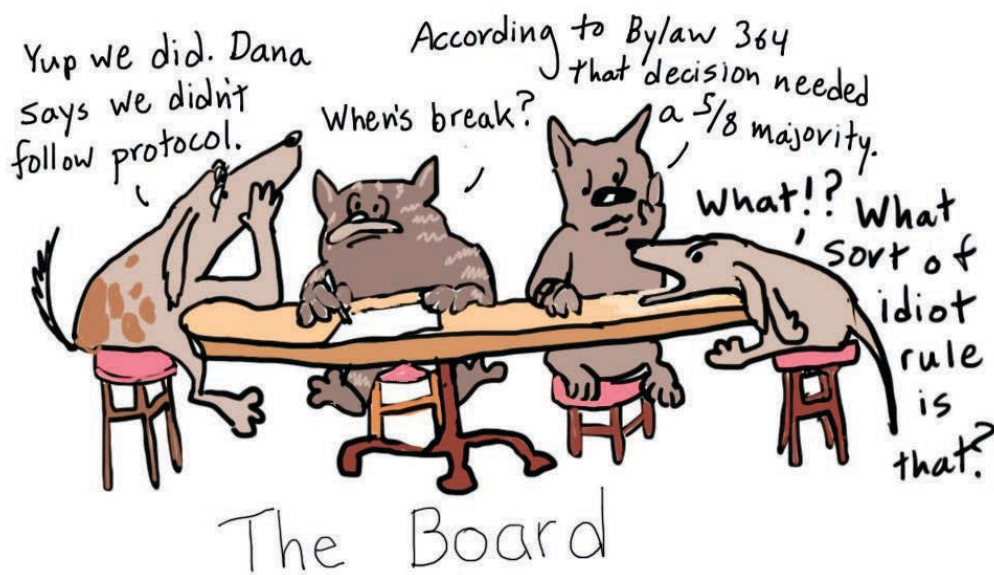


THE SHORES OF LONG BAYOU

GUIDE FOR: BOARDS OF DIRECTORS RESIDENTS



Phone Numbers and Websites

The Shores of Long Bayou Office	(727) 395-9497
Emergency number after hours	(727) 346-4769
Pinellas County Sherriff's Office	911
Non Emergency Number	(727) 582-6200
Gatehouse	(727) 397-6838

Pinellas County Sheriff's Office **(PCSO)**
<https://www.pcsoweb.com/>

PublicPetNuisances
<https://www.pinellascounty.org/animalservices/nuisance.htm>

Pinellas County Crime Viewer
<http://egis.pinellascounty.org/apps/CrimeViewer/>

CONDOMINIUM ASSOCIATION- (COA) the unit you own in that housing group is the condominium association. ALL questions go to your association board. If your issue is in regard to the common elements **outside** your COA, your board president will direct that question to the manager of the Homeowners' Association (HOA).

The COA and HOA are not security forces. I there is ever an event in which you feel unsafe, call the PCSO. If you are injured on COA or HOA property, inform the appropriate entity.

As Always: IF YOU SEE SOMETHING-SAY SOMETHING!

Dear Board Members and Residents,

This small pamphlet is meant to be an informational guide for presidents, board members, and residents of The Shores of Long Bayou. The board of directors has a fiduciary responsibility to the residents. This means they have a responsibility to govern and make decisions on behalf of their association. This guide is a list of items that may help all of you know the scope of needs of a board director, and aid all of you in becoming a productive participant of your association.

Whether you live in a villa condominium association (COA) of four doors, or a midrise COA of thirty doors, every association has a board of directors. As a board officer or director or member of your association, being knowledgeable about condominium living is your responsibility.

Your fiscal year begins in January and ends in December. Your annual meetings will occur in the late part of the fiscal year. New board members should, and need to be educated.

In January your association's **Q&A** should be updated for the coming year. This sheet should stay in your association files and will be needed for anyone who chooses to purchase a unit

New directors should be advised that they must be certified within ninety (90) days of being elected or appointed.

With a sale or lease, you should: place a copy of the Sale/Lease application in the association filings, have an emergency contact sheet filled out by the new tenant or owner, and have had a voter application form filled out (owner). All of these papers should be made part of the files for your association. See what is needed in your files from the Department of Business and Professional Regulation (DBPR) checklist in this pamphlet.

August brings budgets to mind and thoughts have to be directed to your association needs. This is a time to review the condition of your roof, painting, sidewalk cracks and what might need repairs. Remember to check your reserves for time/life expectancy for major maintenance.

Remember to keep your rosters up to date, and notify the HOA manager of any changes regarding addresses, phone numbers, and voting certificates. Management needs this for HOA notifications to all residents.

Part of yearly updates should include checking of your rules and regulations, and having them reviewed by your attorney. Please remember to have an updated set of your rules in the HOA office as a back up for you and any potential buyers. I have added some additional articles that you may find useful in this edition.

Good Luck,
Merle Lee Korejwo, President
The Shores of Long Bayou HOA

March 2015
updated 2017
updated 2019



INTRODUCTION

A president is a part of the board of directors who helps maintain an environment that is friendly, productive, and financially stable. At The Shores of Long Bayou (TSLB), we are guided by two associations. The first association is the structure of which your unit is a part. That is your condominium owner's association (COA). There are twenty-two of these associations. By default, you are also a member of the Homeowners' Association (HOA).

The board of directors in your particular COA guides the direction and culture of your building. There is no management company overseeing your association. The directors of your COA make policy and enforce the bylaws. Unless your condominium association hires an exclusive management company, you are self managed.



The Homeowners' Association (HOA) may hire a management company or a manager to oversee all the common areas of the property. This policy is directed in the Declaration of Covenants of The Homeowners' Association. This is often referred to as "the docs."

It is not easy to be a board officer or even get someone to accept the position. For the most part, it's easier for residents to criticize your decisions than applaud them. So knowing that you will be criticized, become the enemy as soon as you enforce a rule, and be stopped by a complaining neighbor every time you go out for a walk, why would anyone run for the board? Most people who do *their time* on the board do so because they have:

- A sense of civic duty
- A specific skill needed by the association
- Care about the value of the property
- Don't want the association to go into receivership



BEING A BOARD MEMBER
AND
WHAT YOU SHOULD KNOW

INFORMATION

When you moved into The Shores of Long Bayou, you received a set of documents called the Declaration of Covenants, which are lovingly referenced as *the docs*. The docs you received are relevant to the association in which you live. They are your Condominium Owner's Association docs. Within these docs are the rules and regulations that govern your particular association. In The Shores of Long Bayou, there are twenty-two associations. Each association is an independent entity with a board of directors, as directed in that association's docs.

By default, as an owner in The Shores of Long Bayou, you become a member of The Shores of Long Bayou Homeowners' Association (HOA). The HOA also has a separate set of documents that governs the common elements of The Shores of Long Bayou. The HOA has nine elected directors who have a fiduciary responsibility to maintain the common areas. If you wish to see the HOA Declaration of Covenants, they are available in the HOA office. If you wish to purchase a set, it is \$50.00. All requests for review or purchase must be made in writing and addressed to the:

The Shores of Long Bayou Homeowners' Association Board of Directors
6301 Shoreline Drive
St. Petersburg, Florida 33708

This pamphlet addresses only a few things you should know as a resident of your condominium association. There is also a handbook for The Shores of Long Bayou HOA that addresses the common elements.

The HOA employs a manager to help oversee and maintain the common areas, as well as manage our HOA contractors, maintenance, and payables. The manager on site and the management company do not manage your individual associations. The HOA does not have governance over any of the twenty-two independent associations.

As part of your monthly assessment fee, your budget contains a line item for "management." This fee is part of your monthly assessment fee, and is paid to the HOA to manage all the common entities-pools, ponds, grounds, etc. In return, the HOA is assessed a monthly fee by the The Long Bayou Road Association, Inc. to maintain the gatehouse, hire the attendants, and maintain the medians, and entrance road. Each year, every owner is mailed an HOA budget before it is voted on by the HOA board of directors. It is also posted on the officially designated bulletin boards One bulletin board is in the clubhouse. The other bulletin board is by the villa pool. Any questions should always be directed to your COA board of directors before it comes to the HOA.

THE LAW- CERTIFICATION TO BE A BOARD MEMBER

As of July 1, 2011, all board members must be certified by the state within 90 days. This is constituted by an amendment change to the Florida Statutes, and it is with good reason. State officials have been getting complaints for years about condo association boards not abiding by Statute 718.112 of the Florida Statutes. Many condo owners have also complained about the lack of available education for condo association boards, and this is why the mandatory certification is now in place.

Condo board members are now **required** to receive their **certification within 90 days of being elected**, or they will be removed from the board until they do. This certification can be completed in one of two ways.

1) The board member can attend a state certified training session and receive a certificate of completion when finishing the course. This course is typically only three hours and is often offered for free.

2) The board member can sign an affidavit saying they read all of the community's governing documents and Florida Statute 718.

Either of these options is accepted by the state, but some believe the second option is not good enough. Many believe that board members should be required to attend the class because there is no way to be sure the board member actually reads what they say, and even if they did read it, they may not have understood what it said. These classes provide basic insight on many of the activities that a board will have to perform.

