

# Frequently Asked Questions

## *What is the Office of Neighborhood Relations?*

The Office of Neighborhood Relations was created by the Board of County Commissioner to help neighborhoods obtain or improve county services. The office acts as a liaison between neighborhood associations and County departments. Staff can take requests and route them to appropriate personnel in another department and follow up on the county's responsiveness.

The Office of Neighborhood Relations offers technical assistance to associations on organizing or revitalizing their neighborhood organizations. The office also administers several mini-grant programs including the neighborhood mini-grant, clean-up grant, low-volume irrigation grant, and tree planting grant. In addition, the office oversees the Neighborhood Recognitions Awards programs, Homeowners Association Board Training, Disaster Preparedness at the Neighborhood Level, Government Leadership University (GLU) and the Annual Hillsborough County Neighborhoods Conference.

## *Why Start a Neighborhood Association?*

Neighborhoods usually organize to: build a sense of community among neighbors; address a particular issue of the neighborhood; provide the neighborhood with an effective communication link with government officials and other influential groups; and empower residents to work together in improving their neighborhood. Organizing a neighborhood brings people together to form a collective, united voice. A well-organized group of people can be a powerful and influential force.

## *Are there requirements on the formal structure of neighborhood associations?*

No. However, the Office of Neighborhood Relations does encourage neighborhood associations to develop an organizational structure that works for them. Some options for neighborhood associations to consider include:

## *What is a neighborhood association?*

A neighborhood association is a group of homeowners in a particular neighborhood who meet occasionally to address the needs of their community. Neighborhood associations help build relationships with your neighbors, create an organized and unified voice, and organize residents for neighborhood improvement. Members can include homeowners, renter, and businesses in a defined area. The issues of a neighborhood association are typically broad based.

## *What is a homeowner's association?*

This type of association includes lot owners who join together for the benefit of their subdivision or neighborhood. There are two types of associations: 1) voluntary, and: 2) mandatory. A voluntary association means owners do not have to be a member of the association and the association does not have the authority to force lot owners to do anything. A mandatory homeowners association means that owners automatically belong to the association by virtue of

their property deed and must pay dues. These associations have the authority to enforce rules and regulations and may be able to place liens against an owner's property if the owner is not paying dues.

Homeowners associations are not-for-profit corporations registered with the State of Florida Department of State and managed by a duly elected Board of Directors. Their purpose is to maintain all common areas and to govern the community in accordance with the provision of the legal documents: covenants, conditions and restrictions (CC&R's), bylaws, and articles of incorporation.

## **General Questions**

### ***How can citizens start a neighborhood organization or association?***

The first step is to determine your purpose, what you hope to accomplish as a group. Another early decision is defining your neighborhood boundaries. Establish a core group of three to five concerned citizens. Informally meet to shape the initial organizing thrust of the neighborhood organization. Appoint individuals or committees to research and recommend organizational structure, including possible bylaws, incorporation and tax exempt status. Discuss goals, projects, and concerns. Identify other potential leaders in the neighborhood. To obtain assistance with the early stages of neighborhood organizing contact the Office of Neighborhood Relations at 272-5860.

### ***How do we determine our neighborhood boundaries?***

First look at the natural (e.g. lake) or manmade boundaries (e.g. major transportation corridor) and use a logical perspective. These boundaries can form a coherent neighborhood area. Often, there is already a sense of what is considered your neighborhood. Draw some preliminary boundaries and ask for feedback from others.

