

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES**

CONDOMINIUM / COOPERATIVE COMPLAINT

INSTRUCTIONS: To expedite your complaint, it is helpful if this form is typewritten or legibly printed, and each question answered fully. If available, attach supporting or clarifying documents and items pertaining to the issues listed in this complaint.

Name Paul R. St. Clair, LCAM

Mailing Address 275 Palm Ave

Unit No. D-207

City Jupiter County Palm Beach State FL Zip 33477

Home telephone number (561) 575-9424

Cell phone number (585) 730-2612

E-mail address Paul.St.Clair@Comcast.net

Complaint filed against: DEVELOPER ☒ ASSOCIATION

Name Jupiter Bay Condominium Association

If Developer list principal officer _____

If Association list President Jack McColgan, President

Mailing address 275 Palm Ave Apt D-105

City Jupiter County Palm Beach State FL Zip 33477

Business telephone number (561) 746-5857

Has the above been notified of the issues in this complaint? ☒ YES ☐ NO

If yes, what was the method of notification? Email dated September 30, 2026

Date declaration of condominium was recorded in public records:

11 / 18 / 1988 County Palm Beach

If a cooperative, date articles of incorporation were filed with the Secretary of State:

 / /

Have purchaser unit owners elected a majority of the members to the Board of Administration? ☒ YES ☐ NO

If you have retained legal counsel regarding the issues listed in this complaint, do you want the division to contact your attorney? ____ YES ____ NO

If yes, please provide the following information:

Name of Counsel _____

Mailing address _____

City _____ County _____ State _____ Zip _____

Business telephone number _____

a) Has court action been filed regarding any of the allegations in this complaint?

____ YES X NO If yes, attach a copy of each complaint filed in court and any subsequent court pleadings.

b) Has a petition for a Declaratory Statement been filed with the division regarding

any of the allegations in this complaint? ____ YES X NO

c) Has a petition for Mandatory Nonbinding Arbitration been filed with the division

regarding and of the allegations in this complaint? ____ YES X NO

List each issue. If possible, specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated. Attach additional pages, as needed.

All five of the following statute violations relate to the Jupiter Bay Board's evaluation and commitment on September 18, 2026, to a new property/wind insurance policy with Acrisure's proposed AmRisk Company.

1. Florida Statute 718.112(2)(c) says:

Board of administration meetings.—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. **Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail.**

The Board's Vice President signed the Acrisure property/wind insurance proposal and various other binding documents on September 18 without holding a Board Meeting and obtaining a recorded Board Meeting vote and without unit owner review and discussion. The Vice President said that the other four board members approved the proposal via email.

2. Florida Statute 718.3026(1) says:

If a contract for the provision of services exceeds five (5) percent of the total annual budget of the association (\$215,433 for Jupiter Bay), the association shall obtain competitive bids for the services.

Although not required, it is generally accepted that at least three bids are sufficient. According to the Association's September 21 letter to Owners, the existing broker (Acrisure) and one additional broker (Marsh) provided a quote, but Marsh "was unable to provide a fully explained policy". This was false in that Marsh provided detailed quotes with premiums by building/association on September 15 in a format like what was provided by Acrisure.

On September 23, the Vice President stated that he had neither seen nor reviewed the Marsh proposals sent to him on September 15. He later acknowledged receiving the proposals as email attachments but said he had not opened them. In short, a board member made a \$605,000 decision based on a single proposal.

3. Florida statute 718.111(11)(g)3. says:

A multicondominium association may elect, by a majority vote of the collective members of the condominiums operated by the association, to operate the condominiums as a single condominium for purposes of insurance matters, including, but not limited to, the purchase of the property insurance required by this section and the apportionment of deductibles and damages in excess of coverage. The election to aggregate the treatment of insurance premiums, deductibles, and excess damages constitutes an amendment to the declaration of all condominiums operated by the association, and the costs of insurance must be stated in the association budget. The amendments must be recorded as required by s. 718.110.

None of the eight individual condominiums in the Jupiter Bay multicondominium association contain an amendment to allow aggregation of premiums. The Acrisure proposal, approved by the board, does not provide separate premiums for the eight individual condominiums within the Association. It aggregates insurance premiums to a single value in violation of this statute.

4. Florida Statute 718.111(1)(a) says:

The officers and directors of the association have a fiduciary relationship to the unit owners. It is the intent of the Legislature that nothing in this paragraph shall be construed as providing for or removing a requirement of a fiduciary relationship between any manager employed by the association and the unit owners.

The proposal signed by the Board's Vice President, on behalf of the Board, was to spend an extra \$104,098 on the inferior property/wind insurance policy sourced by Acrisure. Acrisure's AmRisc policy is non-admitted (not regulated or protected by Florida), requires financing, does not break out premiums for eight individual associations, excludes coverage of 10 structures/items, excludes wind-driven rain

and sewer backup coverage, and misidentifies several items. The policy expires on October 1st, in the middle of hurricane season, possibly making it difficult for the Association to obtain a favorable renewal price. The March Agency's September 15 quote was for a significantly less expensive and superior Slide insurance policy that resolves all the AmRisc policy's shortcomings.

By accepting less and paying more (\$290 more per owner) for insurance, the Jupiter Bay Board has failed their fiduciary relationship with the unit owners. They decided, without owner input, to remove us from an admitted insurance policy to an unregulated surplus lines policy that removes us from the State of Florida's protection for three years.

5. Florida Statute 718.111(11) says:

- (a) Every condominium association shall have adequate property insurance as determined under this paragraph, regardless of any requirement in the declaration of condominium for certain coverage by the association.
- (f) Every property insurance policy issued or renewed on or after January 1, 2009, for the purpose of protecting the condominium must provide primary coverage for:
 - 1. All portions of the condominium property as originally installed or replacement of like kind and quality, in accordance with the original plans and specifications.
 - 2. All alterations or additions made to the condominium property or association property pursuant to s. 718.113(2).

Acrisure's insurance proposal excluded many items/structures listed in the Association's 2024 insurance appraisal including Pool Fencing, Pool Deck Patio Masonry Walls, Fabric Shade Structure (Pool Deck), Pedestrian Bridge, Tennis Courts (2), Tennis Court Chain Link Fencing, East Generator Fuel Tank, and ID Signs (2), all of which could sustain significant hurricane damage.

I hereby request the Division of Florida Condominiums, Timeshares and Mobile Homes to review the violation(s) herein alleged. I understand that the division may act on this complaint pursuant to the provisions of Section 718.501, or as applicable Section 719.501, Florida Statutes. I further understand that the division does not represent me or my private interests, and that any action taken by the division will be on behalf of the State of Florida. My signature below certifies the authenticity of this complaint.

	Jupiter Bay Condominium Association
Signature of Complainant	Name of Condominium / Cooperative
10/12/2026	Jupiter Bay Condominium Association
Date	Name of Association