

FINAL VERSION OF PROPOSED CHANGES TO PROPOSED NEW STRAND MASTER DOCUMENTS

Orig. January 18, 2022 - Updated on 1/21/2022 based on review by NRs at the 1/20/2022 meeting. Rev 2 Updated on 2-7-2022 based on Comments from NRs
FINAL UPDATE Rev 3 based on NR meeting 2-17-2022.

FOR CLARITY - Items shown in GREEN are Final Changes (words either added or deleted) as agreed to by the NRs at the 2-17-2022 meeting.

Item 25 is New, (voting at a NR meeting) and was added to revise the requirement for 51% of voting interest for any approved action by the NRs.

(All other items previously agreed in 1/21/2022 issue shown as additions in red, deletions in strikethrough).

PROPOSED CHANGES:

1. This change makes it clear that fines are set by the Florida Statutes. Therefore, there is no uncertainty about what a fine could be or left to the determination of a Board, which could be much higher with no actual limit.

Proposed Change: The first few sentences of Section 14.1 of the Revised Documents should be changed back to a similar 2015 version (written by the lawyer) which incorporated the safeguards. The proposed section would read (added words in red, deletions shown strikethrough) - (NOTE: Words in green are original and are to Remain as shown as agreed to by the NRs at the 2-17-2022 meeting). Remaining Section to be changed as shown.

"The Board may levy fines and/or suspensions against Members, or Members' tenants or guests, or both, who commit violations of Chapters 617 or 720 of the Florida Statutes, the provisions of the Master Association Documents, or the Master Association's Rules and Regulations, or who condone such violations by their family members, guests or lessees. ~~Fines shall be in amounts deemed necessary by the Board to deter future violations, but in no event shall any single fine exceed an amount determined by the Board from time to time.~~ Fines shall be in amounts deemed necessary by the Board, but in no event shall any single fine exceed the maximum amount allowed by law.

2. This clarifies that a Board can do if fines are not paid. It removes the ability to suspend TV and Internet which might be illegal if someone relies on the internet for phone service or to operate health machines. It also adds the statement that suspensions will end when a fine is paid. Previously, the suspension could remain imposed at the discretion of the Board to “deter future violations”.

Proposed Change: The **second to last sentence in section 14.1 of the Revised Declarations should be revised to read as follows (added words in red, deletions shown strikethrough): (NOTE: Words in green were in Proposed Revised Declarations but were agreed to be Deleted by the NRs at the 2-17-2022 meeting). Remaining Section to be changed as shown. Part of last sentence shown for clarity.**

"Suspensions of the use of the Owner's Entrance at the front and back gates ~~and common non-essential services (e.g. bulk cable TV and/or internet)~~ may be imposed for a reasonable period of time. ~~to deter future violations.~~ Any suspension ends upon full payment of all obligations currently due or overdue to the Association. The procedure for imposing fines or suspending use rights

3. This change re-instates what is permitted within the Strand and eliminates any Board opinions on what is acceptable or not.

Proposed Change: The original Section 10.6 “Annoying Lights, Sounds or Odors” of the Original Declarations should be inserted into the Revised Declarations.

4. This change is what is required to adhere to the Florida law regarding “right to dry” laws. The Master Board cannot prohibit their use but may only provide restrictions on location, etc.

Proposed Change: Section 8.19 Wells; Laundry Lines of the Revised Declarations should be revised to read to similar as presented in Section 10.16 “Wells, Laundry Lines and Commercial Offices” of the Original Documents. This section should read as follows (added words in red, deletions shown strikethrough)- (NOTE: Words in green were agreed to be Deleted by the NRs at the 2-17-2022 meeting). Remaining Section to be changed as shown.

8.19 Wells; Laundry Lines.

*Private wells are strictly prohibited. No laundry lines or poles shall be permitted **except for those which are retractable, and which shall remain retracted except when in use. Permitted exterior laundry lines and poles, shall be located ~~only as permitted by the Master Association,~~ and screened by landscaping or other features so as to not be readily seen by others.***

5. This change eliminates any confusion about what is prohibited and where in regard to Political signs and flags. It also allows Neighborhoods to establish other rules and regulations in this regard.

Proposed Change: The last sentence of this Section 8.7 in the Revised Declaration should be changed to read as follows (added words in red, deletions shown strikethrough):

*"No political signs or **political** flags of any type shall be permitted on Strand Boulevard, Ashford Lane or ~~in~~ **on** any neighborhood **parcel**".*

Now it only applies to flags or signs on a parcel, not those on vehicles or golf carts, etc. or in windows. Neighborhoods that allow Political signs will need to be updated. It also applies to Political Signs in windows visible from the Street.