### ***How do I register my neighborhood organization or homeowners' association with Hillsborough County to receive information on grant programs and rezoning?***

Registering your association with the Hillsborough County Office of Neighborhood Relations allows your organization to receive important grant notices, newsletters, and other useful information. You must obtain and submit a registration form via one of the following sources; fax, mail, or internet. The internet online submission can be found at [http://www.hillsboroughcounty.org/mail/association\\_form.html](http://www.hillsboroughcounty.org/mail/association_form.html). Or you can mail or fax to (813) 276-2621:

Office of Neighborhood Relations  
601 E. Kennedy Blvd., 1st Floor  
Tampa, Florida 33602-1110  
Telephone: (813) 272-5860

Fax: (813) 276-2621  
Visit the Office of Neighborhood Relations online at  
<http://www.hillsboroughcounty.org/onr>

***How can we arrange to get notices when a developer wants to put a new development near our neighborhood?***

Your Board of County Commissioners adopted a Neighborhood Bill of Rights that allows neighborhood and civic associations to register to be notified of applications for rezonings or permit modifications for properties within 1 mile of the association neighborhood. This registration is different from the one discussed above. It requires a hard copy application, a map of the neighborhood, a contact person and a copy of your by-laws. Once you are on the registry, any developer or property owner applying to change the use category of their property is required to send the association a letter notifying you of the requested change. To download or print that application along with instructions on how the hearing process works, go to <http://www.hillsboroughcounty.org/onr/NEIGHBORHOODS.PDF>.

Or, you can see all development applications scheduled for hearings by going to the Planning & Growth Management website at <http://www.hillsboroughcounty.org/pgm/zoning/>

***How can I verify the existence of a homeowners' association or neighborhood organizations in Hillsborough County?***

For incorporated homeowners' associations, you can research the Florida Division of Corporations on the web or contact the Hillsborough County Clerk of the Circuit Court. For a list of homeowners' associations (incorporated and non-incorporated) and neighborhood organizations, you can contact the Office of Neighborhood Relations at 272-5860. However, not all associations are listed with Neighborhood Relations, since the listing is voluntary.

***What can I do if a neighbor starts using my property?***

If a neighbor starts to build on what you think is your property, talk to the neighbor immediately. When one person uses another's land for a long enough time, he can gain a legal right to continue to do so and, in some circumstances, gain ownership of the property.

If your neighbor is hostile and insists on proceeding, state that you will sue if necessary. Then send a firm letter -- or have a lawyer send one on his or her letterhead. If the building doesn't stop, have a lawyer get a judge's order to temporarily stop the building while you file a civil suit.

***How high can I build a fence on my property?***

In residential areas, the County ordinance restricts backyard fences to a height of six feet. In front yards, the limit is four feet. A homeowners' association may have further restrictions, such as no front yard fencing or limiting the type of materials that can be used.

***My neighbor's fence is falling apart. Can I do anything about it?***

Residential fencing must be constructed and maintained in a sound and sturdy manner. Fences cannot create a potential danger to passers-by or have gaps that would allow pets to escape. If you believe your neighbor's fence violates one of these requirements, you may call Code Enforcement at (813) 744-5559 or visit <http://www.hillsboroughcounty.org/hcce/> and ask them to inspect the fence.

***The fence on the line between my land and my neighbor's is in bad shape. Can I fix it or tear it down?***

That depends on who installed and paid for the fence, and what agreement there might have been between neighbors at the time of installation. If the fence is truly on the boundary line, and no other agreement has been made, it belongs to both owners, you and your neighbor. Both of you are responsible for keeping the fence in good repair, and neither may remove it without the other's permission.

***How should I approach my neighbor about a noise problem?***

Approach the Neighbor. If others are bothered by the noise as well, you might approach as a group. If complaining directly to your neighbor doesn't work, go to [www.epchc.org](http://www.epchc.org) to look at the local noise ordinance. Click on Enabling Act & Rules on the left hand side, and then go to Chapter 1-10 for the rules. If you believe the neighbor is violating the ordinance, you could provide a copy to the neighbor and advise that if it doesn't stop, you will call the Environmental Protection Commission (EPC) to register your complaint and request an investigation. If the noise continues, call the EPC at (813) 272-5960. Be sure to provide details on the problem, including the dates and times of the noise.

***Can I trim the branches of the neighbor's tree that hang over my yard?***

You have the legal right to trim tree branches up to the property line. But you may not go onto the neighbor's property or destroy the tree itself.

