



## Condominium Law Q&A

OCTOBER 9TH, 2006

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**Question** – We have recently hired a structural consultant for our Cocoa Beach condominiums. He has stated that the tiles on the balconies will need to be removed, that they are not acceptable, and he is not allowing them to be reinstalled after our next round corrosion repairs are completed. I am a structural professional engineer myself, who has had those tiles on my direct ocean balcony from 10 years ago, and mine have remained in excellent condition, since our last corrosion repairs at that time. I currently have no concrete damage on my balcony and want it to remain as is. What are your thoughts on this subject. R.F., Cocoa

**Answer** – There is a growing concern over the placement of coverings over the concrete slabs which absorb water that seeps into the slabs, rusting the rebar. This, in turn, leads to deterioration and spalling of the concrete, requiring restoration of the entire balcony system; unquestionably, this is one of the most costly endeavors of an oceanfront condominium. Based upon experience, most condominiums today justifiably prohibit placement of carpet on balconies and require all hard surfaces to be installed over watertight membranes. If properly installed, I see no reason why they should not be permitted.

**Question** – In a recent column, you addressed 2 complaints. Both deal with boards of directors who do not serve the association but only their own agenda. You always advise the letter writers to file a complaint with DBPR, and your second recommendation

is to recall the board. Surely, you must be aware of condominium embezzlements, fraud and theft. I am sure you are aware of corrupted, dictatorial board members who slander and threaten the “troublemakers,” if they ask too many questions, especially financial ones. Unfortunately, reporting to the DPBR, or recalling the board, does not work. I own a unit in a 114 condominium complex. I requested financial documents from the board. However, our board does not deal with us; everything goes through its attorney, who seems to serve the board only. Other owners and I questioned the board about thousands of dollars which were not accounted for. We hired an attorney, who got documents for us which were denied. Then, we turned to DBPR for help. We were told to contact the local District Attorney. We did, and they told us to report this to the local police, who found no wrong doing, and the case was closed. I refused to give up! I turned to the Internet and read the horror stories of many owners in the same predicament. There is a lot of information on the Internet about condominium fraud, theft and embezzlement which gave me hope to continue my pursuit for honesty. Why doesn’t anyone do anything about these crimes which are being swept under the rug? G.B., Daytona Beach Shores

**Answer** – I recently had the opportunity to address the Space Coast Condominium Association in Cocoa Beach, Florida. The topic was “Rights and Responsibilities of Unit Owners.” You might find it surprising to learn that unit owner rights outnumber unit owner obligations by a margin of almost 6 to

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1. Think about it. All a unit owner needs to do to be in compliance with his/her/their obligations as a condominium owner is to 1) comply with the covenants, conditions and restrictions and the rules and regulations which they agreed to abide by at the time of purchase; 2) timely pay all validly assessed assessments; and 3) not use their units in a manner which will cause a nuisance to others or preclude other unit owners from the use and benefits of the common amenities. On the hand, unit owners not only have the right to elect and remove the board, with or without cause, but also to receive notice of all board and committee meetings with a copy of the agenda posted, qualify to run for the board, receive a full financial accounting and review the books and records, just to name a few. In addition, there is a State Bureau of Condominiums to ensure compliance and an Ombudsman to speak out for unit owner rights. Efforts are currently underway to combine the three (3) Common Interest Ownership Acts – Condominium, Cooperative and Homeowners – into a single uniform Act, drafted in a manner which will be clearly understood by all unit owners. ■

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