



Condominium Law Q&A

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Question – Do Florida Condo statutes allow for using e-mails to notify members of meetings, copies of proposed budgets, etc. We're attempting to minimize our spending and using computers would be quite a big help. Also, could we use the same idea to create a quorum for summer board meetings? Up until now we have been using the phone for a quorum and the expense is difficult to justify at summertime. Thank you. R.G.

Answer – While the law has not fully caught up with today's technology, the Condominium Act does allow associations, in lieu of sending written notice of meetings, to give notice by broadcasting notice on closed-circuit cable t.v. or via electronic transmission. But it ends there. At this point, the proposed budgets still need to be mailed or hand delivered to the unit owners, and members of the board cannot conduct meetings electronically or "chat" on line if doing so constitutes a meeting of the board. That said, I do feel that the day will come when all community association meetings will be conducted online. In addition, record access, promulgation of budgets and payment of assessments will likewise be online.

Question – I live alone in a 2 bedroom apartment on the ground floor of a condo apartment on the water in West Palm Beach. The hurricane struck here four years ago and caused structural damage to the front of my apartment. The next door apartment was thrown out into the parking lot. I understand that my front sliding glass doors and headers which were damaged are covered by the association as they

are considered "common area." I need legal support to get our association to secure my apartment which they have done to connecting units. What condo Act covers my front doors as "common area"? T.A., West Palm Beach

Answer – There is no question but that the damage you described should have been covered under the Association's hazard and/or windstorm policy, and if it wasn't, for whatever reason, the cost of restoration of your unit is an obligation of and a common expense of the association.

Question – How do I know if my association has the right to fine unit owners? The association's attorney quoted two provisions from our condo documents which she says give the association the right to fine. Is she correct? F.T., Miami

Answer – The Condominium Act, Chapter 718.303(3) provides: "If the declaration or by-laws so provide, the association may levy reasonable fines against a unit owner for the failure of the owner of the unit, or its occupant, licensee, or invitee, to comply with any provision of the declaration, the association by-laws, or reasonable rules of the association." No fine may exceed \$100.00 per violation or \$1,000.00 in the aggregate. In response to an inquiry from Florida's Bureau of Compliance, which apparently asked for the source of the association's authority to levy fines, the association's attorney referenced the rules and regulations as granting fining authority. I regretfully disagree with the association's attorney. The

Condominium Act is clear. The authority to fine must be in the declaration or by-laws, not board-promulgated rules and regulations. The main difference is that an amendment to the declaration or by-laws granting the board the power to fine would have to be voted on by the unit owners, while the rules and regulations can be approved by the board alone.

Question – We have a homeowners Association made up of 50 patio homes. We do not have any club house or any amenities in our complex. The Association's responsibility is to administer the complex lawn mowing contract. We do not provide any other service. We are also responsible to

administer the CC&R's; however, they are very simple. They only cover complex approved paint colors etc. Should the Board of Directors be covered by an insurance policy that protects us as individuals against any lawsuits due to errors or omissions? A.F., Lake Worth

Answer – The association needs hazard and liability insurance, directors and officers liability coverage and, in some cases, flood insurance. There should also be coverage for misuse of association funds. An insurance agent who specializes in community association insurance can best advise your association.

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