***Most of a big oak tree hangs over my yard, but the trunk is on the neighbor's property. Who owns the tree?***

Your neighbor owns the tree. It is accepted law that a tree whose trunk stands wholly on the land of one person belongs to that person.

If the trunk stands partly on the land of two or more people, it is called a boundary tree, and in most cases it belongs to all the property owners. All the owners are responsible for caring for the tree, and one co-owner may not remove a healthy tree without the other owners' permission.

***My neighbor dug up his yard, and in the process killed a tree that's just on my side of the property line. Am I entitled to compensation for the tree?***

Yes. Someone who cuts down, removes or harms a tree without permission owes the tree's owner money to compensate for the harm done.

***My neighbor's tree looks like it's going to fall on my house any day now. What should I do?***

You can trim back branches to your property line, but if you think that is not sufficient, talk to the owner of the property where the tree is. You can explain that he/she would be responsible for any damage to your property that might occur if the tree falls. As a last resort you can take the neighbor to court on the basis that that the dangerous tree is a nuisance because it interferes with your use and enjoyment of your property, but you will have to prove that there is a real potential danger.

***What is the difference between becoming incorporated and becoming a tax-exempt 501(c)3 organization?***

Legally incorporating recognizes that the organization exists for a specific purpose and carries out certain functions. A corporation is registered when articles of incorporation are filed with the Florida Division of Corporations.

501(c)3 is an Internal Revenue Code that represents a nonprofit organization. A nonprofit organization can be a charitable, religious, educational, scientific, literary, etc. The organization should meet the requirements of 501(c)3 and it can apply for tax exempt status at both the federal and state level, allowing donors to claim any contributions on their income taxes. Qualifying under the tax code is time consuming and difficult, and carries with it certain annual reporting requirements. It is not a necessary step unless you are planning to do a lot of voluntary fund raising.

***We have a problem with on street parking in our neighborhood. What is allowable in Hillsborough County?***

On street parking is allowed as long as certain parameters are met these include:

1. No parking in front of a public or private driveway.
2. No parking within 15' of a fire hydrant.
3. No parking within 20' of a crosswalk at an intersection.
4. No parking within 30' upon the approach to any flashing signal, stop sign, or a traffic control signal.
5. Parked vehicles must be facing the direction of traffic flow and be within 12" of the curb or pavement edge.

These laws are enforceable by the Sheriff's Office. If you notice a consistent problem contact the Sheriff's Office and find the Community Resource Deputy (CRD) in your area.

***How can I get speed humps on my street?***

Hillsborough County was given the authority by the State in 1995 to lower the residential speed limit to 25 MPH in subdivisions (the State Statute speed limit for residential or business districts is 30 MPH). The county can not post 15 MPH on any road except for specific school zones.

The Hillsborough County Residential Traffic Control Program (RTC) is available for residents where speeding concerns exists. They can assist residents in identifying alternative methods of traffic calming including the installation of speed humps/bumps. For information on this program contact the Traffic Engineering Section (Wayne Kirby or Shirley Saxon) at 307-1796.

***How can my subdivision get reclaimed water?***

Reclaimed water in Northwest and South/Central Hillsborough County is presently fully committed. Property owners inquiring on placement of their community on the reclaimed water waiting list should contact Randy Sears, 272-5977, ext. 2108. Hillsborough County staff will

work with Homeowner Association representatives to evaluate the project feasibility. If a community has been identified as a feasible reclaimed water project, the community will be placed on the waiting list and be notified when reclaimed water becomes available. Each residential reclaimed water customer (with a service connection of 1-inch or smaller) is currently charged a flat monthly user rate. The current rate is \$9.00 per month, based on the 2001 Rate Resolution.

### ***How can I find out what the codes are governing Hillsborough County?***

Hillsborough County's Minimum Housing Code was established to ensure that county residents have safe and healthy places to live. Code Enforcement inspects housing units to make certain they meet the standards of the Minimum Housing Code. Structures that present a danger to the occupant or to the community may also be condemned and demolished in the interest of Public safety.