The written certification or educational certificate is valid and does not have to be resubmitted as long as the director serves on the board without interruption. A director who fails to timely file the written certification or educational certificate is suspended from service on the board until he or she complies with this subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification or educational certificate for inspection by the members for 5 years after a director's election. Failure to have such written certification or educational certificate on file does not affect the validity of any board action.

Association Board of Directors Eligibility According to Florida Law

June 13, 2013 by Hans C. Wahl

When it comes to community associations, nothing generates more conflicts and disputes than a hotly contested election for the association's board of directors. Most often, the debate involves whether or not, under Florida law, a certain individual is even eligible to serve on the association's board. Section 718.112(2) (d), Florida Statutes, explains that anyone desiring to be a candidate for the association's board must give written notice of his or her intent at least 40 days prior to the scheduled election. Moreover, the person providing such notice must be eligible to serve on the board at the time notice is given. The candidate-to-be must be eligible according to the following provisions of Florida condominium law: see the article

<http://www.jimersoncobb.com/blawg/2013/06/association-board-of-directors-eligibility-according-to-florida-law/>

THE DIRECTORS

To be effective, a condominium association needs a strong board of directors that understands its role and pursues it with passion and a concise mission in mind. The following outline provides an overview of board roles and responsibilities.

To form an effective board, directors must have a clear understanding of the strengths and weaknesses of the association, its history, and what is to be accomplished. Every association should have responsibility for its assets as well as its operation in accordance with standards established by state and federal law, local ordinances, and the governing documents upon which the entity itself was created. To the extent that the association has such authority and control, it is the board of directors that makes certain these responsibilities are fulfilled.

Board of Directors for your Condominium Association

The association has responsibility for its common elements as well as the management and operation of the association's business affairs - all in accordance with standards established by the governing documents created when the community was first developed. To the extent that an association (typically a non-profit corporation) has such authority and control, it is its board of directors that carries out these duties and responsibilities.

Members of the board of directors of an association serve without compensation unless the Bylaws of the association provide to the contrary. The board's authority includes all of the powers and duties enumerated in general law, as long as these powers are not inconsistent with the provisions of the documents governing the association.

Officers of the Association

The association acts through its officers and agents. The board of directors makes the policies for the association, but the officers and agents carry out these policies and administrative functions for the community. Some of the officers are clerical while others carry out substantive functions based on policies established by the board of directors. All of the officers have an affirmative obligation to act with utmost good faith towards the association and cannot deal in the funds or the property of the association to their own self advantage. Each association typically has a president, secretary, and treasurer. The Bylaws state the number of desired officers.

PRESIDENT

The president of an association is vested with all the powers generally given to the chief executive officer of a corporation. While specific by-law provisions may vary the president's duties, it is generally presumed that he or she will preside at all meetings of the board and the membership. The president will execute contracts, orders and other documents in the name of the association as its agent. When signing documents, the president should indicate the capacity in which he or she is signing in order to avoid any personal liability since the president's signature, under most circumstances, will bind the association under a doctrine of inherent powers.

The president also assumes general charge of the day-to-day administration of the association and has the authority to order specific actions in furtherance of the board's policies. The president serves as spokesman for the board of directors in most matters relating to general association business. Like all officers of the association, the president has an affirmative duty to carry out the responsibilities of the office in the best interests of the association. Unless otherwise specified in governing documents, the president serves at the will of the board of directors and can be removed with or without cause at any time by a majority of the full board.

VICE PRESIDENT

The vice-president is vested with all the powers which are required to perform the duties of the association president in the absence of the president. The vice president does not automatically possess inherent powers to act in the capacity of the chief executive officer, and may act for the president only when the president is actually absent or otherwise unable to act. The vice-president may assume such additional duties as are defined by the board of directors. Often, the vice-president will chair one or more substantive committees like that of architectural review.

SECRETARY

The secretary of the association is responsible for keeping and maintaining a record of all meetings of the board and the membership and is the custodian for most of the official records of the association. The position of secretary is not simply a clerical position. In many cases, the secretary will not actually keep the minutes of the meetings, but will be responsible for obtaining someone who will do so as a recorder or assistant secretary. As the custodian for the minutes and other official records of the association, the secretary is responsible for insuring access to those records by the members of the association and their authorized representatives.

TREASURER

The treasurer is the custodian of the funds, securities, and financial records of the association. When the association has a manager or management company that actually handles the funds on a daily basis, the treasurer's duties will include overseeing the appropriate people to insure that the financial records and reports are properly kept and maintained. Unless the by-laws otherwise specify, the **treasurer is responsible for coordinating the development of the proposed annual budget**, and for preparing and giving the annual financial report on the⁸ financial status of the association.

A Recap of the Board Member's Role:

Acting through the board as a whole, a board member should:

- Enforce the documents
- Establish sound fiscal policies and maintain accurate records
- Develop a workable budget, keeping in mind the needs, requirements and expectations of the community
- Establish reserve funds
- Act on budget items and determine assessment rates
- Collect assessments
- Establish, publicize, and enforce rules and penalties
- Authorize legal action against owners who do not comply with the rules
- Review local laws before passing rules or sending bylaws to membership for approval
- Appoint committees and delegate authority to them
- Select an attorney, an auditor, insurance agent and other professionals for the association
- Provide adequate insurance coverage, as required by the bylaws and local governmental agencies.
- Inform board members of all business items that require their vote
- Inform members of important board decisions and transactions
- See that the association is protected for the acts of all parties with fiscal responsibilities
- Attend and participate at meetings

Serving as a board member is a valuable and rewarding experience that should be undertaken by those who see it as an opportunity to serve their fellow neighbors while protecting and enhancing the assets of the community. It is serious business, but also a task worth doing well in order to safeguard the investments of all.

IN YOUR COA DO YOU KNOW?

Do you have a copy of your contract for accounting services?

Who will mail out your first and second notices for your annual meeting? Is there a charge?

Who will do your budget? Is there a charge?

Who will mail out the Year End Statement Request Form? Is there a charge?

Do all of the owners have a copy of the certified condominium documents...Declaration of Condominium, Articles of Incorporation, Bylaws, Rules and Regulations Condominium for your association?

Do all of your owners have a copy of the HOA Handbook?

Do all of your owners have a copy of the latest Rules and Regulations for your association?

The board of directors can add, delete, or change the rules for your association. Any change to the bylaws must be done by an amendment of the membership.

Are there any legal issues pending?

Do you have copies of all board minutes in digital or paper form?

All concerns and questions from any resident of any association should first go to the respective association president. The president will determine if the issue is condominium related or something that needs to be addressed by the HOA.

If you are in a midrise, this list is added to the above

Who calls for elevator maintenance or receives calls for the elevator monitoring service? Who services your fire equipment and sprinklers? Who schedules your fire/sprinkler inspections?

Who takes the calls when the monitoring service calls?

Do you know your code number when they call?

Is your wind mitigation up to date?

Who has the key to the tele-entry?

Who has the key to the elevator machine room door?

Who has the key to the roof?



Effective Condo Association or HOA Meetings

Who wants to spend two or three hours in fruitless and trivial discussion? Steps can be taken to keep meetings focused, effective, and even shorter.

To be an effective board member your primary responsibility is to protect, maintain, and enhance the value of the condominium community. However, when your time is spent in unorganized, lengthy, and chaotic meetings, not only is the enthusiasm for active participation of current board members diminished, but you also discourage many future volunteers from sitting on the board. **Who wants to spend two or three hours in fruitless and trivial discussion?** The president must take steps to make the meetings more focused, effective, and shorter. **Most meetings can be conducted in an hour if the board members know what is expected of them.**

The property manager's job (or president's and secretary's job if you are self-managed) is to prepare and distribute a meeting package several days before the scheduled meeting. The directors' and officers' job is to read it, study it, and contact each other and/or the property manager to ask questions about anything they may not understand. You need to be prepared to talk about the business at hand and to have enough information to make the decisions necessary to effectively do your job.

The package in your hands should have the agenda, the previous meeting's minutes, the current financial statements as compared to the budget, items that require action, and any appropriate items from the administrative and maintenance calendars. The effective president sets the agenda and goals for the meeting with input from the other board members and the property manager. At the meeting, the president decides what gets discussed and what doesn't and how long any discussion needs to last.

An effective strategy for efficient meetings is to set times on the agenda and stick by them.

Call to order

Set the time and start the meeting. People will learn that you are serious about starting on time and hopefully will cure their habit of showing up 5 or 10 minutes late.

Approval of minutes

Should only take 30 seconds if there are no corrections or additions or up to 3 minutes if there are.

Treasurer's Report

To summarize cash balances, unusual expenditures, and comparison to the budget may take 5 to 10 minutes.

Property Manager's (or President's) Report

This will take the bulk of the meeting at 20 to 40 minutes. This is the part of the meeting where the bulk of the motions are made. From the packet, everyone should already be familiar with the goals of the meeting and which items will need to be acted on.

Committee Report

Should be in writing and timely enough to be included in the packet. Not every committee will have a report at every meeting. If the committee chairperson or board liaison is there to elaborate on the report, this portion may take 5 or 10 minutes depending upon whether one or two committees are reporting.

