GUIDE · HAMILTON MIKES, P.A.

New Director Orientation Guide

What a Florida Association Director Should Do in the First 90 Days

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Published September 26, 2026 Reviewed by Jason Hamilton Mikes, JD, MBA, September 26, 2026 Florida Statutes as of July 1, 2026

Applies to: Condominiums · HOAs · Cooperatives

A new director is liable for the board's decisions from the first meeting, not from the day the learning curve flattens out. This packet is what a board should hand a new director in the first week: the certification deadline that suspends you if you miss it, the documents to read and the order to read them in, the briefing to ask for, and a 90-day schedule.

Hand this to the new director with the governing documents, the current budget and the last four sets of minutes attached. A director who works through it will arrive at the second meeting able to read a financial statement, name the association's professionals and say what the reserve obligation is. Every deadline below is statutory unless the item says otherwise; your declaration and bylaws can be stricter.

The three chapters do not match. Where an item differs by chapter, the difference is stated. Do not assume the condominium rule is the general rule; on education, financial reporting and website posting it is not.

1 The week you are seated

- [ ] Get the certificate of election or appointment and note the exact date you took office. Your education deadline runs from that date, not from the first meeting you attend.
  § 718.112(2)(d)5.b.; § 719.106(1)(d)1.; § 720.3033(1)
- [ ] Register for the approved director education course now rather than at day 80. Courses are scheduled, not on demand.
  Condominium courses must be administered by the Division or a Division-approved provider; HOA courses by a department-approved provider.
- [ ] Ask the secretary or manager for the association's complete governing documents, including every recorded amendment, not just the version posted to the website.
- [ ] Ask for the list of open matters with counsel, open insurance claims, and any contract coming up for renewal in the next twelve months.
- [ ] Give the association an e-mail address you are willing to have treated as an official record, and use it for association business only.
  Association business conducted on a personal account can still be a record and can still be discoverable. Keeping it separate is the cheapest protection you have.

2 Your education and certification deadline

- [ ] Condominium director: file BOTH a written certification to the secretary that you have read the declaration, articles, bylaws and current written policies and will uphold them, AND a certificate of completing a Division-approved curriculum of at least 4 hours, within 90 days of election or appointment.
  These are two separate filings. The written certification does not substitute for the course. The certification and certificate are valid for 7 years of uninterrupted service.
  § 718.112(2)(d)5.b.
- [ ] Condominium director: complete at least 1 hour of continuing education each year after the year you are certified.
  § 718.112(2)(d)5.b.
- [ ] HOA director: file a certificate of completing a department-approved educational curriculum within 90 days of election or appointment.
  Chapter 720 gives you no written-certification alternative. Reading the documents and signing a statement does not satisfy it.
  § 720.3033(1)
- [ ] HOA director: complete 4 hours of continuing education a year if your association has fewer than 2,500 parcels, or 8 hours a year if it has 2,500 or more.
  § 720.3033(1)
- [ ] Cooperative director: file either a written certification that you have read the bylaws, articles, proprietary lease and current written policies, or a certificate of completing an approved education course, within 90 days of election or appointment.
  Chapter 719 still allows either one. Take the course anyway; the certification route teaches you nothing.
  § 719.106(1)(d)1.
- [ ] Diary the deadline at 60 days and at 80 days. A director who does not timely file is suspended from the board until he or she complies.
  A suspended director is not a director. Votes taken while the board was short a member because of a missed filing are the kind of thing an owner's lawyer looks for first.
  § 718.112(2)(d)5.b.; § 719.106(1)(d)1.; § 720.3033(1)
- [ ] Send the filed certificate to the manager for the official records and, if your association maintains a website or app, confirm it is posted.
  Director certifications appear on the posting lists at § 718.111(12)(g)2. and § 720.303(4)(b)

	Condominium	HOA	Cooperative
Deadline	90 days after election or appointment	90 days after election or appointment	90 days after election or appointment
What you file	Both a written certification and a certificate for a course of at least 4 hours	A course completion certificate only	Either a written certification or a course certificate

	Condominium	HOA	Cooperative
How long it lasts	7 years of uninterrupted service	Up to 4 years	Uninterrupted service
Continuing education	At least 1 hour a year	4 hours a year under 2,500 parcels; 8 hours at 2,500 or more	The statute states no annual hour figure
If you miss it	Suspended until you comply	Suspended until you comply	Suspended until you comply
Authority	§ 718.112(2)(d)5.b.	§ 720.3033(1)	§ 719.106(1)(d)1.