Code Enforcement also handles complaints concerning nuisance conditions such as inoperable vehicles, rat infestation, trash on lots, and high weeds and grass on vacant lots.

Code Enforcement is also responsible for the enforcement of the provisions of the Hillsborough County Land Development Code, which regulates the use of private property (zoning), signs and adult uses.

Hillsborough County Ordinance No. 96-2, also known as the Hillsborough County Minimum Housing Code, was developed to set standards for the public safety and to provide for the health and general welfare of the residents of unincorporated Hillsborough County. The ordinance spells out the minimum requirements that all dwellings in the unincorporated county must meet. The complete ordinance can be found at

[http://www.hillsboroughcounty.org/hcce/code\\_enforcement/minstdsord962.pdf](http://www.hillsboroughcounty.org/hcce/code_enforcement/minstdsord962.pdf)

To file a complaint, you can call Code Enforcement at (813) 744-5557 or online at

<http://www.hillsboroughcounty.org/hcce/>

### ***How can we stop all this development going on around us?***

Development is regulated by the Land Development Code, which is administered by Hillsborough County's Planning & Growth Management Department (PGMD), and the Comprehensive Plan, regulated by the Planning Commission.

Zoning regulations dictate the type and location of businesses and housing throughout the County. Commercial sites are assigned a specific zone which allows a commercial land use category generally based on level of intensity. Residential zones dictate the number of dwellings allowed for a particular property size and the placement of dwellings and other structures on the property.

If a property is already zoned for a certain type of development, that development can proceed. If the property needs to be rezoned to be developed, there is an opportunity for citizens to have a say about the application. To be approved, a rezoning must comply with the guidelines of the Comprehensive Plan and be consistent with the surrounding area.

Your association can apply to be placed on the *Registry of Neighborhood Organizations and Civic Associations* to be notified of applications for rezonings within a mile of your neighborhood. You can download or just print the application package from <http://www.hillsboroughcounty.org/onr/NEIGHBORHOODS.PDF>. You can also check the PGMD website to see the latest applications at <http://www.hillsboroughcounty.org/pgm/zoning/zoning.cfm>

Large yellow public notice signs are posted giving information on land use hearings. You can take the case number from the sign and call the PGMD Neighborhood Liaison, at 276-2058, for detailed information on an application.

***What can be done about all the illegal signs on our roadways?***

Signs must comply with the size, placement and permitting requirements as described in the Land Development Code. The Code Enforcement Officers may remove signs that are found on the right of ways; signs illegally placed on private property will be prosecuted through the Code Enforcement Board. You can view and search [The Land Development Code](http://livepublish.municode.com/5/lpext.dll/?f=templates&fn=altmain-nf.htm&vid=12399&2.0) at <http://livepublish.municode.com/5/lpext.dll/?f=templates&fn=altmain-nf.htm&vid=12399&2.0>. If you think a sign does not comply with the Code, you can request an inspection by calling (813) 744-5557.

***Can we get the County to install some additional street lights in our neighborhood?***

Tampa Electric Company installs street lights and replaces bulbs when lights burn out. You can reach them at 223-0800 or [www.tampaelectric.com](http://www.tampaelectric.com). To report a light out, you will need to have the ten digit number from the pole, or the exact location.

***We want to close our road for a Saturday neighborhood festival. Do we need permission to do that?***

Yes, you need to coordinate the closure through the County's Right-of-Way Management Office. Their telephone number is 272-6500 and their fax is 274-6565. They will make sure it's done safely and that traffic is properly diverted.

***How do we get a sidewalk down our street?***

Sidewalk requests are taken by the Public Works Department at 307-1852. Ask them for the Sidewalk Handbook. Sidewalks require a right of way survey, community meetings, and an analysis of need and impact. From request to completion, the process normally takes several years.

***We want to gate our subdivision. What do we have to do to get permission?***

## **Questions from Mandatory Homeowners Associations**

### ***What's the difference between deed restrictions, articles of incorporation and bylaws?***

Articles of incorporation are the documents required to be filed with the Florida Department of State for your association to be recognized as a legal entity with the right to carry out your business and enforce your deed restrictions.

