

Cable rebates questioned by owners



Condo Q&A
Joe Adams
Guest columnist

Q: Recently our homeowners’ association negotiated a new bulk cable and internet contract. One of the new provisions of the contract is the service provider is going to pay the association over one hundred dollars for every home in the community. The money is to be paid to the association in a lump sum. Many of the owners would like to see the money applied to everyone’s assessments to offset the increase in cost under the new contract. However the Board has stated they intend to apply the money to the budget as general revenue and have not specified any designated purpose for the funds at this time. Is there a way to require the association to give the money back to the owners as a credit against their assessments? (*J.W., via e-mail*).

A: A per door fee paid by service providers in connection with an association’s execution of a long term bulk telecommunications agreement is not un-

common. Typically the service provider will pay a one-time per door amount in connection with the association’s execution of the agreement, usually the amount is paid 60 or 90 days following the commencement of the contract. While Chapter 720, the Florida Homeowners’ Association Act, Chapter 718, the Florida Condominium Act, and Chapter 719, the Florida Cooperative Act, all authorize associations to enter into bulk telecommunications contracts as a common expense of the association, the statutes do not address this issue.

Therefore, in the absence of any specific statutory restrictions on the association’s receipt of such funds, any of the amounts paid by the service provider would be income, sometimes called non-assessment revenue, to the association. While such funds would have to be properly accounted for, there is no requirement that the funds be credited back to the owners. With regard to properly accounting for the funds, the association should review this issue with its accounting professionals. In addition to properly accounting for the funds in the association’s budget, there may also be

tax consequences, given that the funds paid by the service provider are not income derived from owners’ assessments.

As such, there is no legal requirement for the association to use the funds for any particular purpose, other than for a proper common expenses of the association, there may be accounting and tax issues that the association would need to review with an appropriate accounting and tax professionals.

Q: What guidelines or suggestions do you have on crafting board meeting minutes? I would like to reduce confusion about what should and should not be entered into the minutes. (*J.A., via e-mail*).

A: The purpose of minutes is to record what was done, not what was said. A typical set of board minutes should reflect: the date, time, and place at which the meeting was called to order; the presiding officer; the establishment of a quorum, with attendees listed by name; proof of proper notice for the meeting; disposal of unapproved minutes from previous Board meetings; a brief summary of reports given to the board and a statement by whom the re-

ports were given; unfinished business; new business; and adjournment.

Whenever an item of board business is put to a vote, the person making the motion for approval of the item should be identified in the minutes, as should the name of the person who seconds the motion. The exact wording of the motion should be included in the minutes too. The points raised in debate are typically not included in the minutes. Both the Florida Condominium and the Florida Homeowners’ Association Acts require the vote of every director to be recorded in the minutes. If a board member abstains from a vote, he or she is considered to have taken no position on the matter at hand and such abstention should be noted in the minutes.

If additional documentation is recommended for legal reasons, it should either be set forth in a formal resolution or attached to the minutes.

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Osprey Grande

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er to buy the model house when it was not even for sale.

“They walked in and I told them it is not for sale, and they made me sell it to them,” said Don Vidussi, real estate broker. “They just said we will pay whatever you want for it. They have a three year lease back. They come on Christmas and the Fourth of July.”

The Walkers have been visiting Cape Coral from Omaha, Nebraska for the past 14 years. They had been looking for an existing home and never planned on purchasing a model.

“We were looking around Cape Coral. We were looking for something to buy and upgrade. At the end of the day our realtor said ‘this is a great builder,’ and he took us in there and we absolutely fell in love with it. It was exactly what we dreamed of.”

Walker said he loved everything from the front of the home to the back.

“Just walking up to it - the overall look from the outside,” Walker described. “The paver driveway and the porch just looked great and walking inside to that wide open central space. And that space opens up completely to the lanai. That is exactly what we were looking for.”

Walker and his family get to spend a week at Christmas and the week of July fourth in the house. The rest of the time the home is a model for Coral Isle Builders. The company, that finished the home earlier this year, is planning to add some updates to refresh the model for 2020. The builder plans to add a wood ceiling on the lanai, a fireplace on the lanai and an update to the landscaping.

“We always try to keep it fresh,” Vidussi said.

The model won the 2019 CCIA Builder’s Showcase Award. Vidussi hopes the new updates will spark another win.

The house begins at the entry with a dining room on one side and a den on the other. Vidussi said those rooms can be made into other things depending on what the owner wants.

“Those rooms can be something different,” Vidussi explained. “One person took the dining room and added glass doors and put two motorcycles in it.”

The model is shown with a simple den area with a table, chairs and giant clock. Across the hall the dining room has a table and four light teal chairs.

The great room has a kitchen that is separated from the family room by a giant 16 foot long island.

That kitchen counter - how phenomenal is that to have everyone around it,” Walker said.

The countertop matches the back-slash, the bathroom countertops and the countertops on the outdoor kitchen on the lanai

The family room has a couch that faces the sliding glass doors and two blue chairs facing the television. The entire 24 foot long sliding glass doors pocket into a concrete wall.



The family room flows into the lanai through sliding glass doors that pocket open to allow the entire wall to disappear.
PHOTOS BY ANDREA STETSON

“That space opens up completely to the lanai,” Walker exclaimed. “That is exactly what we were looking for. When I stepped foot on the patio looking at the pool and the bar, there was no more negotiating. I knew this is it.”

The lanai also has a small putting green, sitting area, dining area and outdoor kitchen. But Walker knows it is the sunken pool bar that makes the house special.

“It is like a resort,” he said. “That is exactly the feel.”

The house also has a small wine area and three bedrooms. The master suite has sliders to that lead to the lanai. One of the walk in closets has a glass ceiling that looks into the attic where a thermometer shows that the Styrofoam insulation keeps the attic temperature at 70 degrees.

On the other side of the home, one guest room shares a bathroom with the home. The other guest suite is connected to the pool bathroom. This guest room has a day bed that pulls out to a queen sized bed.

The three bedroom, three bathroom, three car garage home spans 2,104 square feet under air and a total of 3,449 square feet pf living space.

“To build one turnkey on your lot is \$314,900,” Vidussi said.

The pool is \$105,000 more and the home has an additional \$75,000 in options such as the upgraded flooring and the countertops.

Vidussi said Coral Isle Builders has the distinction of doing most of the work themselves. They contract out for electric, plumbing, air conditioning and landscaping, but everything else including the pool and the concrete is done by the builder.



The home’s swimming pool, which features a swim-up bar and sunken spa, was a major selling point for buyers Jason and Kori Walker.