

**BAYPORT WEST HOA**  
**Board of Directors Meeting Agenda**  
**June 17, 2024 at 7:00 p.m.**  
**Location: Lutheran Church of Our Saviour**  
**8401 W. Hillsborough Avenue, Tampa, FL 33614**

1. Call to Order
2. Proof of Notice of Meeting/Determination of a Quorum
3. Approval of the Meeting Minutes of May 20, 2024
4. Discussion of Amended Meeting Minutes of April 15, 2024
5. Officer and Committee Reports
6. Violation Committee Report
7. Homeowner Questions/Comments Regarding Agenda Items
8. Unfinished Business
  - a. Vote on proposed amendments to Article IV, Section 4 and deletion of Article IV Section
  - b. Past Due Letters
  - c. Alliance Collections
9. New Business
  - a. Updated Florida HOA Statutes
10. Adjournment

<b>Next Meeting Date: No July Meeting</b>
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**Bayport West Homeowners Association, Inc.**  
**Board of Directors**  
**Monthly Meeting Minutes (Amended)**  
**April 15, 2024**

**Call to Order:** The meeting was called to order at 7:00 p.m.

**Present:** Claire Matthews (CM), Carl Esselmeyer (CE), Melissa Lovejoy (ML), Michelle Zieziula (MZ) and Magda Hatka (MH), Ameritech Manager.

**Absent:** Jason Bradford.

**Welcome:** CM welcomed everyone to the meeting.

**Proof of Notice of Meeting / Determination of Quorum:** CM noted that the meeting notice was posted 48 hours in advance. Quorum was determined.

**Approval of Meeting Minutes March 18, 2024:** CM called for a motion to accept the meeting minutes as written.

**Acceptance of Minutes**

***Motion***

***Adopted***

A motion to approve the draft minutes of the March 18, 2024, meeting as written was made, seconded, and approved.

**Officer and Committee Reports:** CM reported that we are still waiting for another off-duty officer to be assigned to our community. MH read the current budget. The Feral Cat Committee had nothing to report.

**Violation Committee Report:** Roger Verszyla (RV) presented a summary of current violations. He distributed maps outlining proposed fence plans for the properties surrounding the lake between Venice and Silvermill. The Board discussed possible fence placement(s).

RV shared two quotes to install easement gates to replace the existing metal poles. One quote was for \$3,795 and the other for \$3,300. ML made a motion to accept the quote for \$3,300. ML noted her preference for black and white or black and tan "No Trespassing" signs.

**Homeowner Questions/Comments Regarding Agenda Items:**

The floor was open to the homeowner's comments which included: RV offered to repair the front wall along Hillsborough Avenue and will send the Board a quote. Off leash dogs should be reported to the County as this violation is beyond the scope of HOA enforcement. MZ suggested adding reminder notices in the newsletter for common maintenance issues.

**New Business:**

**Speeding / Off Duty Officer:**

CM had no update regarding replacement officer as this is still in process. It was acknowledged that speeding along Silvermill Drive remains a problem.

**Presentation of Property Management Services:**

CE presented quotes from two property management companies: Terra Management and Vanguard. He proposed to keep this information on file as needed.

**Adjournment:** With no further business, the meeting was adjourned at 7:43 p.m.

**Minutes respectfully submitted by:**

Melissa Lovejoy, Secretary

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Melissa Lovejoy

**Reviewed and approved by Board:**

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Date

PROPOSED AMENDMENTS TO ARTICLE IV, SECTION 4 AND PROPOSED DELETION  
OF ARTICLE IV SECTION 3 OF THE BYLAWS OF BAYPORT WEST HOMEOWNERS  
ASSOCIATION, INC.

~~Section 3. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more Members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the Members, to serve from the close of such annual meeting until the close of the next annual meeting, and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for the election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among Members or non-Members.~~

Section 4. Election. Election to the Board of Directors shall be by secret written ballot. At such election, the Members shall cast, in respect to each vacancy, as many votes as they are entitled to cast under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting shall not be permitted. Members may also cast ballots in advance of the annual meeting as described herein below.