Bylaws are the guidelines for the operation of the non-profit corporation (i.e. homeowners association). The bylaws define the duties of the various offices of the Board of Directors, the terms of the Directors, the membership's voting rights, required meetings and notices of meetings, and the principal office of the association, as well as other specific items that are necessary to run the association as a business.

Deed restrictions, officially referred to as the Covenants, Conditions and Restrictions (CC&R's) are the governing legal documents that set up the guidelines for the protection of the properties, property values and attractiveness of the community. The CC&R's are recorded by the Hillsborough County Clerk of Courts Office and are included in the title to your property. Failure to abide by the CC&R's may result in a fine to a homeowner by the Association. The restrictions "run with the land"; that is, when you sell your home, the restrictions will apply to the new owner.

### ***Our deeds/CC&Rs expired. How do we get them reinstated?***

In general CC&R's expire after 30 years. To reinstate the CC&R's for your association a **majority of property owners must vote for reinstatement**. There is a very specific procedure spelled out in statute, which requires approval by the Department of Community Affairs. If the CC&R's are reinstated they will then need to be re-registered with the Hillsborough County Clerk of Courts office. Once the CC&R's are registered with the Clerk of Courts office they can then be enforced by the association.

### ***Will the County enforce our CC&Rs?***

Hillsborough County will not enforce CC&R's. At present neither the State of Florida nor Hillsborough County have offices established to enforce CC&R's due to the high cost that would be passed onto taxpayers. It is the responsibility of the board of directors for a mandatory homeowners association to enforce CC&R's using fines against a resident who is found to be in violation. If the fines can not be collected and/or the violations persist, the board of directors can then use the County court system to recover back due fines. A lien may also be placed on a property that has not been in compliance with the established CC&R's and that has not paid dues or fines.

### ***I don't remember joining a homeowners association; do you think I'm a member?***

The deed restrictions that apply to all of the lots in your subdivision state that by accepting a deed to property, all lot owners become members of the association. You did not need to "join"

to become a member. You will be a member for as long as you own your home, and when you sell it, the person who buys from you will become a member.

***I was not told that there are deed restrictions when I purchased my home. Do I have to abide by them even though I wouldn't have bought here if I had known about the restrictions?***

Unfortunately, we hear this more frequently than we like. And unfortunately again, you do have to conform to the restrictions. However, if you were misled by a developer, you can sue for damages at any time from the time of closing until one year after the latter of the issuance of a certificate of occupancy or completion of the common areas, but not more than five years from closing.

The seller, the realtor and the title company all have an obligation to advise of the restrictions, and the title company now must have a buyer sign a form stating that he/she has received and read the CC&Rs.

***My house is in the name of both my spouse and me. Are we both members?***

Yes. However, all assessments and costs of being in the association, and all voting rights, are determined by lot, not by member, so a lot that is owned by 5 members, for example, will not pay any more, or have more votes in the association, than a lot owned by 1 member.

***Do I have a vote in how and what the Association does?***

Yes. Once the association is turned over by the developer, you and your neighbors control the association, and each lot has one vote in all matters submitted to the association for a vote.

***How are the annual mandatory homeowners/condominium association dues determined, and where does the money go?***

The dues you pay are determined according to what the actual costs of running the association are expected to be. The association estimates what the total costs of taking care of all association responsibilities will be, and then that number is divided by the number of lots in the subdivision. Dues are collected periodically, and they include the estimated costs of maintaining the common areas (lawn, landscaping, and pond maintenance, etc.), utilities if applicable, taxes, insurance, and management fees (if applicable). There is also a reserve budget for the occasional expenses like roof replacement on the clubhouse, pool refinishing, etc. The Board of Directors of your association have a legal duty to create a budget that will cover the needs of the community. There are State regulations that obligate them to collect enough to meet their duties, but not so much that they have large sums left at the end of the year.

