

“Water Bills Can Be Split Equally,” News-Press

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By: Joseph E. Adams



Q: I recently purchased a condominium unit and discovered that the water bill is paid for by the association for the entire community as part of our assessments. This seems unfair because many of the owners like ourselves only stay in the unit a few months out of the year, while other units are occupied all the time. Is it legal for the condominium association to charge everyone equally for water? (L.Y., via e-mail)

A: Yes, and in fact it may be legally required, depending on the language of your condominium documents.

Many condominium developments have a single master meter for certain utilities. Section 718.115(1)(a) of the Florida Condominium Act provides that unless the allocation of expenses is otherwise addressed in the declaration of condominium, the expenses of any services required by federal, state, or local government law shall be paid by the association as a common expense. This includes fire safety equipment and water and sewer service where a master meter serves the condominium.

Therefore, unless your declaration of condominium provides for some other method of payment for the water service, the law requires that the cost of water billed to a master meter be shared as a common expense for all unit owners.

Q: We have a master property owners' association and 15 condominium associations under the umbrella of the master association. Each condominium association has its own board. Our condominium has only 8 units and it is almost impossible to get people to serve on our board. Do the term limits apply to these small condominium associations? If so, we will have no one on our board. (M.M., via e-mail)

A: Section 718.112(2)(d)2 of the Florida Condominium Act was amended effective July 1, 2018 to provide that a board member may not serve more than eight 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election, or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. I have addressed this issue in several of my columns, which are available on line. (*Agency Revisits Term Limit Issue; June 10, 2019*), (*Term Limits Continue to Cause Confusion; December 17, 2018*), (*Board Member Term Limit Law Sparks More Controversy; October 14, 2018*) and (*New Term Limit Law Not Retroactive: August 19, 2018*).

The term limit law does not apply where the number of candidates running for the board is less than or equal to the number of vacant seats that need to be filled. In such a case, and regardless of whether a current board member has already served eight 8 or more consecutive years on the board, he or she is permitted to continue running for the board. That would seem to resolve your problem./

While the law allows associations governing 10 or fewer units to “opt out” of the default “voting and election procedures” in the statute, it is not clear that this would extend to term limits. Your community may also want to investigate the concept of a “merger” of the various associations within your development.