

An hoa board in Florida, votes on a legal matter at a closed board meeting. Is this allowed? How can they best remedy this if it isn't allowed?

Generally, no — not if the board actually voted on the legal matter during a closed meeting.

Under Florida HOA law, specifically [Florida Statute 720.303\(2\)](#), HOA board meetings must be open to members, with a narrow exception for meetings with the association's attorney concerning proposed or pending litigation protected by attorney-client privilege.

That exception typically allows the board to:

- discuss litigation strategy,
- receive legal advice,
- discuss settlement options confidentially.

But Florida HOA law does not clearly authorize boards to take final binding votes in secret simply because attorneys are present. Best practice — and the legally safer course — is:

1. discuss the legal matter in closed session,
2. then reconvene in open session,
3. make and record the motion and vote publicly (without disclosing privileged details).

If the board voted privately on substantive association action, a homeowner could challenge the action as violating the open-meeting requirements of Chapter 720.

The cleanest remedy is usually straightforward:

- Properly notice a new open board meeting.
- Put the matter on the agenda.
- Briefly state the motion in a way that preserves privilege if necessary.
- Re-vote in open session.
- Record the vote in the minutes.

Example:

“Motion to authorize association counsel to proceed with litigation strategy as discussed with counsel.”

The board does not need to publicly disclose privileged legal advice or litigation tactics, but the actual board action should be ratified publicly.

If the matter was especially sensitive, many HOA attorneys recommend wording the motion generically while still conducting the actual vote in the open meeting minutes.

Additional considerations:

- The closed attorney-client meeting itself should still usually be noticed as a board meeting, even if owners cannot attend.
- If the improper vote already occurred, promptly re-noticing and re-voting publicly often cures the procedural defect before litigation develops.
- Florida courts often look favorably on boards that quickly correct procedural mistakes in good faith.

This applies to Florida HOAs governed by Chapter 720, not necessarily condominiums under Chapter 718, which has slightly different executive-session provisions.