***What happens to people who don't pay their dues?***

The homeowners association has the right to fine or file a lien against the home of a person who does not pay his/her dues. That lien can be foreclosed and all of the attorney and court costs have to be paid by the person who didn't pay the dues in the first place.

***Our HOA is no longer willing to pay for upkeep of community infrastructure (streets, sidewalks, street lights, and common areas). Will the county take responsibility of our commonly shared streets, sidewalks, street lights, and common areas?***

Most HOA's were created for the purpose of maintaining common property under agreements between the county and developers. HOA's are fully responsible for the upkeep of private community infrastructure. Hillsborough County will not, under any circumstance, take over responsibility of infrastructure on privately owned property in a community. If the association Board will not execute their responsibilities, or if no members are willing to serve on the Board, the courts will appoint a custodian or receiver. This person will be paid from association funds to administer the duties of the association.

***What is the best way to handle a resident that is violating deed restrictions?***

First, you need a procedure, and you need to apply it consistently and fairly. The majority of violations will be remedied if the owner receives a letter notifying him of the violation. For those who don't come into compliance, keep applying your adopted procedure. Document all you do. Take photos or videotape. If you waive a rule, document the special circumstances explaining why it was waived for the particular household. Generally, if you get all the way to court, you have tried everything else. However, judges have never been anxious to put people out of their homes, and the 2004 Legislature passed amendments to 720 FS that prohibits foreclosure of a home for fines.

***Our Homeowners Association Board of Directors is not complying with its own articles of incorporation and by-laws. How should I handle the situation?***

If the board of directors is not complying with its own articles of incorporation, declarations or by-laws, you should bring this to their attention. If your request is not responded to, write a letter. Keep copies of any letters that you send, and notes of telephone conversations (date, time, who called whom, and gist of the discussion) in case the matter is not quickly resolved.

If your problem is one that affects others, get all the affected people together to pressure the Board. If you are still not successful you can elect new directors at the next annual meeting.

***Where do we go to find legal expertise related to Homeowners Associations?***

It is a good idea to select someone with experience in handling HOA problems. You could begin looking for an attorney by talking with members in other HOA's and with attorneys in other specialty areas. You can also contact the local Bar Association (813)221-7777 or the Community Association Institute at (727)345-0165 for referrals.

***Is there a state agency where a complaint can be filed against a homeowners association for not following state statutes?***

There is not a state agency to register your complaints. Your only protection is to file a complaint with the court system. However if you are a resident of a condominium you can **file a complaint** (where) when the board fails to comply with the Condominium Act.

***Our association board does not enforce the restrictions and covenants because they are afraid of legal fees. What should we do?***

You must try to communicate to the board that they have a fiduciary duty to the members. That duty is a statutory requirement that the directors maintain the common areas and the association. When they fail to maintain the common areas, they are in violation and can be sued.

***Who reports violations of our rules and regulations and how, and who is responsible for enforcing them? I observe violations, but I feel odd reporting them. Should we try to get a committee to walk the property regularly?***

Rule enforcement is a responsibility of the board of directors. Sometimes a committee of homeowners is appointed to make inspections and turn written reports over to the board for enforcement. The board should create a printed form owners can use to report problems. Procedures should be uniform. The policies should be communicated to the owners, and there should be a mechanism for feedback. To maintain the community, the rules enforcement policy must be strictly enforced. Failure to enforce any particular restriction can result in not being able to enforce any other restriction if the issue ever goes to court.

ONR has samples of letters notifying residents of observed violations, which we will share on request.

If there are restrictions that are not being enforced because of a change in community values or perceptions, then it would be a good idea to discuss changing those restrictions in the manner defined in your bylaws.

***The board of directors of a homeowners association would like to address the collection of past-due maintenance fees using or hiring a collection company. Can we hire a collection agency to recover back dues?***

Yes. However, if you use a collection agency, you will pay a fee that will reduce the funds collected. Most HOA documents allow the use of lien and foreclosure actions and any legal costs to be recovered. You can take the home away from the owners by foreclosing on the lien. Homestead exemption is not a protection from this power.

