

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Bylaw and Restriction Recommendations

3/12/26

Page 3

ARTICLE III - OWNERSHIP

The Association is a community for property owners fifty-five (55) years of age or older. Exceptions for age shall be made for a spouse or domestic partner of the owner and those who inherit their interest or property in a trust.

All property owners, spouses and domestic partners-must register with the Association Secretary.

All owners must comply with Bylaws and deed restrictions.

~~No more than twenty (20) percent of the occupancy may be less than fifty-five (55) years of age.~~

Page 4

Art. III Section 2 – RESIDENCY

The Association is a community for property owners fifty-five (55) years of age or older.~~The Association is a community for residence property owners fifty five (55) years of age or older. This is a +55 year old community. Over 80% of the residence must be over 55 years of age. The remaining must be over 50 years of age. Exceptions will be given to health care providers with doctors' written orders and inherited properties.~~

A resident is anyone who resides in the Association more than thirty (30) ~~consecutive~~ consecutive days per twelve (12) consecutive month period. ~~All residents must register with the Association Secretary by filling out the Registration Form and the Disclosure Agreement, and providing photo ID with proof of age.~~

All new residents must fill out an application form and pay application fees that may be used for a background check by a third party. The background check will include but not be limited to credit checks, felony checks, and violent or sexual convictions for the last 10 years.

Property owners who have inherited their property must be ~~forty five (45)~~ fifty years of age or older to reside in ~~the Association~~ Gem Estates for more than thirty (30) ~~consecutive~~ consecutive days per twelve (12) consecutive month period.

Guests who are under the age of fifty-five (55) are limited to no more than thirty (30) days of visitation per consecutive twelve (12) month period.

Guests will not be permitted to establish mailing addresses at visiting residence.

All residents are expected to follow local, state and county laws and ordinances or to be considered in violation of Bylaws.

NOTE: Define 2nd age limit of residence– make way for background checks – define guest limitations and responsibility of residence to follow state and local laws/ordinances

Page 6

Art. III Section 3 – RENTING

Persons purchasing a home in Gem Estates must own their home for a minimum of 2 years before being eligible to rent.

At no time shall homes be sublet. All rentals shall be for single families (maximum of 2 ~~2~~ 3 people).

All renters without exception shall be at least 55 years of age and are subject to all association rules and regulations.

Owners are responsible for renters' compliance with Bylaws and restrictions.

No rentals shall be permitted for a term of less than one (1) month.

All renters must register with the Association secretary upon arrival by filling out the registration form, the Disclosure Agreement, and providing photo ID with proof of age.

NOTE: Increase amount of people in a rented single trailer. Is this making room for future section 8 housing?

Page 7

ARTICLE IV – OFFICERS / BOARD OF DIRECTORS

The Executive Officers shall be President, Vice President, Second Vice President, Secretary, and Treasurer. These officers and directors shall serve without compensation and at the pleasure of the Association.

The Board of Directors shall consist of ~~the~~ (5) Executive Officers, plus six (6) elected Directors, for a total of eleven (11), eight (8) of whom shall be elected each year at the General Election Meeting.

All BOD members will be association members in good standings. with no violent, fraud or embezzlement criminal history.

Florida Statutes impose an obligation upon the Board of Directors and Executive Officers to act in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the best interests of the Association.

BOD members have a fiduciary responsibility to the HOA and the residents.

All BOD members will fill out a conflict-of-interest form and recuse themselves if a conflict of interest pertains.

~~with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the best interests of the Association.~~

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

After the first board meeting following the annual meeting of members, the board shall consider whether to file notice to preserve the covenant and restriction affecting the association from extinguishment under the Marketable Record Title Act, chapter 712, and authorize and direct the appropriate officer, appointee to file in accordance with 720.3032.

NOTE: Define who can be on board and responsibilities (Legal implications) Do we want to go down the nepotism ideal. It appears that Florida Statute is starting to go down that path with their fining and suspension rules.

ARTICLE VI – ELECTIONS

Art. VI Section 1 - Nominating Committee

The nominating committee shall consist of three (3) members. The Chairman of this committee shall be appointed by the President; one (1) member is to be elected by the Board of Directors from their own members, and one (1) member is to be elected by a simple majority vote of the Association members at the General Election Meeting in January. Nominations for any office may be made

from the floor. A volunteer sign-up sheet shall be posted in the clubhouse for all Executive Officer and Board of Director candidates.

