

Rob Samouce: What Owner Information Can Be Included In A Community Phone Directory?

We find that most local condominium and homeowners associations like to put together building/community directories both in print and electronic form so that owners can more easily contact neighbors either when they are in town or when they're away in the offseason or on vacation.

However, we also see that a few people sometimes abuse such directories by either using them as a personal advertising tool or by giving a copy of the directory to a friend, who may use it for soliciting or pass it on to others who will do so. As a result of some of these abuses, the Florida Statutes concerning community directories has evolved over the past few years in order to attempt to protect the privacy rights of owners.

With the new statutory provisions, not much information can go into a community directory without first obtaining written approval of each owner to be listed in the directory. Without the owners written consent, only the following information as to each home or unit can go in a community directory. The name, parcel address, and all telephone numbers the association has on the owner (this would include cell phone number and up north phone numbers).

If an owner does not want one or more of the owner's telephone numbers published, the owner can request in writing to the association to not list the owner's phone number(s).

As to any other information that the association may want to put in a building/community directory, the association must first obtain the proper "written" consent of the owners in order to do so. Such additional information requiring written owner consent includes: email addresses, fax numbers, northern addresses, and emergency contact information.

So, if your association has not made a new owners' directory in a few years and wants to create a new one, it should send out a consent form to all owners asking what information each owner wants and does not want published in the directory. After written consents are back, the pertinent information can be added to the directory and then distributed to the owners. If you do not receive a written consent back from one or more owners, then all you should list for their unit/home is their name, the unit/home address and their phone number.

Rob Samouce, a principal attorney in the Naples law firm of Samouce & Gal, P.A., concentrates his practice in the areas of community associations including representing condominium, cooperative and homeowners' associations in all their legal needs including the procedural governance of their associations, covenant enforcement, assessment collections, contract negotiations and contract litigation, real estate transactions, general business laws, construction defect litigation and other general civil litigation matters. This column is not based on specific legal advice to anyone and is based on principals subject to change from time to time. If you have any questions about the column, Rob can be reached at www.SandGlawfirm.com or RobSamouce@SandGLawFirm.com.