

By Senator Margolis

35-01202-11

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1                   A bill to be entitled  
2           An act relating to cooperatives; amending s. 719.103,  
3           F.S.; defining the term "immediate family member";  
4           amending s. 719.106, F.S.; prohibiting immediate  
5           family members residing in the same unit from serving  
6           concurrently on the board of administration of a  
7           cooperative; providing an effective date.

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9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Present subsections (19) through (28) of section  
12   719.103, Florida Statutes, are renumbered as subsections (20)  
13   through (29), respectively, and a new subsection (19) is added  
14   to that section, to read:

15           719.103 Definitions.—As used in this chapter:

16           (19) "Immediate family member" means a parent, child,  
17   spouse, sibling, grandparent, grandchild, uncle, aunt, niece,  
18   nephew, great-uncle, great-aunt, great-nephew, great-niece,  
19   first cousin, or second cousin by blood, marriage, or adoption,  
20   including half and step relatives.

21           Section 2. Paragraph (a) of subsection (1) of section  
22   719.106, Florida Statutes, is amended to read:

23           719.106 Bylaws; cooperative ownership.—

24           (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
25   documents shall provide for the following, and if they do not,  
26   they shall be deemed to include the following:

27           (a) *Administration.*—

28           1. The form of administration of the association shall be  
29   described, indicating the titles of the officers and board of

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30 administration and specifying the powers, duties, manner of  
31 selection and removal, and compensation, if any, of officers and  
32 board members. In the absence of such a provision, the board of  
33 administration shall be composed of five members, except in the  
34 case of cooperatives having five or fewer units, in which case  
35 in not-for-profit corporations, the board shall consist of not  
36 fewer than three members. Two or more immediate family members  
37 who reside in the same unit may not serve on the board  
38 concurrently. In the absence of provisions to the contrary, the  
39 board of administration shall have a president, a secretary, and  
40 a treasurer, who shall perform the duties of those offices  
41 customarily performed by officers of corporations. Unless  
42 prohibited in the bylaws, the board of administration may  
43 appoint other officers and grant them those duties it deems  
44 appropriate. Unless otherwise provided in the bylaws, the  
45 officers shall serve without compensation and at the pleasure of  
46 the board. Unless otherwise provided in the bylaws, the members  
47 of the board shall serve without compensation.

48 2. When a unit owner files a written inquiry by certified  
49 mail with the board of administration, the board shall respond  
50 in writing to the unit owner within 30 days of receipt of the  
51 inquiry. The board's response shall either give a substantive  
52 response to the inquirer, notify the inquirer that a legal  
53 opinion has been requested, or notify the inquirer that advice  
54 has been requested from the division. If the board requests  
55 advice from the division, the board shall, within 10 days of its  
56 receipt of the advice, provide in writing a substantive response  
57 to the inquirer. If a legal opinion is requested, the board  
58 shall, within 60 days after the receipt of the inquiry, provide

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59 in writing a substantive response to the inquirer. The failure  
60 to provide a substantive response to the inquirer as provided  
61 herein precludes the board from recovering attorney's fees and  
62 costs in any subsequent litigation, administrative proceeding,  
63 or arbitration arising out of the inquiry. The association may,  
64 through its board of administration, adopt reasonable rules and  
65 regulations regarding the frequency and manner of responding to  
66 the unit owners' inquiries, one of which may be that the  
67 association is obligated to respond to only one written inquiry  
68 per unit in any given 30-day period. In such case, any  
69 additional inquiry or inquiries must be responded to in the  
70 subsequent 30-day period, or periods, as applicable.

71 Section 3. This act shall take effect July 1, 2011.