



Condominium Law Q&A

APRIL 11, 2006

Gary A. Poliakoff, JD

gpoliakoff@becker-poliakoff.com

TEL: 954.987.7550

FAX: 239.433.5933

Question – I live in a condominium complex where the documents state that the only type of hurricane shutters allowed are the accordion type, which are permanently attached to the building. My question is: When the National Hurricane Center issues an alert that a storm is coming through our area, can we be prevented from temporarily using alternate means to protect our apartments, i.e. aluminum panels or plywood. All will be removed after the storm passes. T.S., Stuart

Answer – The Condominium Act was amended a number of years ago to give every unit owner the right to install hurricane shutters regardless of any regulation to the contrary which might be contained within the condominium documents. In doing so, the board was given a mandate to adopt hurricane shutter specifications for each building within each condominium operated by the association, which include color, style and other factors deemed relevant by the board. Accordingly, I am of the opinion that the board can preclude temporary non-code complying devices. That said, why wait? There is a definite certainty that, at some point, you will need hurricane protection, so determine what is permitted and have shutters installed. Better yet, the entire condominium should make shutters mandatory by a vote of a majority of the unit owners, and have the association install them on every unit.

Question – When the board adopts a rule or regulation at a board meeting, is there any special process which must be followed? E.S., New Smyrna Beach

Answer – As a general rule, when the board meets, notice of the board meeting must be conspicuously posted on the condominium property at least 48 continuous hours preceding the meeting. In addition, the members of the board must be given notice in accordance with the articles and bylaws, which notice generally requires 3 day advanced written notice. If the association has a closed circuit, dedicated television channel, the notice of the board meeting, in lieu of posting, can be broadcast over the closed circuit channel, provided it is broadcast at least four times every broadcast hour of each day that a posted notice is required. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. There are a couple of special circumstances when greater notice must be given. They are, when the board will consider a non-emergency special assessment or when the board will consider an amendment to rules regarding the use of a unit. The notice must be mailed, hand delivered or electronically transmitted to the unit owners and conspicuously posted on the condominium property not less than 14 days prior to the meeting.

Question – Do unit owners have the right to speak at meetings of the board? L.L., Fort Pierce

Answer – In a condominium, every unit owner has the right to be notified of the meeting, attend the

meeting, and speak at the meeting with reference to all designated agenda items. Each owner must be allowed to speak for a minimum of three (3) minutes on each agenda item. In the case of a homeowners association, while the members are entitled to be given notice of the board meeting, the law does not specifically grant the members the right to speak at the board meeting. Personally I feel every unit owner, be it a condominium, cooperative or homeowners association, should be given the opportunity to speak at every board meeting on both agenda items and other association business. The board can and should adopt reasonable rules governing both the allotted time and when the unit owners can speak. ■

Gary A. Poliakoff is a founding principal of [Becker & Poliakoff, P.A.](#) and has served as its President since the inception of the Firm. He is on the Board of Governors of the Shepard Broad Law Center of Nova Southeastern University where he is an Adjunct Professor, teaching Condominium Law and Practice.

Mr. Poliakoff is co-author of [Florida Condominium Law and Practice](#), [The Florida Bar Continuing Legal Education](#), 1982, and author of a national treatise, [The Law of Condominium Operations](#), West Group, 1988. Mr. Poliakoff can be contacted by emailing gpoliakoff@becker-poliakoff.com.