

C. Failure to Consider Post-Filing Bad Faith

20. Florida courts permit consideration of post-filing conduct confirming bad faith.

Capitol Env'tl. Servs., Inc. v. Earth Tech, Inc., 25 So. 3d 593 (Fla. 1st DCA 2009).

21. The arbitrator improperly insulated the Association from consequences of conduct that occurred **during the arbitration itself**.

CAUSES OF ACTION (DE NOVO)

COUNT I – DECLARATORY RELIEF

22. Plaintiff seeks a declaration that:

- a. The special assessment is **void and unenforceable**;
- b. The Association acted **ultra vires**;
- c. The enforcement action violated governing documents and statute.

COUNT II – VIOLATION OF § 718.303, FLORIDA STATUTES

23. The Association failed to comply with the Declaration, Bylaws, and statutory requirements governing assessments and enforcement.

COUNT III – BREACH OF FIDUCIARY DUTY

24. Board members owed fiduciary duties of good faith, fairness, and lawful governance.

25. Imposing assessments during pending adjudication constitutes **bad faith and self-interested conduct**.