Old and New Business

This may take no time at all since all old business was something that had been previously assigned and was discussed earlier in the meeting. New business is nothing more than surprises, and the effective board will not allow surprises to lengthen a meeting without first getting information in writing and researching or questioning the presented facts.

Adjournments

A target time for adjournment should be set on the agenda and the president must see that it is met. If lengthy meetings are diminishing your enthusiasm for the job, a drastic but effective way of shortening the meetings would be to adjourn them on schedule even if not everything gets covered. Be brave! It won't be the end of the world if some things don't get done. The first month you try this, maybe only half the business will get done. The second month, three fourths will get done, and by the third month, the rest of the board will realize the president is serious and will get on with the important matters at hand of making the decisions that affect the community. People will realize that to get the job done, they will need to do their homework ahead of the meetings and they will learn the importance of keeping their comments brief and to the point.

The single most effective strategy that the board can use to run an organized and effective meeting is to insist that any items open for discussion at the meeting first be submitted in writing early enough to be presented in the package. Any proposal should include enough information and background research to anticipate the questions that might be raised. If the proposal involves the expenditure of association funds, approximate costs must be part of the proposal. By asking for information and proposals in writing, we don't get hit with surprises and we don't waste a lot of time searching for the facts necessary to make intelligent decisions. Many items get a lot of discussion when, in fact, the majority of the board may feel the items are either unreasonable or the actual costs to implement them would prove to be prohibitive.

At board meetings, people are to state their opinions and positions on the motions under consideration - - and then vote. Using time in the meeting for gathering information is not effective and is sure to extend the meeting. It is the president's job to keep the meeting rolling and not waste a lot of time.

A lot of meaningless and trivial discussion can be avoided at the meetings if **only those items that are on the agenda are the ones that get discussed**. If an individual board member wishes to make an outrageous motion like, "I move that we get rid of all the dogs in the community", and someone else decides to second it just for discussion's sake, then you're wasting everyone's time. If the individual has no real support or second to the motion, there is no need to discuss it. Move on to the important business at hand.

The single most effective strategy for running an organized meeting is to insist that any items open for discussion first be submitted in writing prior to commencement of the meeting.

Since committee reports should be in writing and in the packet, the committee chairperson does not have to attend the meeting unless they need an additional few minutes to emphasize or elaborate on any particular items in their report. If you can't get written reports from your committees, then it may be time to find a new chairperson who can run the committee and supply you with the information you need. However, if you make your expectations clear to the people working for you, you'll be surprised at how well they're likely to do or at least try to do.

Because the board of directors is in charge of running the community in a professional and businesslike manner, more and more communities are finding it effective to hold their meetings during the day. Most individuals are usually able to leave early from their regular job one day a month in order to attend a board of directors meeting starting at 4:30 P.M. , for example. **The daytime setting during regular business hours emphasizes the point that you are in charge of running a corporation and not just finding extra time to socialize.**

The president is the key to keeping the meetings on track and, in order to be effective, needs to have the support of the others. Boards that experience constant bickering, ax grinding and backstabbing only manage to pay less attention to their primary job. Put personal issues to rest and stick to the business at hand. Personal issues and hidden agendas undermine the community. If you feel the president is not doing the job, you can and should run for the position next year.

Your primary job this year is to work together to make the important decisions that serve to protect, maintain, and enhance the community. It may be your home, but the existence of an association makes it also a business. We should remember to treat it like one so that everyone can enjoy the benefits and rewards of community living.

William Cretney, *Association Times*

DBPR AND MORE

DBPR CHECKLIST

CHECKLIST

Performance Interview Planning Checklist

COPY TO BE KEPT BY BOARD OF DIRECTORS AND ONE IN ASSOCIATION OFFICE FILE

Shores of Long Bayou Association _____

All legal correspondence

Preparation				
Checklist Items	Yes	Need	Digital Copy Y/N	Notes
A COPY OF THE PLANS, PERMITS, AND WARRANTIES PROVIDED BY THE DEVELOPER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
THE COA CERTIFIED COPY OF THE ARTICLES OF INCORPORATION, DECLARATION OF CONDOMINIUM, BYLAWS, AND AMENDMENTS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prospectus copies are not acceptable
A COPY OF THE CURRENT RULES OF THE ASSOCIATION;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A copy should be available in the management office
A COPY OF THE Q&A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MINUTES OF ALL BOARD , MEETINGS AS WELL AS ANNUAL MINUTES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
A CURRENT ROSTER OF ALL UNIT OWNERS AND THEIR MAILING ADDRESSES, UNIT IDENTIFICATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	& Digital Copy for manager
VOTING CERTIFICATIONS, AND, IF KNOWN, TELEPHONE NUMBERS**				
CURRENT INSURANCE POLICIES;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CURRENT COPY OF ANY MANAGEMENT AGREEMENTS, LEASES OR OTHER CONTRACTS, BILLS OF SALE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TAX RETURNS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ALL CONTRACTS AND BIDS FOR WORK TO BE PERFORMED	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
BALLOTS, SIGN-IN SHEETS, AND VOTING PROXIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	for one year
ALL RENTAL RECORDS & COPY OF LEASE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECORDS OF ALL RECEIPTS AND EXPENDITURES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
A CURRENT STATEMENT OF ACCOUNT FOR EACH UNIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

All legal correspondence, blue prints, etc. remain in file.

This sheet must be updated each year with a copy kept in the office files for realtors and buyers.

**FREQUENTLY ASKED QUESTIONS AND ANSWER SHEET
DBR FORM 33-032**

The Shores of Long Bayou ???
As of **January 1, 2014 (update)**
Condominium Association, Inc.

Q: What are my voting rights in the condominium association?

A: The owner(s) of each unit in the condominium is/are entitled to one vote in the condominium association. See Article 20 of the Declaration of Condominium and Article V of the By-Laws of the Condominium Association.

Q: What restrictions exist on my right to use my unit?

A: The restrictions imposed on the use of the condominium property are contained in Articles 6, 7, 9, 10, and 14 of the Declaration of Condominium and Article IV of the By-Laws of the condominium association. Please review said articles for the complete text of the restrictions. There is no enforceable prohibition against children as residents. The condominium association, through its Board of Directors, has the right to promulgate rules and regulations concerning the use of the condominium property. **A copy of the current rules and regulations is attached hereto.**

Q: What restrictions exist on the leasing of my unit?

The Board of Directors of the condominium association must pre-approve all leases of condominium units. The Board of Directors of the condominium association has the right to require that a uniform form of lease be used. **No unit may be leased for less than ?? months.** No unit may be leased to a corporation, trust, partnership, or other business entity. The condominium association may charge a lease approval fee of up to \$100.00.

Q: How much are my assessments to the condominium association for my unit type and when are they due?

A: Regular assessments to the condominium association are due on the first of the month. The current regular monthly assessment to the condominium association is **\$340.00** per unit, which includes the regular assessment levied by Shores of Long Bayou Homeowners' Association, Inc. Said assessment is due on the first day of each month and currently is **\$123.00** per unit. This also includes monies budgeted by the The Long Bayou Road Association, Inc.

Q: Do I have to be a member in any other association? If so, what is the name of the association and what are my voting rights in this association? Also, how much are my assessments?

A: As the owner of a unit in the condominium, you are required to be a member in the Shores of Long Bayou Homeowners' Association, Inc. Each member of said association is entitled to one vote per unit owned. See Article VIII of the Articles of Incorporation of Shores of Long Bayou Homeowners' Association, Inc. See also Article V of the By-Laws of Shores of Long Bayou Homeowners' Association, Inc. The monthly assessment paid to the condominium association, as set forth above, includes the monthly assessment due from a unit owner to the Shores of Long Bayou Homeowners' Association, Inc., said fee currently is **\$123.00** per month.

Q: Am I required to pay rent or land use fees for recreational or other commonly used facilities? If so, how much am I obligated to pay annually?

A: No.

Q: Is the condominium association or other mandatory membership association involved in any court cases in which it may face liability in excess of \$100,000? If so, identify each such case.

A: No.

Note: The statements contained herein are only summary in nature, A prospective purchaser should refer to all references. Exhibits hereto. The sales contract, and the condominium documents.

**CONDOMINIUM
UNIT-OWNER RIGHTS
AND RESPONSIBILITIES**

DEPARTMENT OF
BUSINESS AND PROFESSIONAL REGULATION
Division of Florida Condominiums, Timeshares,
and Mobile Homes

Web Address:
www.MyFlorida.com/dbpr/



**CONDOMINIUM
RIGHTS and RESPONSIBILITIES**

See the DBPR Checklist on the next page

<http://www.myfloridalicense.com/dbpr/lsc/LSCMHCondominiumForms.html>

**Department
of
Business
and
Professional
Regulation**

*Division of Florida
Condominiums,
Timeshares,
And
Mobile Homes*

*Northwood Centre
1940 North Monroe Street
Tallahassee, Florida
32399-1030*

**CHAPTER 718
FLORIDA STATUTES**

THE CONDOMINIUM ACT

[click here](#)



Includes laws enacted through the 2015 Legislative Session

2018 Legislative Changes to the Florida Condominium Act

April 26, 2018 by [Hans C. Wahl, Esq.](#)

On March 23, 2018, Governor Rick Scott signed into law the 2018 legislative changes to the Florida Condominium Act. These changes become law on July 1, 2018. This blog post provides a detailed summary of these statutory amendments affecting Florida's condominium associations:

Official Records:

- For several official records, the seven (7) year retention requirement has been removed, meaning the following documents must be maintained in the association's official records in perpetuity:
 - The plans, permits, warranties and other items provided by the developer pursuant to Fla. Stat. § 718.301(4);
 - Recorded copies of the declaration of condominium, bylaws, articles of incorporation and all amendments thereto;
 - The association's rules and regulations;
 - The minutes of all the association's meetings, including both member meetings and board meetings;
 - Accounting records.

