

ISSUE #1



CERTIFICATE OF COMPLETION

THE DIVISION OF CONDOMINIUMS, TIMESHARES & MOBILE HOMES
CERTIFIES THAT

Terald Phifer

HAS SATISFACTORILY COMPLETED THE EDUCATIONAL CURRICULUM REQUIRED FOR
SERVICE ON THE BOARD OF DIRECTORS FOR A CONDOMINIUM ASSOCIATION AND
HOMEOWNER ASSOCIATION AS PROVIDED IN SECTION 718.112(2)(D)4.B OF CHAPTER 718,
FLORIDA STATUTES AND SECTION 720.3033 OF CHAPTER 720, FLORIDA STATUTES

DATED THIS 28th DAY OF May, 2026

DIVISION OF CONDOMINIUMS,
TIMESHARES & MOBILE HOMES

FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

Jovey Cerceda & Tracy Kessler

COURSE INSTRUCTORS



MARKUP #1 ->

MARKUP #1 · OUTDATED STATUTE LOCK

BOARD & COUNSEL REVIEW

Sec. N/A (p. 1): Declaration references Florida Statutes without express Kaufman language ("as amended from time to time"), risking unconstitutional impairment of contract challenges upon statutory changes.

Statutory / Legal Reference: Kaufman v. Shere, 347 So. 2d 627 (Fla. 3d DCA 1977); Cohn v. Grand Condo. Ass'n, 62 So. 3d 1120 (Fla. 2011)

Statutory Comparison: Under Florida Supreme Court precedent (Cohn), legislative amendments that impair vested contract rights cannot be applied retroactively to an existing community unless the Declaration contains express language adopting the statute "as amended from time to time" (the Kaufman doctrine).

CURRENT WORDING IN DOCUMENT:

EAL SEAL OF dbpr CERTIFICATE OF COMPLETION SOD WETRUS THE DIVISON OF CONDOMINIUMS, TIMESHARES & MOBILE HOMES CERTIFIES THAT Terald Phifer HAS SATISFACTORILY COMPLETED THE EDUCATIONAL CURRICULUM REQUIRED FOR SERVICE ON THE BOARD OF DIRECTORS FOR A CONDOMINIUM ASSOCIATION AND HOMEOWNER ASSOCIATION AS PROVIDED IN SECTION 718.112(2)(D)4.B OF CHAPTER 718, FLORIDA STATUTES AND SECTION 720.3033 OF CHAPTER 720, FLORIDA STATUTES DATED THIS 28th DAY OF May, 2026

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with Kaufman v. Shere, amend the governing law clause to read:
"...governed by Chapter 718 [or 720], Florida Statutes, as the same exists on the date hereof and as the same may be amended from time to time."