All nominees must be members in good standing with no violent, fraud or embezzlement criminal history.

NOTE: Define who can run

Page 11

Art. VI Section 4 – Voting

Members are entitled to one (1) vote each if they are in good standing with the Association.

Renters are not allowed to vote.

There shall be a maximum of two (2) votes per parcel. Members who own two (2) or more parcels are entitled to one (1) vote only.

All Association members must be pre-registered with the Association Secretary to be eligible to vote. A current registration form and a form of ID are required before voting to confirm that the voter is a member.

The member shall check in to receive a ballot for the purpose of voting.

A member may vote in person or by Gem Estates proxy Form obtained from the secretary, executed in writing by the member, or the member's attorney-in-fact. All proxies shall be in writing and filed with the Secretary of the Association before the appointed time of the meeting, to be valid. The Secretary shall confirm the validity of the proxies and turn said over to the election chairperson to be executed.

Any proxy given shall be valid only for the specific meeting for which originally given, and any lawfully adjourned meeting thereof. In no event shall any proxy be valid for a period longer than ninety (90) days after the date of the first meeting for which it was given. Any proxy shall be revocable at any time at the pleasure of the member executing it.

No absentee ballots will be accepted.

NOTE: define who can vote –

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Page 13

Art. VI. Section 8 - Replacements to the Board

Any vacated board position will be filled by the BOD at the next meeting of the Board of Directors.

NOTE: Define how to fill vacant board positions

Art. VII Section 2 - General Membership Meetings

The Board of Directors may call general meetings at any time as required.

A General meeting with elections shall be held on the last Monday of January. ~~The Annual Election Meeting shall be held on Thursday after the regularly scheduled BOD meeting on the second Monday~~

An Annual General Members meeting will be held on the Thursday after the March BOD meetings This meeting will include Budget voting.

Any agenda item which affects the policies of the Association, or majority suggestions concerning the betterment of or improvement of the Association, must first be presented in writing to the Board of Directors at the board meeting before being proposed at a the General Meeting or Annual Election Meeting.

Notice of General & all Membership Meetings shall be posted on the marquee.
~~one (1) week~~ two (2) weeks in advance of meeting

A minimum of thirty (30) percent of the Association members eligible to vote must be present at a meeting to constitute a quorum.

Decisions including amendments of any governing documents shall be made by no less than a simple majority vote of the members present.

NOTE: Changes general meetings/ Election meeting to coincide with fiscal year and reporting

Art. VII Section 3 - Special Meetings

Special meetings may be held at the call of the President or by a majority vote of the Board of Directors.

Special meetings may also be held when ten percent (10%) or more Association members have submitted written signatures to the Board of Directors requesting a special meeting. The request must clearly state the reason for the special meeting.

Notice of a special meeting shall be given at least ~~seven (7)~~ fourteen (14) days posted on the marquee prior to the meeting.

NOTE: Define meeting notifications

ARTICLE VIII – MANAGING AND OPERATING

The Board of Directors is authorized, empowered, and directed to take appropriate action for enforcement of the rules, regulations, and restrictions in the management of the Association.

The BOD will appoint at least 5 members to the BYLAWS ADVISORY & COMPLIANCE COMMITTEE that are not BOD members, married to, siblings of, parents to, or children of BOD members.

The BOD will appoint up to 5-members to the FINES AND SUSPENSIONS COMMITTEE with at least 3 of them on the BACC if possible, otherwise the BOD makes an appointment from the membership. Members will not be married to, siblings of, parents to, or children of BOD members.

NOTE: Define committees

Art. VIII Section 3 — Record Keeping

The President, Secretary and Treasurer shall keep an orderly file, both electronic and physical, file of all documents and correspondence that pertains to the operation and well-being of the Association. At the termination of their term in office they shall pass on said files to their successor. All files shall be kept on clubhouse property for a minimum of seven (7) years, or as otherwise required by statute.

