



Your Association Advocate Since 1982

Condominium Association Registered Agents – Protect Your Interests

An often overlooked but important aspect of every Florida condominium association is the designation of its Registered Agent (RA). An RA is a person or company who agrees to accept legal mail on behalf of a corporation. While this responsibility is often performed by a condominium Board member or Management company, best practice is to appoint the association's corporate counsel to serve as the RA.

Florida Statute 48.091 requires corporations designate a registered agent and registered office. All Florida condominium associations must be incorporated, and therefore must abide by this Statute. An RA may be a natural person who is a resident of Florida, a corporation, or an LLC authorized to do business in Florida. The business office of the RA is called the registered office. The registered office must have a street address rather than a PO Box, and be kept open from at least 10 a.m. to 12 noon each day except Saturdays, Sundays and legal holidays.

Many corporations appoint one of their officers or directors as the RA. Until about 10 or 15 years ago, it was common that a member of the condominium Board would serve as the RA. However, since the 2008 real estate crash, condominium associations generally prefer to list either its management company (if they have one) or its counsel as both the RA and registered office.

The reason Board members have sought to remove themselves from serving as the RA since the 2008 crash is multi-pronged. First, the high number of mortgage foreclosures during the crash resulted in Board members being continuously served by a sheriff or process server with mortgage foreclosure lawsuits at their private residence. Second, as corporate records became more easily accessible online, Board members did not wish to have their private information online. Additionally, management companies did not want competitors to obtain home addresses of condominium Directors to solicit their business. Management companies have therefore been more willing to undertake the RA responsibilities to shield their clients.

The Tankel Law Group strongly suggests corporate counsel be appointed as RA in place of a management company or condominium Board member. When an attorney's office is designated as the RA, it has a duty to ensure sure the client is informed of any lawsuit. The attorney will work with both the client and the CAM, as needed, to obtain coverage and a defense under an insurance policy. An attorney can also analyze the lawsuit if it involves a mortgage foreclosure to determine how best to defend it, and recommend specialized counsel when necessary.

This arrangement is more efficient for the associations and the CAMs, especially when dealing with mortgage foreclosures. During the crash, our office defended thousands of mortgage foreclosures at no charge to our clients, and continue to do so as needed. The designation of an RA can be done when filing the annual corporate report. If the report has already been filed, the cost to change the RA in midyear is nominal.



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