

COMMUNITY LIVING

# Statutes Don't Support Free Ride By President

By RICHARD WHITE  
Tribune correspondent

**Q** It has come to my attention that at the last association meeting the board voted that the new president would not have to pay maintenance. It has been going on for the past two years. I believe this is illegal. If that's the case, what would be the best way to deal with this situation?

S.H.  
Miami Beach

**A** The statutes do not allow a person to avoid paying fees, but they do refer to paying the full share. Florida statute 718.112 says that unless otherwise pro-

vided in the bylaws, the officers shall serve without compensation. Review your documents to determine whether they allow board members to receive compensation.

If you allow the president to be relieved from paying his fee, then you are compensating him. This must be reported to the Internal Revenue Service and, perhaps, the state for unemployment tax. Your board should contact your attorney and certified public accountant for guidance.

**Q** Our association was turned over this year. Which philosophy of the board would most likely result in maintaining property

**values: a strict philosophy to enforce all rules, and all problems are addressed equally and administered to fairly in a quick manner; more hands-off philosophy where minor infractions are overlooked and only the most problematical issues are addressed; or a laissez-faire policy that pretty much leaves it up to the individual owners to police their own behaviors?**

G.I.  
Naples

**A** Your board must conform to a strict philosophy of enforcing the rules.

Deed restrictions and rules were established by the developer to maintain the community.

When the board begins to alter enforcement policies, it is altering the deed restrictions and weakening the power to enforce other rules.

When an owner purchased his or her property, it was subject to the documents and the rules. That owner should expect neighbors to comply with the same regulations.

*Richard White is a licensed community association manager. He does not offer legal opinions; any other questions and comments concerning association operations can be sent to him at 6039 Cypress Gardens Blvd., No. 201, Winter Haven FL 33884-4115; or CAMquestion@bigfoot.com.*