At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each Lot owner entitled to a vote, a first notice of the date of the election. A Lot owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as required in Article III section 3 of these Bylaws, the association shall mail, deliver, or electronically transmit a second notice of the election to all Lot owners entitled to vote, together with a ballot that lists all candidates, in alphabetical order. However, if the number of candidates does not exceed the number of vacancies, then no election shall be required. Directors shall be elected by a plurality of the votes cast.

Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 40 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association.

Members who are not in attendance at a meeting of the members for the election of directors, may vote in the following manner: The Member may vote by secret written ballot. Such ballots must be placed in an inner envelope with no identifying markings and mailed or delivered to the association in an outer envelope bearing identifying information reflecting the name of the Member, the lot or parcel for which the vote is being cast, and the signature of the lot or parcel owner casting that ballot. If the eligibility of the member to vote is confirmed and no other ballot has been submitted for that lot or parcel, the inner envelope shall be removed from the outer envelope bearing the identification information, placed with the ballots which were personally cast, and opened when the ballots are counted. If more than one ballot is submitted for a lot or parcel, the ballots for that lot or parcel shall be disqualified. Any vote by ballot received after the closing of the balloting may not be considered.

## Committee on Regulated Industries

### **CS/CS/HB 1203 — Homeowners' Associations**

by Commerce Committee; Regulatory Reform & Economic Development Subcommittee; and Reps. Esposito, Anderson, Porras, and others (CS/SB 7044 by Rules Committee; Regulated Industries Committee; and Senators Bradley, Garcia, Rodriguez, and Avila)

The bill relates to the governance of homeowners' associations and the practice of the community association managers who manage those communities.

#### ***Community Association Managers***

Regarding community association managers (CAMs) and CAM firms, the bill requires CAMs and CAM firms to:

- Annually attend at least one member meeting or board meeting of the association;
- Provide to community association members certain information, including the contact person, contact information, and the hours of availability;
- Provide the community's members upon request a copy of the contract between the association and the CAM or CAM firm;
- Annually complete at least 10 hours of continuing education; and
- Biennially complete at least five hours of continuing education that pertains to homeowners' associations, three hours of which must relate to recordkeeping.

#### ***Official Records***

The bill requires homeowners' associations to:

- Effective January 1, 2026, associations with 100 or more parcels, maintain a digital copy of specified official records for download on the association's website or through an application on a mobile device.
- Provide a copy of records or otherwise make the records available that are subpoenaed by a law enforcement agency within five days of receiving a subpoena.
- Maintain official records for at least seven years, unless the governing documents of the association require a longer period of time.

#### ***Criminal Violations***

The bill provides the following criminal penalties related to homeowners' associations:

- Second degree misdemeanor for any director or member of the board or association to knowingly, willfully, and repeatedly violate (two or more violations within a 12-month period) any specified requirements relating to inspection and copying of official records of an association with the intent of causing harm to the association or one or more of its members;
- First degree misdemeanor for knowingly and intentionally defacing or destroying required accounting records, or knowingly and intentionally failing to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members;

- Third degree felony to willfully and knowingly refuse to release or otherwise produce association records, with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape; and
- Third degree felony for an officer, director, or manager of a condominium association to knowingly solicit, offer to accept, or accept a kickback.

The bill also expands the current criminal prohibitions against fraudulent voting activity to provide it is a first degree misdemeanor for:

- Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.
- Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections.
- Having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment.

Any officer or director charged with a criminal violation under ch. 720, F.S., must be removed from office and a vacancy declared.

### ***Assisting Law Enforcement***

The bill requires associations, if subpoenaed, to provide a copy of the requested records within five business days of receiving the subpoena and to assist law enforcement in any investigation to the extent permissible by law.

### ***Financial Reporting***

The bill:

- Requires associations with 1,000 or more parcels to have audited financial statements; and
- Prohibits associations from reducing the required type of financial statement (compiled, reviewed, or audited financial statements) for consecutive years.

