“Notice of Board Meetings Must Be Properly Posted,” News-Press

November 4, 2019

By: Joseph E. Adams

Q: I purchased my condominium unit last year. Am I entitled to have a copy of the agenda for regular board meetings prior to the actual meeting or at least be provided a copy upon attendance at meeting? (H.B., via e-mail)

A: Under Chapter 718 of the Florida Statutes, the Florida Condominium Act, adequate notice of all board meetings (which must include all agenda items) is required to be posted conspicuously on the condominium property at least forty-eight (48) continuous hours before the meeting, except in an emergency. Unless your condominium documents provide otherwise, board meeting notices are not required to be mailed, delivered, or electronically transmitted to the unit owners. However, written notice of a board meeting at which a nonemergency special assessment or an amendment to rules and regulations regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least fourteen (14) days before the meeting.

In addition to any of the authorized means of providing notice of a meeting of the board, the association (by way of a board adopted rule) may adopt a procedure for conspicuously posting the meeting notice and the agenda on the association’s website for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property and sending an electronic notice for the meeting (with a hyperlink to the website where the notice and agenda are posted) to the unit owners whose e-mail addresses are included in the association’s official records. However, this is not in lieu of the physical posting requirements under Florida law.

If your association operates any condominium with 150 units or more, the website posting requirement is mandatory, but still does not alleviate the physical posting requirements.
As to your right to obtain a copy of the agendas, the Florida Condominium Act provides that official records be kept, which would include notices of any board meeting, the agenda, and any other document required for the meeting. Accordingly, if you make a written request for a board meeting agenda, the agenda, as an official record, must be made available for your inspection or photocopying within 10 working days.

Q: Can members of the same family both serve on the board of directors of a homeowners’ association if they each own property in the community? (M.R., via e-mail)

A: Yes. Section 720.306(9)(a) of the Florida Homeowners’ Association Act specifically provides that all members of the association are eligible to serve on the board of directors. As such, regardless of whether a board member is related to another board member, if they are both members of the association by virtue of the fact that they own property in the association, they are eligible to serve on the board.

Additionally, the Florida Homeowners’ Association Act does not contain a prohibition on co-owners from simultaneously serving on the board. By contrast, Section 718.112(d) of the Florida Condominium Act states that co-owners of a unit may not simultaneously serve on the board, unless they own more than one unit, or unless there are not enough eligible candidates to fill all vacancies on the board.