or infringe on the rights of the other unit owners. Section 719.105(2), F.S.
3. Provide the association access to their units during reasonable hours for the following:
 - a. To maintain, repair, or replace any common elements;
 - b. To prevent damage to the common elements or other units; or
 - c. To maintain the unit as required by the cooperative documents.
Section 719.104(1), F.S.
4. Comply with the provisions of Chapter 719, F.S., the applicable administrative rules, the cooperative documents, the articles of incorporation, and the bylaws. Section 719.303(1), F.S.
5. Attend and participate in unit owner meetings.
6. Attend board and committee meetings as applicable and review the minutes.
7. Vote on issues presented for a unit owner vote and in elections.
8. Cooperate with other unit owners in day-to-day community life.
9. Bring any concerns or problems to the board of directors' attention.
10. Serve on the board of directors as needed.
11. Be familiar with the provisions of the cooperative documents.

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