### ***Requirement to Provide Accounting***

The bill allows association parcel owners to make a written request for a detailed accounting of any amounts owed to the association. If the association fails to provide the accounting within 15 business days of a written request, any outstanding fines of the requester are waived if the fine is more than 30 days past due and the association did not give prior written notice of the fines. It also prohibits parcel owners from requesting another detailed accounting within 90 days of such a request.

### ***Education - Officers and Directors***

The bill revises the education requirements for the directors of homeowners' associations to:

- Require a newly elected or appointed director to, within 90 days after being elected or appointment to submit a certificate of having completed the educational curriculum.
- Require that the educational curriculum include training relating to financial literacy and transparency, recordkeeping, levying of fines, and notice and meeting requirements.
- Require a director of an association that has:
  - o Fewer than 2,500 parcels to complete at least four hours of continuing education annually.
  - o 2,500 or more parcels must complete at least eight hours of continuing education annually.

### ***Enforcement of Covenants and Rules***

The bill requires associations or an architectural, construction improvement, or other similar committee to:

- Provide written notice to the parcel owner of the rule or covenant relied upon when denying the request for the construction of a structure or other improvement;
- Not place limits on the interior of a structure or require review of HVAC, refrigeration, heating, or ventilating system not visible from a parcel's frontage, an adjacent parcel, common area, or community golf course, if a substantially similar system has been previously approved; and
- Not prevent a homeowner from installing or displaying vegetable gardens and clotheslines in areas not visible from the frontage or an adjacent parcel, an adjacent common area, or a community golf course.

### ***Fines, Suspensions, and Liens***

Associations must have a hearing before a committee to review a fine or suspension issued by the board, and the bill:

- Requires the 14-day notice of the parcel owner's right to a hearing to be in writing;
- Requires the hearing to be held within 90 days of the notice of hearing;
- Allows the committee to hold the hearing by telephone or other electronic means;
- Requires written findings related to the violation to be provided within seven days of the hearing, the date the fine must be paid or the suspension fulfilled;
- Requires the date by which the fine must be paid to be at least 30 days after delivery of the written notice of the committee's decision; or
- Prohibits attorney fees and costs based on actions taken by the board before the date set for the fine to be paid;
- Allows that, if a violation and the proposed fine or suspension is not cured or the fine is not paid, reasonable attorney fees and costs may be awarded to the association, but may not begin to accrue until after the payment date of the fine or the appeal time has expired.

The bill prohibits homeowners' associations from issuing a fine or suspension for:

- Leaving garbage receptacles at the curb or end of the driveway less than 24 hours before or after the designated garbage collection day or time.
- Leaving holiday decorations or lights up longer than indicated in the governing documents, unless such decorations or lights are left up for longer than one week after the association provides written notice of the violation to the parcel owner.

The bill also provides that homeowners' associations may not prohibit a homeowner or others from parking:

- A personal vehicle, including a pickup truck, in the property owner's driveway or in any other area where they have a right to park.
- A work vehicle, which is not a commercial motor vehicle, in the property owner's driveway.
- Their assigned first responder vehicle on public roads or rights-of-way within the homeowners' association.

In addition, the governing documents may not prohibit a property owner from:

- Inviting, hiring, or allowing entry to a contractor or worker on the owner's parcel solely because the contractor or worker is not on a preferred vendor list of the homeowners' association or does not have a professional or occupational license.
- Operating a vehicle in conformance with state traffic laws, on public roads or rights-of-way or the property owner's parcel, unless the vehicle is a commercial motor vehicle.

### ***Electronic Voting***

The bill allows members of a homeowners' association to consent to electronic voting by using an electronic means of consent. Current law requires written consent to vote electronically.

### ***Assessments***

The bill permits only simple interest, not compound interest, to accrue on assessments and installments on assessments that are not paid when due.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

*Vote: Senate 40-0; House 110-0*