All other official records are still maintained for only seven (7) years.

- Condominium associations must provide access to the official records, pursuant to an official records request, within ten (10) business days. (The previous law said the records must be provided within five (5) business days but penalties did not apply until the eleventh (11) business day.)
- The deadline for associations with 150 or more units to comply with posting its official records on its website has been extended from July 1, 2018 to January 1, 2019.
- The law clarifies that copies of association bids for materials, equipment and services must be maintained in the official records and posted to the association's website only if the cost for such items exceed \$500.
- Electronic records related to electronic voting are part of the official records and must be maintained for one (1) year.

Financial Reporting:

- The new law clarifies that an association is prohibited from waiving financial reporting requirements for the current fiscal year and the following fiscal year if the DBPR receives a request by an owner for a copy of the association's financial reporting statements and the DBPR subsequently determines that the association failed to comply adequately to the DBPR and unit owner.

Meeting Notices:

- There must be specific disclosure in the notice of any meeting where there will be consideration of regular or special assessments. The notice must provide a description of the purpose of the assessment and estimated cost;
- Associations can now post notices of meetings on the association website. The association can email the website link for the notice to the members who have consented to receiving meeting notices via email. Associations must still physically post meeting notices on the association property;
- Unit owners who have consented to receive notices via email have the duty to remove spam filters on association emails. In other words, if a unit owner does not receive the association notice because of a spam filter, it is the unit owner's fault.
- Board members can communicate via email but not vote via email.

Term Limits:

- The statute now states as follows: "Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years, unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy." It appears that the DBPR will interpret this eight (8) year limit to commence from when the statute was enacted (2018).

Recalls:

- A recalled director who successfully challenges a recall is now able to recover attorney's fees and costs from the entity whose recall attempt failed (which may be individual unit owners and the association). The arbitrator may also award attorney's fees to entities seeking the recall if the arbitrator finds the recalled board members' challenge to be frivolous.

Material Alterations:

- The new law specifies that any required votes to approve material alterations or substantial additions to the condominium property must be taken before the material alterations and substantial additions are commenced.

Electronic Vehicles:

- Owners now have the ability under the Condominium Act to install electronic vehicle charging stations "within the boundaries of his or her limited common area parking area." All costs of the installation, maintenance, operating costs, including hazard and liability insurance, are borne by the owner who installs the device;
- The costs of labor and materials provided in the installation of an electronic vehicle charging station that are unpaid may not become a lien against the association, but rather, such a lien may be filed against the unit owner who installed the device.

Fines:

- The fining committee must be made of at least three (3) members who are appointed by the board. The fining committee members may not be officers, directors, or employees of the association, or be a spouse, parent, child, brother or sister of an officer, director or employee of the association;
- The association may only impose a fine or suspension if the fining committee approves the fine or suspension by majority vote;
- The association must provide written notice of any fine or suspension, by mail or hand delivery, to the unit owners (and tenant if applicable);
- Any fine approved by the committee is due within five (5) days after the date of the committee meeting.

Bulk Buyer and Assignees:

- The expiration of the bulk buyer and assignee statutes (Part VII of Ch. 718) has been removed, presumably making this law permanent.

HOW TO BEGIN TO LOOK AT YOUR RULES AND REGULATIONS

This is an example of a way to begin to look at the rules and regulations of your association
Building/Architectural Committee

Purpose: The committee's initial purpose is to create an initial draft for full board review.

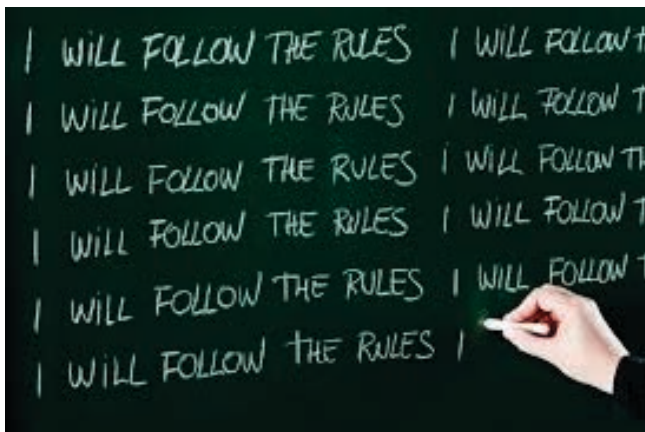
This review shall include initial guidelines for Building XXXX rules and regulations. This committee shall also be responsible to maintain an open line of communication with Association members who may deviate or need guidance and reminders in following the rules.

1. First, we must consider the reasons why rules exist, and in each situation, whether enforcement of the rule serves any legitimate association interest.
2. Secondly, to be valid and enforceable, a rule or regulation adopted by the board (as opposed to a restriction contained in the declaration of condominium) must be within the scope of authority of the board and must be reasonable and not arbitrary or capricious. To be within the scope of the board's authority, it must not contravene an express provision of the declaration or a right reasonably inferred from the declaration. The rules and regulations should be uniform in their application and enforcement and reasonably related to promoting the health, safety and welfare of the unit owners.

The rules and regulations are a significant source of authority for the board because they are a "living" document that governs the day-today operations of any association. The rules and regulations should read between the lines of the declaration and by-laws and have the same force and effect as the governing documents. These Rules and Regulations should not be stagnant and be revisited on a regular basis to be adjusted and updated.

INITIAL DRAFTING

Begin with the relevant portions of Master HOA by-laws. The initial draft will be submitted to the Building board to make sure that the proposed rules and regulations: (1) conform to the governing documents and statutes and (2) contain no illegal provisions. Thereafter, the preliminary draft is submitted to the board of directors for its review and the preparation of a final draft. The final draft will become the official operating document, and should then be ratified at the next regular or special meeting of the board of directors.



OPERATION

The rules and regulations of an association are only as good as the efforts of the Board to enforce them. This requires the education of all present and future residents as to their contents, as well as educating residents about the procedures for enforcement as described in the Shores of Long Bayou Bylaws- section XVI.

The members of an association must be made aware that the elected board of directors and the Master HOA manager are not the local police department and cannot be expected to witness all violations and solve all disputes between residents. The members of the association must be willing to come forward and notify the board or file complaints when rule violations occur. They must also be willing to give testimony to prove the accusations in order for the board to utilize prescribed enforcement procedures.

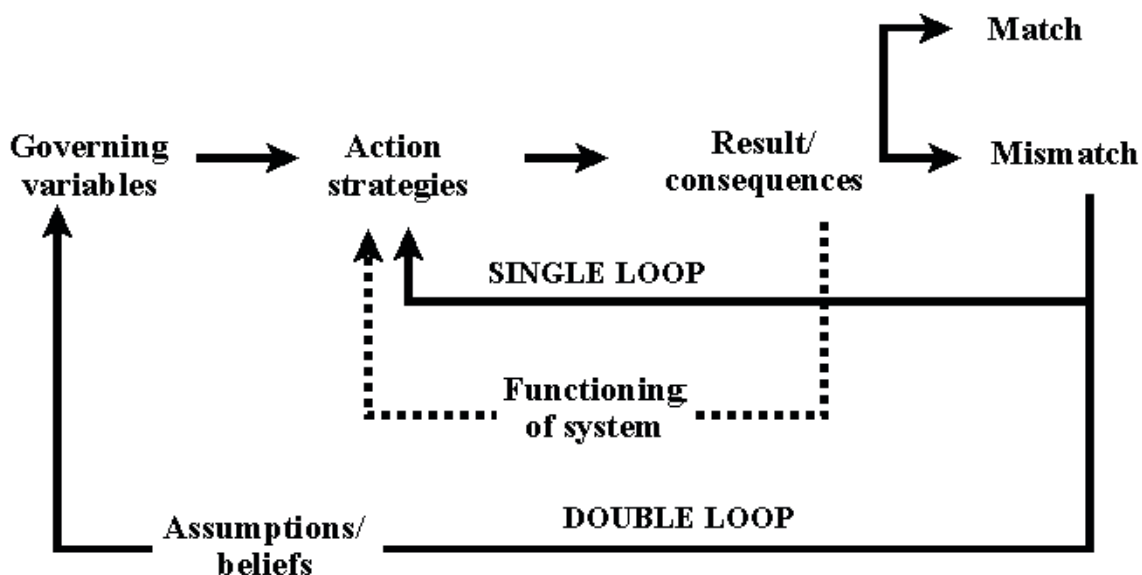
ENFORCEMENT

This should be timely with the infraction and consistent in discharging enforcement. **THE MAIN GOAL IS TO RESOLVE THE PROBLEM WITHOUT NEEDING TO INVOKE INTENSE PUNITIVE REMEDIES.** At best, these **GUIDELINES** should not require enforcement. They should have the backing and willing compliance of all association members- whether owner or tenant.