Art. VIII Section 5 - Monies Collected

All social events and fund raisers are under the Board of Directors. ~~such as meals, picnics, pot lucks, coffee hours, entertainment, etc. are under the direction of the Board of Directors.~~ monies collected from such events and fees, after expenses, shall be turned over to the Treasurer with a detailed report of expenses and monies collected.

NOTE: Define where extra cash from events and fess are handled.

Art. VIII Section 6 - Spending Limits

The Maintenance and Water Committees may spend over ~~up to~~ their approved budget amount in case of emergencies; all other committees shall spend no more than ~~two~~ three hundred dollars (~~\$200.00~~) (\$300) without prior approval of the Board of Directors. The Board of Directors shall not spend more than ~~five~~ six thousand dollars (~~\$5,000.00~~) (\$6,000.00) for any items or services without authorization by a simple majority vote of the Association members at a duly constituted meeting.

Individual Board members cannot approve spending.

In case of emergencies with Association properties, services and infrastructure the board may spend more than the limited amount without a duly constituted meeting and with unanimous consent.

NOTE: Increase budgets to reflect inflationary pressures

Page 19

Art. VIII Section 8 - Budget and Finance

The Budget and Finance committee shall consist of the following: President, Treasurer and five (5) board-appointed members who shall meet annually. ~~who shall serve as follows: one (1) member for one (1) year, two (2) members for two (2) years, two (2) members for three (3) years. The chairperson shall serve a three (3) year term.~~

Budget and finance committee will serve in accordance to Florida Statue 720.

All members of the Budget and Finance committee shall be voting members.

The Board of Directors shall appoint members to any vacated position.

NOTE: Define budget committee

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Art. VIII Section 10 - Budget Approval

The proposed budget will be approved by the members at the General Meeting in March.

~~If the proposed budget is approved by the members at the General Meeting, that budget will be adopted.~~

Art. VIII Section 12 - Accounting Records

The Association shall maintain accounting records in the county where property is located, according to generally accepted accounting practices. The records shall be open for inspection by Association members or their representatives.

The Board of Directors shall appoint at least three (3) members who will examine the Association financial records annually and present their report at the March Board of Directors Meeting. ~~and the Annual Election Meeting.~~

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Page 19

Art. VIII Section 10 - Budget Approval

If the proposed budget is approved by the members at the General Meeting in March, that budget will be adopted.

NOTE: Change approval timing due to additional meeting to reflect fiscal year

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Page 20

Art. VIII Section 11 - Bonding

~~At the discretion of the Board of Directors, the President, Vice President and Treasurer~~
The Board of Directors and Officers shall obtain fidelity bonds up to the amount of the Association's liquid assets. The Association shall bear the cost of such bonding.

NOTE: Requires board members to be bonded.

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Page 21

Art. VIII Section 14 – Estoppel and Transfer Fees

The BOD shall institute and assess Estoppel, Application and Transfer fees.

NOTE: Added revenue source to reflect additional Administration cost

Page 21

ARTICLE IX - RECREATIONAL VEHICLES

Art. IX Section 1 - Parking and Storage of ~~Recreational~~ Vehicles and Recreational Equipment

Only HOA members and renters in good standing can park or store All recreational vehicles and equipment ~~parked or stored~~ on Association storage lot grounds, and must be registered annually at the office. If found in violation of HOA registration the owners will be notified and be responsible for towing and storage charges.

Owners shall comply with all Pasco County ordinances as they may be updated or amended in the future. Enforcement shall be the responsibility of Pasco County.

NOTE: Trying to clear up storage area mess of non-residence usage.

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Page 21

Art. IX Section 2 - Temporary Storage

Parking and Storage of trailers, recreational vehicles, motorized homes shall comply with all Pasco County ordinances as they may be updated and amended in the future. Enforcement shall be the responsibility of Pasco County. Regulations are available online.

NOTE: Clearing up verbiage

Page 22

Art. XI Section 1 - Clubhouse

No smoking shall be permitted in the clubhouse at any time. Alcoholic beverages may be permitted in the clubhouse with specific authorization by the Board of Directors.

All association members are responsible for their actions at the clubhouse and may be held liable for any damage.

NOTE: Adding responsibility expectation in clubhouse.