3 The documents to read, in order

- [ ] 1. The declaration of condominium, the declaration of covenants, or the cooperative documents and proprietary lease. This is the contract every owner bought into and it outranks the bylaws and the rules.
- [ ] 2. The maintenance and repair allocation inside that declaration. Find the line between what the association maintains and what the owner maintains, and mark it. Most owner disputes start there.
  Read it alongside the insurance allocation. The two do not always draw the line in the same place.
- [ ] 3. The articles of incorporation, for the board's size, the term of office and the corporate purposes.
- [ ] 4. The bylaws, for quorum, notice, officer duties, committee authority and the vote required for each kind of action.
- [ ] 5. The current written rules and policies, including the collection policy, the leasing and occupancy rules and the architectural standards.
- [ ] 6. The current adopted budget and the reserve schedule, line by line.
- [ ] 7. The most recent financial report and, if one exists, the last audit and the management letter.
- [ ] 8. The last twelve months of minutes, which tell you what the board has already decided and what it deferred.
- [ ] 9. The management agreement and the three or four largest vendor contracts.
  Check the term, the renewal mechanism and the cancellation notice in each. Boards routinely discover a contract auto-renewed while they were still deciding whether to keep the vendor.

4 The briefing to ask for

- [ ] Insurance: ask what the association insures, what the owner insures, the current deductibles and who set them, when the replacement cost was last determined, and whether any claim is open with a proof of loss deadline running.
  The board sets the hurricane and all-other-perils deductibles at a board meeting; the replacement cost must be determined at least once every 3 years. The reconstruction allocation is a separate paragraph from the coverage requirement.
  § 718.111(11)(a); § 718.111(11)(c); § 718.111(11)(j)
- [ ] Reserves: ask whether the association has completed a structural integrity reserve study, when, which items it covers, and what the funding shortfall is against its recommendation.
  Condominiums under owner control existing on or before July 1, 2022 had to complete one by December 31, 2025, and no SIRS may be completed after December 31, 2026. The cooperative deadline was a year earlier, December 31, 2024. An item is covered if its deferred maintenance or replacement cost is $25,000 or more, or the Division's inflation-adjusted amount if greater.
  § 718.112(2)(g); § 719.106(1)(k)7.
- [ ] Buildings: ask whether a milestone inspection is due or has been done, and whether any phase two repair clock is running.
  Buildings three habitable stories or more get a first inspection by December 31 of the year the building turns 30, then every 10 years. A local agency may set 25 years for coastal exposure. Phase two repairs must commence within 365 days of the report.
  § 553.899
- [ ] Contracts: ask what the competitive bidding threshold is for your association and which pending items cross it.
  Condominium and cooperative: 5 percent of the total annual budget including reserves. HOA: 10 percent. Condominiums of 10 or fewer units and cooperatives of fewer than 100 units may opt out by a two-thirds owner vote.
  § 718.3026(1); § 719.3026(1); § 720.3055(1)
- [ ] Litigation: ask for a list of every open or threatened matter, who is handling it, what it is costing, what the exposure is, and whether any litigation hold is in place, before you delete anything.
  A hold reaches your text messages and personal e-mail if you used them for association business.
- [ ] Compliance: ask whether the association's Division online account is current. Condominium and cooperative associations must create and maintain one, and contact information must be updated within 30 days of a change.
  § 718.501(3); § 719.501(3)
- [ ] Compliance: ask who answers records requests and how fast. Condominiums and cooperatives have 10 working days; HOAs have 10 business days.
  The HOA rebuttable presumption of willful failure attaches only where the request came by certified mail, return receipt requested. Chapters 718 and 719 do not carry that certified-mail condition.
  § 718.111(12); § 719.104(2); § 720.303(5)
- [ ] Compliance: ask whether your association must maintain a website or app, and whether the posting is current.
  Condominiums with 25 or more units and HOAs with 100 or more parcels must post; documents go up within 30 days. Cooperatives have no posting obligation at all.
  § 718.111(12)(g); § 720.303(4)(b)
- [ ] Financial reporting: confirm the delivery deadline for your chapter and put it on the calendar.
  The 180-day figure is condominium-only. Treating it as universal makes every HOA and cooperative report late.
  § 718.111(13); § 719.104(4); § 720.303(7)

	Condominium	HOA	Cooperative
Report prepared	Within 90 days after fiscal year end	The statute states one delivery deadline	The statute states one delivery deadline
Delivered to owners	Within 21 days of completion, and no later than 180 days after fiscal year end	No later than 120 days after fiscal year end	No later than 120 days after fiscal year end
Authority	§ 718.111(13)	§ 720.303(7)	§ 719.104(4)

