



Now on to reader mail.

**QUESTION:** I have heard that a condominium association cannot amend the amendment provisions in the declaration of condominium to require fewer owners to agree to future amendments to the declaration. For example, if the original declaration requires two-thirds of all owners to assent to an amendment to the declaration, an amendment cannot be made to reduce the number of owners needed to two-thirds of the owners present at a meeting. Does this also apply to

homeowners' associations?  
- D.P. (via e-mail)

**ANSWER:** I believe you have been misinformed.

There is nothing in the Florida condominium law which prohibits an association from amending the amendatory provisions in any of the condominium documents. Customarily, developers make it difficult to amend condominium documents, primarily for protection of developer interests.

After the community is turned over from the developer, many

associations come to learn that there is a fairly constant number of owners (sometimes a significant percentage) who do not participate in the community's affairs through exercising their right to vote.

In such cases, communities often do amend the original amendment clauses to base future amendments on those who vote, not the entire membership. As far as I am aware, the law is no different for homeowners' associations, and in fact the apathy problems that plague some condominium associations are often more pronounced in the HOA. ⚖️

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*Mr. Adams concentrates his practice on the law of community association law, primarily representing condominium, co-operative, and homeowners' associations and country clubs. Mr. Adams has represented more than 600 community associations and serves as managing shareholder of the Firm's Naples and Ft. Myers offices.*

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