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Page 21

Art. XI Section 2 – Pets

No more than two (2) animals are permitted per household and must be kept within the confines of the owner's property or on a leash. Animal owners must clean up all their animals' waste. Feeding animals, including cats, outside is prohibited.

Page 24

Art. XI Section 7 Water

All members of the Association, their visitors, and guests shall abide by the Pasco County water program. Anyone not doing so shall be in violation of county ordinance and shall have to answer to the Pasco County authorities.

Members of the Association shall follow any guidelines for water use that the Association requires.

~~Due to the cost of chemically treating well water, residents are highly~~ Association members are encouraged to use designated wash point (next to the shuffleboard court) to wash all types of vehicles, ~~motoreycles, etc.~~

Absolutely no ~~washing of vehicles~~ use of Association water by ~~not owned by~~ non residents.

~~Members of the Association violating water regulations shall be subject to a penalty charge of twenty five dollars (\$25.00) per incident with written notice from the Board of Directors~~

NOTE: Clarifying association guidelines for water use and highlighting county rules pertaining to all water usage.

ARTICLE XIII - RULE ENFORCEMENT

Association Bylaws, Deed Restrictions, Easements and Reservations shall be enforced as detailed in Florida Statutes.

A fine or suspension may be levied by the Board of Directors for each day of a continuing violation. with a single notice and an opportunity for a hearing. Fines may exceed \$100 per violation with single notice and opportunity for a hearing. Fines that exceed \$1,000 in the aggregate permit the Board of Directors to place a lien against a parcel.

The Fines and Suspension Committee (FC). shall be guided by Florida Statute 720.305, which requires them to give at least fourteen (14) days notice to the non-complaint that they have the right to a hearing. The hearing must be held less than ninety (90) days after issuance of the notification. The notice must cite the relevant document being violated and the proposed amount of the fine. At the hearing, the committee must afford basic due process and allow the accused to be heard, state his or her case and challenge evidence against him or her. If the committee confirms the fine by majority vote, the fine is deemed to be imposed, and the FC must provide written notice of the fine by mail or e-mail to the person being fined, within seven (7) days after the hearing. Included in the notice must be the committee's findings in relation to the violation, including applicable fines or suspensions, and how to remedy the situation. The committee must set a date by which the fine must be paid. The date must be at least thirty (30) days after delivery of the written notice.

The role of the FC is limited to determining whether to confirm or reject the fine or suspension levied by the BOD, and any other requirements of the Florida Statute. If the FC, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed.

All meetings of the FC must give proper notice, be recorded, and approved minutes given to the association secretary for dissemination to the BOD.

NOTE: Creating an enforcement body in accord to FS 720 to help in compliance issues.

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

GEM ESTATES MHV ASSOC., INC.
“A 55 ADULT OR OLDER COMMUNITY”

Deed of Easements, Restrictions and Reservations

Page 30

2. No noxious, offensive noises, illegal trading, calling, or transactions shall be done, suffered or permitted. No horse, cow, hog, goat, barnyard animals or similar animals, or chickens, ducks or fowl, nor any exotic species of any kind shall be kept or maintained on any parcel. No feeding of wildlife, per Pasco County ordinance. ~~except for birds~~ No animals or fowl shall be kept, bred or maintained for any business or commercial purpose.

NOTE: Matching restrictions to county regulations, and trying to stop people from inadvertently feeding RATS

Page 33

8. It is the responsibility of each parcel owner to keep their property in a neat and clean condition, that is, the grass cut, trees and shrubbery trimmed, and mobile home and other structures in good repair. During long periods of absence, property owners shall make arrangements to have the above maintenance done. Failure to comply gives the Board of Directors, or the summer representative, authorization to do so at the property owner's expense, plus an administrative fee for each occurrence.

Composting food is prohibited.

NOTE: RATS!

GEM ESTATES M H Assoc. , INC.
39415 Elgine drive
Zephyrhills, FL 33542

Page 34

10. Each mobile home placed upon a parcel shall be properly and adequately secured by approved hurricane anchors. All utility buildings shall be either bolted to a cement slab or anchored to the ground. There shall be no visible over-the-roof type anchor straps except for utility buildings.

NOTE: Changing rule in response to Hurricane damage mitigation.