Use your attorney for collections. Have him/her file a lien and foreclosure. Any legal costs will be added to the amount owed by the owner. The message is strong and after you enforce your collections powers, most owners will get the word and begin paying on time.

***Our homeowners association has a lack of homeowner interest. We have committees where the members do not attend or participate. Our committees are part of the violations and operations process but due to the inconsistency of their quorum, many residents are getting away with violations. If the lack of interest is so low can the board members step in?***

The board is responsible for the operations of the association. There is only one exception where the board members cannot be a committee member. That is the fining committee (FS 720.305), which requires three independent members. All other committee positions can be held by board members. If you cannot get members to volunteer to sit on the fining committee, then refer all noncompliance to your attorney to enforce the rules.

***I want a subject placed on the ballot at the board of directors' annual meeting of the homeowners association. What is the procedure? Can a resident make this request?***

You must put your request in writing and submit it to the board. The board must process the request in a board meeting for approval to be added to the agenda and placed on the ballot. The board will review the proposed change to determine if it can be approved by the board at a board meeting rather than having the members vote on the issue.

***Is it legal for a man and his wife to be on the board, which consists of three people? Our bylaws say that each parcel shall be entitled to one vote.***

There is no state limitation on qualifications to serve as a director when it comes to husband and wife, or any other type of relationship. If there are limitations, they would be in the documents of the association. If they were elected as directors, each would have a vote at board meetings but only one vote at annual meetings.

***Our board meets quite often with the property manager in his office to discuss various issues. One of the board members has stated that these meetings are illegal, unless residents are invited to participate. Even though the board is not voting when they meet with the manager, must the meeting be open to the homeowners?***

Florida law specifically states that a meeting of the board of directors occurs whenever a quorum of the board gathers to conduct association business. Since a quorum of the board is meeting with the manager to discuss association business, it is considered an official meeting. All meetings of the board must be open to all members, except meetings between the board and its attorney with respect to proposed or pending litigation. You can find the law on this topic at Chapter 720.303 of the Florida Statutes.

***Are boards permitted to have workshop meetings without notice and attendance by homeowners' owners?***

The laws for homeowner associations and condominiums require that any meeting at which a quorum of directors gather to discuss association business is considered a meeting of the board of directors. As such, a minimum of 48 hours notice is required. The meeting is open to the members and minutes must be recorded. There is no provision in the statutes for workshops, so unless the workshop is unrelated to association business, it should probably be considered a meeting.

***We are a small homeowners association in the process of electing officers to fill upcoming vacancies on our board. If no one volunteers to serve and a board is not established, we understand the state of Florida takes over the management. Is that correct?***

There is no state agency to take over associations. Any owner can petition the courts to appoint a receiver. The receiver's duties would be to operate the association as the board of directors under the guidance of the courts. Not only would the association be responsible to pay court costs, they would also be responsible to pay the fee for the receiver along with the normal operating expenses. Receivers are usually highly skilled and have much experience operating associations. As such, their fees are high. With ongoing legal fees and court costs, fees will multiply many

times over. In short, you do not want to have a receiver appointed to find that your fees have substantially increased. You may want to bring in a management company to do most of the work and assist your board in your operations. While the management company cannot replace the board, they can help with the operations and free the board members from the daily activities.

***Must our association hold an annual Homeowners' Meeting?***

Yes, Florida Statute 720 requires that an annual meeting of the association's members be held. Information about that meeting is part of the annual report to the Florida Department of State.

***What does a "management company" do?***

A management company is contracted by the Board of Directors to provide such services as: collection of assessments, supervision of subcontractors, obtaining bids for subcontracted services, providing financial statements and collection reports, as well as a general clearing house for problem solving, communications with homeowners and the Board of Directors and to serve in an advisory capacity. The management company reports directly to the Board and all decisions are made by a majority vote of the Board of Directors. Property management companies do not have to be certified, but their property managers do.