PERIODIC REVIEW AND UPDATE

In order for rules and regulations to be truly effective, they must be kept up to date. The committee may want to consider reconvening yearly to review the existing documents, copies of minutes of the previous year's board meetings, copies of all amendments, resolutions, motions and changes in the law.

****Please remember to have your attorney check any changes.**



TIMELINES AND FORMS

ADVANCE TIMING FOR MEETINGS

MEETING	CONDOMINIUM
Board meeting	48 hours posted (or pursuant to documents) with agenda
Budget meeting	14 days mailed (along with a copy of the proposed budget) and posted, unless documents require a longer time period
Annual meeting	60 days for first notice; 14 days for second notice, mailed, delivered or electronically transmitted
Board meeting to levy a special assessment	14 days mailed and posted– condos must also include the purpose & estimated amount of special assessment in the meeting notice as well as designate the use of excess funds (14 days applies to meetings to establish the insurance deductible as well)
Board meeting to adopt rules regarding unit or parcel use	14 days mailed (along with a copy of the proposed rule) and posted
Member meeting	Pursuant to By-Laws (usually at least 14 days mailed, delivered or electronically transmitted)
Committee meeting	Committees that take final action on behalf of the board or make recommendations to the board regarding the association budget must notice their meetings 48 hours in advance, and the meetings must be open to the unit owners
	Committees that DO NOT take final action on behalf of the board or make recommendations to the board regarding the association budget must notice their meetings 48 hours in advance, and the meetings must be open to the unit owners, UNLESS the By-Laws provide otherwise
Meetings with the Association attorney	Must be noticed 48 hours in advance, but are not open to unit owners when the meeting is held for the purpose of seeking or rendering legal advice

BUILDING XXXX SCHEDULE OF SERVICE

Create a schedule of events for the year. Post it or share it so the residents know these are issues the board is managing.

EXAMPLE

JANUARY	DRYER VENT CLEANING
FEBRUARY	FIRE SPRINKLER QTRY INSPECTION-
MARCH	FIRE EXTINGUISHERS INSPECTION
APRIL	
MAY	FIRE SPRINKLER QTRY INSPECTION
JUNE	FLOOD INSURANCE DUE
JULY	
AUGUST	FIRE SPRINKLER QTRLY INSPECTION ELEVATOR ANNUAL INSPECTION
SEPTEMBER	INSURANCE DUE DATE
OCTOBER	WALKWAYS & WALLS WASHED DOWN
NOVEMBER	FIRE ALARM ANNUAL-PIPER FIRE/CFC FIRE SPRINKLER ANNUAL INSPECTION- PIPER FIR
DECEMBER	CHECK TOILETS FOR LEAKS

- **CLEANING SERVICE** **SpongeBob 555-555-5555**

Annual Meeting/Special Membership Meeting Notice Preparation Form

(E-MAIL WITH MAILING FOR PROOFREADER):

Manager: _____ Date: _____

Full Legal Name of Community: _____

Initial Notice/Budget Meeting Questions:

1. Is the Annual Meeting and Budget Meeting held on the same date? _____ Yes _____ No
2. Have you reviewed the association's documents for any restrictions on the annual meeting date, time or place?
_____ Yes _____ No,
3. Please specify the date, time and place of:
Annual Meeting: _____
Date notice must be mailed by: First Notice _____ Second Notice _____
Budget Meeting: _____
Date notice must be mailed by: (review documents for variations) _____
4. Do the association documents require voting designation certificates? _____ Yes _____ No
Please include if required.
5. Would the board like to include a Homeowner Update Form? _____ Yes _____ No
6. Have you included the Notice of Intent which sites five (5) issues which would prevent a member from serving on the board? _____ Yes _____ No

Second Notice/Budget Meeting Questions:

7. Budget Meeting notice must be mailed by: _____
8. If there is less than full funding of reserves, does the proxy include the required statement pertaining to less than full funding? See specific statement, upper case and font requirement in statutes. _____ Yes _____ No (change as applicable)
9. Do you have any amendments to be included with your final notice? _____ Yes _____ No
If so, has the community's legal counsel provided you with the voting proxy and the amendment which reflects the strike through and additions? _____ Yes _____ No
10. Are there any votes to move money within the reserves which must be placed before the membership?
_____ Yes _____ No Are they already included in proxy? _____ Yes _____ No
11. Has the vote to roll over of excess funds per IRS Ruling 70-604 been included? _____ Yes _____ No
12. Does the board wish to include a President's letter, board statement or newsletter with the annual notice?
_____ Yes _____ No
13. Is the board approved budget included in the applicable notice? _____ Yes _____ No
14. Does the association's budget provide the full reserve analysis required by statutes, whether component or cash flow method? _____ Yes _____ No
15. Is the Year End Statement Request Form included in your annual meeting notice?
_____ Yes _____ No (This is a new form to replace the post card notice previously provided to owners and provided to you with the new notice of intent form)

*Important Reminder: A minimum of four (4) days is required for proofreading, preparation and mailing.
If changes or corrections are required, additional days could be required.*

ASSOCIATION ROSTERS and NEW OWNER INFORMATION

The HOA manager maintains a list of all owners, whether they live here all year or part of the year. There are cases where a parent may have moved, or passes, and the unit is being inhabited by other relatives.

When a situation such as the above arises, it must be brought to the attention of the manager. Rosters must be constantly updated for informational purposes, as well as safety issues.

Every association should have a folder for each unit in their condominium. When a unit is sold or leased, or lived in by a relative, it must be noted in the building files and reported to the manager.

The next few pages will give you the necessary documents that must be shared with the manager of the HOA.

The following pages are **examples** of the applications for new residents. These are available by email from the manager.

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www.glasbergen.com



“Instead of waiting for someone to steal my identity, I’m going to auction it on eBay!”

THE SHORES OF LONG BAYOU CONDO ASSOCIATION IX

OWNER INFORMATION SHEET

PLEASE FILL OUT AND RETURN TO CONDO ASSOCIATION IX

BUILDING # 9 UNIT # _____

OWNER's NAME: *Print* Last Name, First Name _____ 2nd OWNER's NAME: *Print* Last Name, First Name _____

NAME(s) of Other Occupants: Adults: *Print* _____

Children: _____

FULL-TIME RESIDENTS: _____ / _____ PART-TIME RESIDENTS: _____ / _____
Yes No Yes No

OUT of TOWN ADDRESS _____

PHONE NUMBERS (Shores Condo) _____ - _____ - _____ Home or Business?

(Mobile) _____ - _____ - _____

(Out of Town) _____ - _____ - _____

EMAIL ADDRESS _____ @ _____

EMERGENCY CONTACT _____ / _____
Person not living with you Phone Number

CAR(s): _____ YEAR _____ LICENSE PLATE _____
Make / Model / Color State & Number

GARAGE / PARKING SPACE # _____ SLB Decal/Parking Permit # _____

PET: Species / breed / weight _____

Certificates on FILE - Immunization - Rabies, Distemper,

VOTING CERTIFICATE _____ or N/A

OWNER'S SIGNATURE _____ DATE _____

FACT SHEET- type in relevant information

Last Save/Update

COMMUNITY	Shores of Long Bayou	MANAGER	
MANAGER PHONE	727-395-9497	MANAGER PHONE #2	
PROPERTY LOCATION	6301 Shoreline Dr. St. Petersburg, FL 33708		
MAINTENANCE PERSON		PHONE	
SPECIAL ON-CALL EMERGENCY INSTRUCTIONS:	Call Manager		

PROPERTY INFORMATION				
CLIENT NUMBER:		NUMBER OF UNITS:		SITE PHONE 727-394-9497
CONTRACT BEGIN DATE:				TAX ID #
ANNUAL MEETING:		LATE PAY DATE		FISCAL YEAR END
% FOR QUORUM		LATE FEE		TURNOVER
MONTHLY MTG DAY		ASSOC FEE PER UNIT		INCORP DATE
MINIMUM LEASE TERM		UNIT/CONTAINER		YEAR(S) BUILT
TRASH PICK UP		BUILDER		
LAWN CUTTING DAY				

BOARD OF DIRECTORS			
POSITION	NAME	EMAIL	PHONE
PRESIDENT			
ADDRESS			
VICE PRESIDENT			
ADDRESS			
TREASURER			
ADDRESS			
SECRETARY			
ADDRESS			
DIRECTOR			
ADDRESS			
DIRECTOR			
ADDRESS			
DIRECTOR			
ADDRESS			
OTHER			
ADDRESS			
OTHER			
ADDRESS			
OTHER			
ADDRESS			

INSURANCE INFORMATION			
INSURANCE COMPANY		AGENT/email	
PROPERTY INS CARRIER		PHONE	
		FAX	
PROPERTY COVERAGE LIMIT		DEDUCTIBLE	
D&O LIAB CARRIER		OTHER DEDUCT.	
FLOOD INSURANCE		AGENT/email	
		PHONE	
		FAX	

