

“Owner Feels Locked Out from Information,” News-Press

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Q: I live in Canada and own a condominium unit in Florida. I cannot travel yet to go back to Florida and my condominium board president has blocked me from sending him e-mails. What are my rights to get information about finances, planned maintenance, and minutes of meetings? (J.C., via e-mail)

A: Accounting records, minutes of all meetings, and contracts for work to be performed are official records that must be maintained by the association. These official records are open to inspection by any association member or the authorized representative of such member upon written request to the board or designated association agent. The right to inspect the official records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.

The association does not have to send records to you, nor is it customary for associations to do so. If you have a friend who lives in the area where the condominium is located, you can designate them as your representative and have them inspect official records on your behalf, in accordance with any policies the association may have in place for record inspection procedures. You could also hire an attorney to do this on your behalf.

If the condominium operated by your association has 150 or more units, and is not a timeshare, the association is also required to post digital copies of certain documents on its website, and you may be able to view records in that fashion.

There is also a procedure in the statute to make “inquiries” of the association through certified mail, and the association is obligated to respond. The board can adopt rules regarding these inquiries, including limiting them to one per month.

Remember, the directors of the association are volunteers. While they certainly agree to donate some of their free time to the operation of the association, they are not on call 24/7. The fact that the president has blocked you from sending him e-mails is indicative of some disconnect that would be in the interest of all parties to resolve. Perhaps ask for a phone call or video meeting of an agreed time duration and see if a balance can be struck as to your desire for information and the association's apparent feeling that you are asking for too much.

Q: My homeowners' association typically holds its meetings at our community pool. However, if the weather is bad the board will move the meeting to one of the directors' home. Is it permissible to hold meetings in a director's home? (G.V., via e-mail.)

A: Probably. Chapter 720 of the Florida Homeowners' Association Act, does not specify any particular location for either board or membership meetings. Some bylaws restrict meeting locations, but usually only to the state or county where the community is located.

The primary statutory requirements for meetings are that they be properly noticed, that owners have the right to attend and speak as to designated agenda items, and that owners have the right to record the meetings. Though the statute does not mandate any particular location for meetings, it does state that the meetings must be held at a location that is accessible to a disabled person if requested by a disabled person who has the right to attend the meeting.

The same basic principles apply to condominium associations, although there is no statutory requirement that meetings be held in accessible locations upon the request of a disabled person.

Joseph Adams is a Board Certified Specialist in Condominium and Planned Development Law, and an Office Managing Shareholder with Becker & Poliakoff. Please send your community association legal questions to jadams@beckerlawyers.com. Past editions of the Q&A may be viewed at floridacondohoalawblog.com.