

“Condominium Documents Generally Available Online,” News-Press

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Q: A number of years ago, I went to some county office and was able to get a copy of our condominium documents and latest bylaws. Does the county still keep an official copy of condominium documents? Is there an official copy registered with the state and/or county and can I get an official copy from them? (W.B., via e-mail)

A: Recorded condominium documents are available online in most counties, including Lee County. The link to the Lee County Clerk of Courts Official Records Public Web Search is <https://or.leeclerk.org/LandMarkWeb/Home/Index>.

You can search documents by name, book and page, or instrument number. When searching for condominium by name (e.g., Pelican Apartment Condominium), you may wish to only enter “Pelican” in the Name field. However, because many developments have similar names, always be sure you have selected the correct condominium documents.

You can select the desired search date range by clicking the calendar icon to change the Begin and End Date to match your search criteria. You can then view, download, and print records.

Articles of incorporation amendments are filed with the Division of Corporations. You can search the Division’s records at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>. Once you have selected your entity from your search list, you will be redirected to the entity detail page where you can view and print records dating back to 1995. Records that pre-date 1995 must be requested in writing from the Division.

Q: We live on one of the water retention ponds in our community and are being inundated with toxic cane toads. We talked to wildlife trappers and they said that several homeowners’ associations employ their service to rid the development of these invasive toads. These toads are a real danger to not only our pets but also our environment. The trappers suggested that I contact my association, but the board refused to help with this danger and stated that it was the homeowners’ responsibility. (A.G., via e-mail)

A: Per the Florida Fish and Wildlife Conservation Commission (“FWC”) website, the cane toad (also known as bufo, giant or marine toad) is a large, nonnative amphibian in Florida. They are an invasive species and are poisonous to most animals. Their skin-gland secretions (called bufotoxin) are highly toxic and can sicken or kill animals that bite or feed on them, including native animals and domestic pets.

The bufotoxin may irritate the skin or burn the eyes of people who handle them. Cane toad eggs also contain harmful bufotoxin. FWC encourages landowners to kill cane toads on their property. Cane toads are not protected in Florida except by anti-cruelty law and can be removed from private property year-round with landowner permission.

You should look at your association’s plat and governing documents to determine who owns the ponds and who is responsible for their maintenance. In my experience, the ponds are usually not part of the lots, they are generally owned and maintained by the association as part of the water management system for the community.

When the toads crawl (or hop) from the common area retention pond to your lot, there is a reasonable argument that they then become your “problem”. Generally, a landowner is not legally responsible for the presence or actions of wild animals. However, court decisions have carved out a number of exceptions to this general rule. Associations should consult with their legal counsel regarding concerns and liabilities pertaining to wildlife, including alligators and snakes.

Some local governments have set aside funds to combat invasive species and you may want to contact your local agency. For example, in 2019 it was reported that the City of Sanibel spends about \$40,000.00 each year to combat invasive animals, and Lee County set aside \$25,000.00 to fight Captiva’s green iguana population.