CONTRACTORS			
	NAME	PHONE	CONTACT PERSON
AIR CONDITIONING			
ANIMAL CONTROL			
ASPHALT/SEAL			
ATTORNEY-collections			

ATTORNEY-general			
AUDITOR/CPA			
BANK-RESERVE			
BANK-RESERVE			
CABLE TV	Bright House	727-329-5250	sales / service/ repair
DOMESTIC PUMP			
DRAINAGE			
ELECTRIC PROVIDER	Duke Energy	1-800-228-8485	sales / service/ repair
ELECTRICIAN			
ELEVATOR-service			
ELEVATOR-monitoring			
FIRE EXTINGUISHERS			
FIRE PROTECTION SYS			
FIRE PUMP			
GAS PROVIDER			
GATE/ENTRY			
GENERATOR			
GOLF CART			
LANDSCAPE			
PAINTING			
PEST/TERMITE			
Air Conditioner			
Sprinkler			
Fire			
Roof Maintenance			
TRASH PICK UP	Waste Management	727-572-8779	
WASHERS/DRYERS			
WATER CUT OFF INFORMATION	Pinellas County Utilities	727-464-4000	
WATER EXTRACTION			
WATER PROVIDER	Pinellas County Utilities	727-464-4000	
WINDOW CLEANING			

COMMITTEE PERSONS

TYPE OF COMMITTEE	none		
NAME:		EMAIL	
		PHONE	
NAME:		EMAIL	
		PHONE	
NAME:		EMAIL	
		PHONE	
NAME:		EMAIL	
		PHONE	
NAME:		EMAIL	
		PHONE	
NAME:		EMAIL	
		PHONE	

PRE ORIENTATION
AND
ORIENTATION

CHECKLIST FOR LEASE, SALE, TRANSFER, OR RENT
SHORES OF LONG BAYOU CONDOMINIUM ASSOCIATION INC.

In the event any Unit Owner wishes to sell, transfer, rent or lease his unit, whether or not for compensation, the Association shall receive notice of and approve or deny said sale, transfer, rental or lease. Prior to closing or other transfer of title, whenever a Unit is sold or transferred, and prior to occupancy, whenever the Unit is to be rented or leased or otherwise occupied in the Owner's absence, the Unit Owner shall provide to the Association such information as the Association shall request. (Declaration of Condominium Section 17)

The following are items to be considered at orientation:

- 1. Application for lease, transfer, sale, rent or occupancy must be completed by the proposed purchaser, lessee or occupant. If any question is not answered or left blank, this application may be returned, not processed and not approved. ((Declaration of Condominium (17.01))
- 2. The completed application must be submitted with a \$100.00 non- refundable application fee made payable to *Shores of Long Bayou XXII Condominium Association*.
- 3. Attach a copy of the sales contract or lease to this application.
- 4. The completed application must be submitted to the Shores of Long Bayou Property Manager at 6301 Shoreline Dr. or to a Director of the building _____ B.O.D. at least 15 days prior to the expected closing or desired occupancy date.
- 5. All applicants must make themselves available for a personal orientation with the B.O.D. of the association. If the applicant is not able to be physically available for a personal orientation, a phone orientation may be conducted at the owner's expense.
- 6. Prior to the signing of a contract or lease, it is the **responsibility of the Unit owner (at the owner's expense)** to provide the prospective buyer, lessee or occupant with a copy of the Rules and Regulations of the Association; a copy of all condominium documents, including the Declaration of Condominium, Articles of Incorporation and Bylaws; a copy of Frequently Asked Question and Answer Sheet, and a copy of the annual financial report (if requested).
- 7. The B.O.D or their appointed representatives will schedule an orientation the lessee, prospective buyer or occupant to review the Rules and Regulations and obtain signature(s) acknowledging the understanding of the Documents described in "6".
- 8. When moving furniture or belongings into or out of a midrise unit, the elevator stop key if required, and elevator protection pads should be obtained from a member of the B.O.D. The moving party must take steps to protect all common areas, including but not limited to sidewalks, walkways, balconies, elevator, walls, railings and doors. The Unit Owner is ultimately responsible for the total cost to repair any damage to common elements caused by moving.
- 9. If a pet is accepted, you may ask for rabies, vaccinations, Pinellas County License for the association records.
- 10. The Shores is *not*, and has never been, promoted as a 55+ community.
- 11. There are four communities inside the entrance gate. The attendants at the gate are there for traffic control.
- 12. Any crime should be immediately directed to the Pinellas County Sherriff's Office at:
911
727-582-6200

2 copies-one for association and one for buyer-Just a guide- change as needed

Condominium Owners' Association Building _____

ORIENTATION- copy for COA and copy for buyer/renter- Signatures required

Forms to be submitted by applicant:

- Completed Application
- \$100.00 processing fee

Forms and Documents Occupant must have and SIGN off on having read:

- Rules and Regulations for HOA and COA*-emphasis on only two cars/unit in condo area and pet policy. Point out difference between HOA (Property Manager) and COA (board of Directors). Unit owner/ renter is responsible for guests.
- Copy of Declaration of Condominium
- Copy of Bylaws
- Association Q&A

Moving In: CLEAN UP

- All boxes must be broken down and recycle
- Elevator pads must be used-if midrise
- UTE key must be used for holding elevator door open
- Keys: stairwell, pool, elevator, mailbox---garage door opener
- Location of dumpsters, Mon, Wed. Fri. Pick up days-nothing left on floor

Items:

- Property manager for HOA- clubhouse, 8:30-4:30 Mon-Fri 727-395 9497
- Car decals for owners and annual renters-green passes-see **property manager**
- COA must have key to unit
- Use of elevator code- please keep confidential for security
- Clubhouse USE and Procedures *see handbook*
- Pest Control- SOLES Exterminating 727-397-8179
- Homestead Exemption - if new to Florida- statute 196.031 \$25,000
- Common Areas
- Garage Disclosure
- Commodes
- Condensation and Mold
- Hurricane preparedness- elevator shutdown
- Speed Limit- PARKING**
- Bar-b-q LAW
- Resident List
- Pets

Representative of Association
Name

Buyer or Renter

DATE _____

email _____

Phone number for tele-entry _____

Print Last Name _____

READINGS

Pet Peeves Making and Enforcing Fair Pet Rules

By Keith Loria [2013 February Management](#)

Time was, if you said that a co-op or condo building was 'going to the dogs,' it was a bad thing. These days however, that's not always the case. According to the American Pet Products Association, 39 percent of all U.S. households own at least one dog, and 33 percent own at least one cat. This is why many condos and HOAs in South Florida and around the country have started to change their rules regarding pets and it's a much more welcoming atmosphere for animals.

But not everyone is for the pets. Non pet-lovers cite noise, aggression and mess as reasons for not wanting to share their building with their neighbors' animals, and they feel that a duly elected board should have the right to limit pet ownership. In many communities, people share corridors and lobbies, and have limited access to floors via the elevator, which brings still other issues into play. People may have animal allergies or even phobias—and forcing them to share an elevator with people and their pets can be a problem waiting to happen.

So how to promote peace among the four-legged and the two-legged inhabitants of your building or association? The experts say it takes a combination of courtesy, responsibility, accommodation, and respect; not just on the part of pet owners, but of everyone who calls your community home.

Pets and the Law

An issue that can complicate the implementation of some pet rules concerns residents who need companion animals for medical reasons. While no one would argue (indeed, it would be illegal) the right of a blind person to have a seeing-eye dog, or one trained to recognize the signs of seizure or stroke and alert medical personnel, other claims can seem questionable. Distinguishing a medically-necessary companion animal from an ordinary pet can get very dicey—the definition of a 'companion animal' is so broad and far reaching, it can easily be abused.

Is a cockatoo or a potbellied pig really what the doctor ordered to fight depression or anxiety? Are each and every one of a resident's eight cats a 'medical necessity'? With the issue of therapy animals a common media topic and official-looking companion animal 'certification' documents easily downloadable from the web, it seems anyone can invent a plausible reason for why they absolutely must be allowed to keep an animal in their home.

According to South Florida condo attorney Gary Poliakoff, a founding shareholder of the law firm of Becker & Poliakoff in Fort Lauderdale, recent HUD rulings say that a prescription for an emotional support animal may come from a “physician, psychiatrist, social worker, or other mental health professional.” In Florida, “other mental health professionals” include licensed mental health counselors, clinical psychologists, clinical social workers and marriage and family therapists.

According to Barry M. Silver, an attorney in Boca Raton, who deals with animal-related cases as a part of his regular practice, the law regarding medically-prescribed companion animals is evolving. “That definition is based on case law, and what judges have determined it to be. Usually you need something from a doctor saying that the dog is medically necessary.”

And what constitutes a medical necessity in the eyes of the law is also evolving, says Silver. “Nowadays, many courts are accepting psychological companionship as something that can be considered medically necessary as well,” he says. “It’s been clearly established that love, affection and companionship are absolutely necessary to the human condition, and people will greatly benefit from that. Pets seem to give unconditional love, they don’t remember if you do something wrong, and they don’t care about your faults. So many people consider non-humans to be wonderful companions, [with] a great psychological benefit for people who are dealing with difficult things like depression, or other psychological ailments. So very often doctors prescribe companionship.”