5 Who the professionals are, and what each one does

- [ ] Association counsel. Represents the association, not you and not any owner. Get the name, the firm and the engagement terms.
  When counsel advises the board, the privilege belongs to the association. Forwarding a legal memorandum to an owner can waive it for everyone.
- [ ] Community association manager or management firm. Get the scope of the agreement, the term, the renewal date and the cancellation notice required.
  A manager soliciting bids for the association in an amount over $2,500 for goods or services that would be a conflict must obtain multiple bids from other third-party providers. A violation makes the management contract voidable with no termination fee or penalty.
  § 468.4335
- [ ] Accountant. Get the scope of the annual engagement, whether it is a compilation, review or audit, and when the work starts.
- [ ] Insurance agent. Get the renewal date, the carrier and whether coverage was placed in the admitted or surplus lines market.
- [ ] Engineer or reserve specialist. Get the author of the structural integrity reserve study and of any milestone inspection report.
- [ ] Collection counsel. Get the current delinquency report and the stage each file is at.
  If the association uses a separate firm for collections, ask who decides when a file is referred and on what standard.

6 Your first meeting

- [ ] Read the packet before you get there, including the contracts you are being asked to approve. Reading it at the table is not the duty of care.
  § 617.0830 applies to condominium, cooperative and HOA directors
- [ ] Ask your questions before the vote, on the record, not in the parking lot afterward.
- [ ] Confirm the items you will vote on were on the noticed agenda. A decision on an item that was not noticed is the most common defect in the record.
  Our board meeting checklist works through notice, agenda and minutes in order.
- [ ] Disclose any conflict before the discussion, in writing, and let the disinterested directors vote.
  § 718.3027; § 720.3033(2); § 617.0832
- [ ] Expect your vote or abstention on each item to be recorded by name in the minutes, and do not answer an owner's question about pending litigation or another owner's delinquency in an open meeting.
  § 718.111(1)(b)
- [ ] Say nothing outside the meeting that commits the association. You have no authority acting alone; the board acts as a board.
  This is covered in full in our board member duties guide.

7 The first 90 days

Window	What should be finished
Days 1-7	Documents, budget, financials and minutes in hand. Education course booked. Association e-mail address in use.
Days 8-30	Documents read in the order above. Maintenance and insurance allocations marked. First meeting attended.
Days 31-60	Professional briefings taken. Reserve, milestone and insurance status understood. Contract renewal dates calendared.
Days 61-90	Education course completed and the certificate filed. Written certification filed if your chapter requires it. Committee assignment accepted.

- [ ] Confirm in writing to the secretary that your certification and education filings are complete and in the official records.
- [ ] Calendar the annual continuing education requirement for your chapter, the financial report deadline, the budget adoption meeting and any milestone or reserve study deadline.
- [ ] Ask the board to schedule an annual session with counsel on records, meetings and conflicts. It costs an hour and prevents most of what boards get sued over.

  See when to call the association attorney for the situations that should not wait for the annual session.

> The deadline that catches new directors is not a hard one. It is the 90-day education filing, missed because the course was booked in week eleven. A director who does not timely file is suspended from the board until he or she complies, and a board operating one member short may not have the votes it thinks it has.

Statutes and authorities referenced

- § 718.112(2)(d)5.b. , Fla. Stat. (condominium director certification and education)
- § 719.106(1)(d)1. , Fla. Stat. (cooperative director certification or education)
- § 720.3033(1) , Fla. Stat. (HOA director education and continuing education)
- § 718.111(1)(a) , § 719.104(9)(a) , § 720.303(1) , Fla. Stat. (fiduciary relationship)
- § 617.0830 , Fla. Stat. (general standards for directors)
- § 718.111(11)(a) , (11)(c), (11)(j), Fla. Stat. (condominium insurance, deductibles, reconstruction)
- § 718.112(2)(g) , Fla. Stat.; § 719.106(1)(k) , Fla. Stat. (structural integrity reserve studies)
- § 553.899 , Fla. Stat. (milestone inspections)
- § 718.3026(1) , § 719.3026(1) , § 720.3055(1) , Fla. Stat. (competitive bidding thresholds)
- § 718.111(12) , § 719.104(2) , § 720.303(5) , Fla. Stat. (official records and response times)
- § 718.111(12)(g) , § 720.303(4)(b) , Fla. Stat. (website and application posting)
- § 718.111(13) , § 719.104(4) , § 720.303(7) , Fla. Stat. (annual financial reporting)
- § 718.501(3) , § 719.501(3) , Fla. Stat. (Division online account)
- § 468.4335 , Fla. Stat. (community association manager conflicts of interest)

Talk to association counsel

When the checklist turns up a question about what a statute or your documents require, ask association counsel before the board acts. **Hamilton Mikes, P.A.** represents condominium, HOA and cooperative associations, clubs and marinas throughout Southwest Florida. **239-594-7227 · HamiltonMikes.com**

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