

## Workshops Offer Chance at Ongoing Education

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For those interested in keeping up on the latest information and increasing their knowledge about community association living, a couple of free programs are being offered in the Fort Myers area.

The South Gulfcoast Chapter of Community Associations Institute (CAI) will be hosting its annual Trade Expo on Thursday, February 5, 2004, at the Seven Lakes Condominium Auditorium.

Seven Lakes is located on U.S. 41, across from the Bell Tower Mall. The purpose of the Trade Expo is two-fold. First, local vendors can hawk their wares. Over forty exhibitors have obtained booths. Service providers such as banks, management groups, accounting firms, engineering firms, insurance agencies, law offices, security providers, painters, and contractors are typical exhibitors.

At 9:00 a.m., local insurance agents Oswald Trippe & Company, Inc. will provide a two hour continuing education seminar for CAM licensed managers, community association boards of directors and interested association homeowners regarding issues in event of a hurricane here in Lee, Collier and Charlotte counties.

Also at 9:00 a.m., the State of Florida's Department of Business & Professional Regulation in conjunction with CAI will conduct a two hour seminar on "Condo Operations." This seminar focuses on the core responsibilities of community associations. I will teach this seminar.

At noon, a "CAM Manager Deregulation Forum" will be conducted with CAI representatives Bill White and Richard DeBoest. Also, on the panel will be Fort Myers Manager Mark Benson of Benson's, Inc., Reginald Billups, Chairman of the Regulatory Council of Community Association Managers, and Mary Foley-Healy CAI's Vice President of Government & Public Affairs.

Exhibitors at the Expo will open their booths at 10:00 a.m. The Expo will conclude at 3:30 p.m. Admission is free. Reservations are not required.

### Case Review

The Law Firm of Becker & Poliakoff will also be presenting a free program involving condominium, cooperative, and homeowners' association law. The program will be held on Saturday, February 7, 2004 at the Barbara B. Mann Performing Arts Center. The seminar runs from 8:30 a.m. until noon and is certified for continuing education credits for community association managers by the State of Florida. Members of the public are welcome to attend. Topics that will be presented include review of recent court cases affecting community associations, legislative changes made during the past year, and a presentation focusing on drafting workable documents for your community, including the amendment process and practical enforcement tips.

Over the years, I have heard many community association board members and managers express a desire for greater access to educational opportunities. Here's your chance for two programs in the same week. ☺

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*Mr. Adams concentrates his practice on the law of community association law, primarily representing condominium, co-operative, and homeowners' associations and country clubs. Mr. Adams has represented more than 600 community associations and serves as managing shareholder of the Firm's Naples and Ft. Myers offices.*

*Send questions to Joe Adams by e-mail to [jadams@becker-poliakoff.com](mailto:jadams@becker-poliakoff.com) This column is not a substitute for consultation with legal counsel. Past editions of this column may be viewed at [www.becker-poliakoff.com](http://www.becker-poliakoff.com).*

# Quorum is Magic Threshold for Sunshine Law

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**QUESTION:** Would you clarify the sunshine law for me? It states that two or more members of the board of directors cannot meet and discuss an issue that eventually may come to a vote, correct? K.F. (via e-mail)

**ANSWER:** You have it partially right. The Florida Condominium Act requires that any official business be conducted in the open. What that means is that any time a quorum of the board of directors meets to discuss association business, that meeting must be properly noticed and open to the membership. Therefore, if your board of directors has only three members, then you are correct. If your board of directors is five, then two directors may meet and discuss association business, but three may not. The same concepts apply to homeowners' associations.

**QUESTION:** Since leaving my condo board, I have been trying to keep abreast of association affairs. Our management company insists on charging me twenty-five cents per page plus postage for sending me copies of minutes and monthly financial statements. Is this allowed? B.H. (via e-mail)

**ANSWER:** As a member of a condominium association, you have a right to view and access all official association records. The association's agreement to mail you the minutes is more than the law requires. This includes meeting minutes and financial statements. Nevertheless, the association has a right to charge a reasonable fee for photocopying and postage. Twenty-five cents a page is within the limits of what I would consider to be reasonable.

**QUESTION:** I am on the board of a condominium. We are currently reviewing our pet rule and I wish to know whether we should ban dogs based on breed, weight, and size, or if we should create a rule regarding pets on a case-by-case basis. What is your advice? L.W. (via e-mail)

**ANSWER:** Many communities choose to ban animals of a certain breed (for example, pit bulls) or have

a maximum size and weight restriction. Other communities choose to allow all animals provided that they do not constitute a "nuisance" to other residents. Most communities have a rule which is hybrid of these two schools of thought. There are conflicting opinions on whether certain animal breeds are truly inherently more dangerous than others, and some communities choose to err on the side of caution. Other communities are concerned not so much with safety, but with the annoyance that a neighbor's dog can cause (for example, incessant barking). When drafting your rule, you should be certain to address your community's key concerns, but be careful not to create more problems than you already had. For example, I have heard it said that some small dog breeds tend to be the kind that bark on a constant basis, thus causing more annoyance to neighbors than a large dog. But then again, a twelve-pound Pekinese is unlikely to cause any serious injury to one of your residents should it get out of control.

**QUESTION:** Our condominium rules were drawn up when our association was built in 1972. Should we revise them? I.G. (via e-mail)

**ANSWER:** Developer-drafted documents rarely consider the day-to-day operation of an owner-controlled condominium community. For that reason, no matter how recently your documents were drafted, it is my advice that associations consider amending and restating their condominium documents after turnover. With documents as old as yours, you should be aware that the Florida Condominium Act has been amended, revised, and updated numerous times in the past 32 years. As such, your documents may not only be less effective than they can be, but they may actually contain provisions which are illegal under the current laws. For example, in 1972 it was perfectly acceptable for a condominium association to exclude people with children from purchasing a unit in the building. That kind of provision would constitute unlawful discrimination today. ⚖️