According to Maida W. Genser, the founder and president of Citizens for Pets in Condos, Inc., a non-profit organization based in Tamarac, whose mission is to promote responsible pet ownership and increase acceptance of companion animals in common interest ownership communities, “A companion animal and a pet are probably the same thing. Service animals provide assistance by doing tasks they were trained to do that help people with physical or emotional problems. Service animals are covered by disability law under the U.S. Department of Justice. Emotional support animals are covered under fair housing law and administered through HUD, which applies to condos and co-ops as long as they have more than four units. Emotional support animals do not have to be trained to provide assistance, because they provide it just by what they do naturally through that close human-animal bond. That alone can help people with anxiety and depression.”

Knowing—and Enforcing—the Rules

According to Genser, communities in some parts of South Florida tend to skew toward the no-pets end of the spectrum. “Most of our requests for assistance come from Miami-Dade and Broward counties,” she says. “We also get a few from the Sarasota area. The newer [condos] and the more expensive ones tend to allow pets, but there are thousands of people in places where pets aren’t allowed - and people will hide them, because it’s a natural thing to want to have something cuddly.”

Refusing to honor a resident's legitimate companion-animal prescription can have serious legal consequences for a board, says Silver. “If they refuse, they could be inviting a lawsuit. Many people think if you get involved in a lawsuit over an animal the financial aspect is going to be small, but of course, people who are involved with co-op and condos know...the price of challenging a resident's right to own a pet or companion animal can be very high. It can be an expensive proposition.”

That being said, most attorneys will agree that when people move into condo association or co-op, they are responsible for knowing and abiding by the rules and regulations spelled out in the

governing documents they are given to examine prior to closing the sale. Ignorance of or disagreement with—a particular rule is not considered grounds for flouting it.

According to Eric M. Glazer, an attorney and founding partner of Glazer & Associates, P.A., and the president of Association Mediation, Inc. in Hollywood, the topic of pets is probably the most litigated issue in condominium associations, after foreclosures. In a recent response to a question about pet rules published on the Florida Sun Sentinel's website, Glazer stressed that “You must understand that there are people who choose to move into communities just because pets are not allowed. They don’t want the smell, the noise and some are simply afraid of animals. The bottom line is that before moving into a community, you must read the declaration of condominium to learn if pets are allowed. If they aren't, then your response should not be to move in, purchase a pet, and then gamble that the board won’t find out, and then complain when the board does find out and decides to sue.”

And even if an HOA allows animals, and its pets are an extremely well-behaved bunch, all it takes is one incident—an unpleasant experience in an elevator, a new puppy yapping at all hours, an epic mess on the lobby rug—to set off tensions between dog owners and non-dog owners. Elevators in particular are a big issue and one that legal pros say pops up in pet-related spat all the time. That's where the courtesy and respect comes into play.

“If anyone is on an elevator and they have a fear [of dogs], we often say as a courtesy, just don’t get on the elevator—wait,” says one pro-pet real estate advisor. “Some people may just opt to use the side doors or service elevators with their pets. Of course, pets always need to be on a leash, and if your dog has an accident, obviously you need to clean it up immediately.”

Groups like Genser's can help boards and managers promote and encourage cooperation and compromise among pro-pet and non-pet residents.

“We provide resources on our web page (www.petsincondos.org),” says Genser. “We have information on legal pet documents; we publish information on what responsible pet ownership is, and how to change your living area to be more pet friendly.”

The group also promotes the idea of forming pet committees in buildings and condo associations. “Pet committees are something the major animal welfare organizations have come up with where you have a group of responsible pet owners who meet regularly and help deal with any pet issues that come up,” Genser explains. “One of the problems with association living is that you relieve the city and county of a lot of responsibility. Condos are largely self-regulating, and you want people who know how to deal with animals and are responsible.”

Paper Protection

For buildings welcoming pets, it’s important to have pet addenda in the house rules spelling out the expectations for the pet owner.

“You can put all sorts of provisions into the governing documents, and of course those will hold up in court,” says Silver. “Sometimes a blanket prohibition against all animals won’t work unless

there is some type of exception made for medically-necessary animals. However, even if that is the case, short of putting in a complete ban, the association is always free to amend its rules such that no one is allowed to cause a nuisance—and that provision could include things about animals causing a nuisance.”

Other possibilities that give boards a measure of control over their community's menagerie include having everyone register their pets with the management office, requiring proof of licensing and vaccinations. It's also not out of the question to inquire about extra insurance coverage for pets and their owners.

Ultimately, says Genser, “Association rules should concentrate on irresponsible pet owners”—not on respectful, rule-abiding owners and their well-behaved furry friends.

With fair rules, consistent enforcement, and respect between residents, allowing pets in HOAs need not turn into a three-ring circus.

Keith Loria is a freelance writer and frequent contributor to The South Florida Cooperator. Associate Editor Hannah Fons contributed to this article.

Handling Conflicts When Should the Board Intervene?

By Mike Odenthal [2018 December Board Operations](#)

Condo, co-op and HOA communities are made up of people – and people aren't perfect. Within a community association, squabbles are inevitably going to break out between unit owners. Oftentimes these problems will be resolved relatively easily, and the owners will reach some sort of reasonable consensus with no lasting animosity or tension between them. Other times, however, the fights will escalate, roping in other owners – and potentially the board.

There are clearly liability issues at play when a board is forced to make a decision in favor of one unit owner or another, and it goes without saying that any conflict that gets physical is a matter for the local authorities. But some conflicts fall into a gray area, and can present a challenge for a board that wishes to do the right thing, yet fears escalating the tension or doing something that infringes on an owner's rights. It can be a tough needle to thread, but there's help available.

See Something, Say Something

Starting with the most serious type of conflict first: if residents get into a physical altercation at an association property, the police should be called.

“Breach of the peace is first and foremost a criminal matter to be handled by police,” advises Mark R. Rosenbaum, a principal at the law firm of Fischel Kahn in Chicago. “One of the parties, or an onlooker should make that call. Even if the participants don't strike each other, but are screaming at one another, that can also warrant calling the police. If the police are called, there could be a number of outcomes: they may just talk to the participants – or only one of the participants. Someone may or may not get arrested. There should still be a police report made by the officers. But anyone other than the parties involved may have trouble getting a copy of that report.”

Philip Brigmond, District Manager at Resource Property Management in Seminole, Florida, adds that “the goal of the board should be to make sure that all residents know they are not the law, nor is it on them to enforce the law, or the rights inherently provided thereby. Anytime we receive a call from an owner with a complaint, we advise them to call the authorities – i.e., the police. It's very simple. Civil matters are enforced by civil servants. Board matters are enforced by board servants – volunteers. Obviously, someone threatening to cause bodily harm or personal property damage to another is not board business. Someone blocking another's parking space, on the other hand, would be enforceable at board level, unless it escalates to property damage.”

“The board must act to protect or restore safety and resident health and welfare, but there's clear case law stating that absent these factors, a shareholder or unit owner may not compel the board to enforce its own rules, including proprietary lease, bylaws and house rules,” notes Steve Troup, a partner with law firm Tarter Krinsky & Dogin LLP in New York City. Should an incident materially interfere with health or safety, or with a shareholder or unit owner's legitimate rights

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“e.g., if a lawful professional’s business invitees are scared away” – then yes, a board should get involved. And this goes, again, for anything involving fisticuffs.

Lesser Spats

The waters get murkier when no outright physical aggression is involved. At this point, the board needs to be more cautious about its responses to conflict.

“While I do think that the board has some obligation in ensuring that there is peace in the community, there are boundaries that should not be crossed,” says John Kadim, a portfolio manager for property management company Thayer & Associates in Cambridge, Massachusetts. “Working to address community apathy and involvement are more proactive things that can be done to help keep peace, but resident-to-resident conflicts are tricky areas that should be regulated very carefully.

“All residents should be acting courteously and reasonably in a common living environment,” he continues. “This is more of a ‘common sense’ practice that I would consider a standard expectation. These behavioral expectations are often a matter of perspective; one resident may feel as if they are compliant, while the majority of residents may disagree. I typically try to follow the general guidelines for maintenance in the Condominium Bylaws for helping to determine if the board should get involved. The maintenance standards generally state that if a resident’s unit has a unit-specific maintenance issue, they are responsible for addressing it. If that issue affects other residents’ safety, units, common areas, the property’s marketability or insurability, then the board has the authority to step in.

“In resident-to-resident conflict,” says Kadim, “I try to apply the same principles to determine if the board would have the authority to intervene. If the dispute or issue is solely between those two residents, then I advise them to address it between themselves. If it appears that things may affect other areas, I would review the issue with the board to determine if it would like to take action as an aid to diffuse or address the conflict before a larger issue arises.”

As Rosenbaum notes, the board has an “affirmative duty to enforce their documents, and to make sure that owners and occupants are not violating those documents. But board members and management cannot be everywhere in the building at once. They only know what they themselves see, and what is reported to them.”

As such, adds Rosenbaum, when evaluating a conflict, the first question the association should ponder is “Has anyone complained to the board or the managing agent? Things happen in an association all the time that do not get reported. And unless an owner or occupant – or one of the participants – lodges a formal complaint with the board, then the board may have limited responsibility. Rumor of a ‘fight’ may get to the board, but it will be just that: rumor and hearsay. Many – if not most – associations have rules that say that the board will only address an alleged violation of the association’s documents, if a written complaint is filed with the board (or management). Unless someone is willing to come forward and report what they saw and/or heard, the board probably does not have responsibility to affirmatively investigate the rumors.”

“Getting involved can be dangerous, as you can never be entirely sure that you’re on the right side of a discussion,” warns Brigmond. “The most ‘commitment’ that I would advise for a board to make would be to acknowledge that the association’s attorney will address their concerns on behalf of the board, providing that it is not a civil issue.”

Push Come Shove

Of course, in some communities, there may be repeat offenders who frequently cause both minor and not-so-minor problems. In these cases, eventually the onus will be on the board to do something about these characters.

“Most condo declarations contain what I call the ‘nuclear option,’” says Rosenbaum. “If an owner is repeatedly fined for serious violations of the association’s documents, one of the remedies available to an association is to go to court to get an order mandating the forced sale of that owner’s unit. This is a last-resort remedy against an owner who seems unable to live in a community setting – as opposed to a detached single-family home.

“But any of the steps that an association takes could result in that association getting sued,” Rosenbaum continues. “The courthouse is open to everyone. That said, as long as the association has followed its own rules in addressing the issues, and those rules are consistent with the law governing enforcement of its documents, then the association should be able to successfully defend its actions.”

“Remember the old saw: ‘no good deed goes unpunished,’” warns Troup. “As long as the board acts in accordance with the business judgment rule – i.e., no discriminatory decisions or enforcement of rules; no board member acts according to their own self-interest” – then there is no potential negligence for staying out of a fight.

Kadim agrees. “Intervening in resident conflict is absolutely an area wherein a board would take on additional risk just by involving itself,” he says. “Once involved, the board is essentially acting as an unofficial third-party mediator between residents. It’s very important that the involvement of the board remains as factual and unbiased as possible. If the issue is over something such as one resident parking too close to another’s space, simply by being the third party to reiterate the rules and regulations of the property’s parking policy and to remind the residents that they should be as courteous as possible to one another would be safer, as there are no sides being taken. If the residents are looking for action, things become tricky. Even if the association had the ability to reassign one resident to separate the conflicting parties, this could spark a new conflict down the road.”

As passive as this may sound, the best bet in most conflicts is to consult any and all relevant professionals. It actually seems prudent for a board to outsource some responsibility; after all, that’s why they retain management, attorneys, insurance, etc., in the first place. Do not leap before looking!

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21 CONDO BOARD RESPONSIBILITIES

21 condo board responsibilities (there may be more) include the strategy and management of the community. Those responsibilities include making all the business decisions that affect the association. The responsibilities of the board are defined in the governing documents. Most owners don't understand that community associations are big business. Budgets often approach or exceed \$1 million annually, and the condo board responsibilities are many, including pets and parking, crime on the common grounds, employment, and maintenance, to mention a few.

Summary of the condo board responsibilities:

- Obtain a copy of the recorded Declaration, Bylaws, and Amendments---all of the governing documents.
- Understand and enforce compliance with the governing documents.
- Establish, amend, communicate, and enforce the condo rules.
- Communicate with the owners, whether good or bad news.
- Solicit owners' input on important matters.
- Work closely with the association's professionals---manager, accountant, lawyer, etc.
- Manage community finances, create the annual budget, and collect fees.
- Ensure the reserves are adequate for the future replacement of major components of the property.
- Ensure that there is an annual audit by an outside CPA.
- Open and maintain bank accounts with designated signers.
- Disclose personal and financial conflicts of interest.
- Monitor all contractor activities and pay for authorized services.
- Designate, hire, and fire personnel.
- Keep correct and current records.
- Conduct meetings required by the governing documents.
- Confirm that the association's master insurance policy is appropriate for the property and the condo board.
- Develop and oversee risk management procedures.

- Establish and support committees' activities.
- Monitor social and security programs.
- Create procedures to maintain the appearance and conformity of the condo property.
- Preserve and promote community harmony.

There are some basic ground rules that condo boards should adopt in addition to their normal responsibilities:

- Be consistent,
- Be vigilant,
- Enforce all the rules,
- Review documents regularly,
- Ask when you do not know,
- Be honest,
- Be respectful of others, and
- Do not attack.

Condo board leaders have the right to:

- Expect owners to meet their financial obligations,
- Count on residents to know and comply with the rules and regulations,
- Expect residents to be respectful and honest,
- Receive support and constructive input from owners,
- Require owners to conduct themselves in a courteous manner at meetings, and
- Have personal privacy at home and during leisure time in the community.

Why aren't condo board responsibilities fulfilled?

Owners may run for the board to accomplish their own personal agendas. Once their pet projects are accomplished, they may have no more interest in executing their responsibilities. If their personal agendas are not fulfilled, they may become disgruntled because they didn't get their way. One way to solve this problem is to remove members who act in this manner. The best solution is for the owners who serve on the board to have the interest of the entire condo at heart.

Occasionally when the condo needs to fill a board position, most owners are unwilling to serve and carry out the responsibilities. This situation forces the condo to accept any owner just to prevent going into receivership. It could be that the members of the association lack a sense of community and, and they may not have a desire to maintain it as a first-class condo property.

Some condo board members may not know or understand the governing documents. Therefore, they may not know their responsibilities. One solution may be to adopt a policy that must be signed board members upon their election. It would be mandatory for them to declare that they

have read and understand the condo documents, and that they will fulfill their responsibilities to the best of their abilities. The laws in some states already mandate this policy.

Some condo owners may get elected to the board just because they want the title of being on the board. In this case, that member could have an ego problem and does not really care about his or her responsibilities. One way to solve this problem is to remove that board member. Also, board members may not have the expertise to perform the responsibilities of the office to which they are elected.

3 Questions to ask yourself before running for election to the condo board:

Do you have the time? You will need to devote at least several hours of your time each month to condo business. In addition to regular monthly meetings, you will need to be active in email discussions and occasional special meetings. During special projects, you may need to spend a little extra time on condo business.

Can you make tough decisions when it is required? One of the responsibilities is to conduct the business of the association. This does not just mean approving the budget, but also developing and enforcing policies. Board members are required to step outside their immediate circle of family and neighbors and make decisions based on the greater good of the community.

Can you do all this and have fun, too? It is not all about responsibilities and tough decisions. Your condo is only as good as you make it, and establishing and maintaining a sense of community is part of the responsibilities of a condo board. Planning and attending functions such as the picnics and parties and being a presence in the community are as important as any policy decisions a board member may make.

Condo board members have the responsibility to attend meetings and vote in the decision making process. They should make no excuses, read the governing documents and work hard. Condo association board members are not paid---not because they are worthless, but because they are priceless.

OBLIGATIONS OF THE HOA

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Homeowners' Association Documents

Declaration

4.1 The Homeowners' Association is a Florida corporation not for profit which was organized for the purpose of, among other things, providing an entity responsible;

(a) To assist the Condominium Associations to promote the health, safety and general welfare of residents and Unit Owners: and

(b) To construct, install, improve, maintain and repair the Common Areas and the Special Areas as may now or hereafter be created pursuant to the Master Easement Agreement.

(c) To adopt such guidelines and rules as it deems necessary to control the overall appearance of the Shores of Long Bayou Area, with the assistance of the Architectural Control Committee established by the Bylaws.

This is not an extensive list of HOA responsibilities. The associations are responsible for their associations as dictated in their documents. The residents of each unit are responsible for their well being inside their unit, as it pertains to their association, and as it pertains to the HOA. What does 4.1(a) mean by "health, safety and welfare?" An example of *Health* would be the inspection of the pools and its environs by The Pinellas County Health; Safety pertains to the maintenance of the common areas such as street cracks, or cleaning areas that may cause slippage; and Welfare is maintenance of the common areas to prevent any liability issues.

What obligation do associations have to protect owners from crime in their communities? Unless the governing documents include security on the list of association responsibilities, associations have no inherent obligation to protect residents and their guests from the criminal acts of third parties. Boards may not be responsible for ensuring the safety of owners, but they should not ignore legitimate security concerns raised by owners or known to the board. While boards have no general obligation to hire security guards, install surveillance cameras and motion detectors, or implement any other specific security measures without firm reasons to do so, they do have an obligation to ensure that any equipment they do install is operating properly.

The Shores of long Bayou has a gatehouse at the ingress and egress to four communities. The attendants are traffic control personnel. The Shores of Long Bayou HOA does not ensure owners' safety. For many years, The Shores has promoted, "If you see something, Say something."

Neither the Board nor the property manager is a substitute for the police. Cameras used by the HOA are for surveillance, and liability issues. The cameras might record a crime, but they cannot prevent a crime. Owners should take reasonable steps to protect themselves, and call the police if they feel threatened or see something suspicious. The HOA cannot guarantee the security of its members, and is not responsible for any criminal acts that occur on association property.

It is the responsibility of the resident to report a "crime" to the police. Injuries that occur on HOA common areas are reported to our insurance company. 46