6. This change, using the words from Tom, clearly states what is prohibited but still allows members to perform routine maintenance on their cars which isn't "substantial".

Proposed Change: The first sentence of Section 8.9 of the Revised Declarations should be revised to read as follows (added word in red):

*"No **Substantial** maintenance or mechanical repairs of vehicles or boats is permitted on the Property outside of garages except in an emergency".*

7. This change establishes that operable Owner's cars in the driveway of their home is permissible but the Neighborhoods can establish more restrictive rules and regulations.

Proposed Change: The fourth paragraph in Section 8.9 of the Revised Declarations should be revised to read as follows (added words in red). (NOTE: Words in green were agreed to be Added by the NRs at the 2-17-2022 meeting). Remaining Section to be changed as shown.

"Abandoned or inoperable vehicle" shall be defined as any vehicle which has not been driven under its own propulsion for a period of three (3) weeks or longer, provided, however, this shall not include vehicles parked in an enclosed garage or operable vehicles (in good working order) left on the Parcel by the Parcel Owners unless otherwise restricted by the associated Neighborhood rules and regulations".

8. This change makes it clear that "electronic fences" are prohibited and thus eliminates any confusion.

Proposed Change: The following sentence of Section 8.16 of the Revised Declarations should be revised to read as follows (words added in red):

"No dog runs, animal pen or fences including "electronic fences" for the containment of animals of any kind shall be permitted".

9. This change deals with a member's small propane tanks for barbecue grills, etc. and allows them to store them on their lanai and not require the member to remove and store them in the garage after each use. Better to be clear than have confusion by another board.

Proposed Change: The first sentence of Section 8.28 of the Revised Declarations should be revised to read as follows (NOTE: Words in green were agreed to be Added by the NRs at the 2-17-2022 meeting).

" A reasonable quantity of gasoline, propane or other fuels necessary to power portable generators, gas grills and similar equipment shall be permitted to be stored in an enclosed portion of a parcel, except for those attached to an outside gas grill which would be allowed to be stored outside on a parcel.

10. This section dealt with a member appealing to the Master Board to overturn a Neighborhood's decision which originally declined a member's request for an ARC change. It is proposed to delete the entire paragraph.

Proposed Change: This entire second paragraph in Section 6.4 Delegation of Design Review of the Revised Declarations as it relates to appeal of Neighborhood Board's ARC Decisions should be DELETED entirely as shown below.

~~6.4Decisions of Neighborhood Association may be appealed to the Master Association. Appeals must be submitted in writing and a copy must be submitted to the Neighborhood Association at least fifteen days prior to their next scheduled meeting of the Master Association. The Master Association may establish such other rules and procedures as they may see fit.~~

11. This change reestablishes the Annual Meeting to be held in Feb or March versus the first quarter. If done during the first quarter, say January, this could lead to situations whereby most Boards who appoint NRs haven't been held yet. There is no need to have the change to the first quarter.

Proposed Change: Section 3.1 of the Revised By-Laws should be changed to state that The Annual Meeting is to be held in February or March of the year.

~~3.1 Annual Meeting. There shall be an annual meeting of the Neighborhood Representatives held in the first calendar quarter~~ **February or March of each year.**

12. This change reestablishes the Annual Budget Workshop meeting held in October that was deleted from the Revised Documents. Regardless of attendance, this meeting is necessary to require the Board to present the Budget to the members and to provide details of any Special Projects, etc.

Proposed Change: The requirement for an Annual Budget Workshop Meeting as originally written, should be re-stated in the Revised By-Laws.

13. This change deletes establishing an order of Business for NR meetings. We all understand how a meeting should be conducted and there is no need to write it into the documents which we would then be bound by in the future.

Proposed Change: This section 3.10 Order of Business in the Revised By-Laws, as it pertains to the structure of a NR meeting, should be Deleted in its entirety.

ITEMS 14, 15 and 16 were added at the request of the NR regarding increasing to 51% the threshold of NRs presenting the total voting interests of the Strand voting for various items.

14. This change deals with increasing the percentage requirement for the NR representing at least 51% of the total voting interests in the Strand to call a Special Meeting.

Proposed Change: Section 3.2 of the Revised By-Laws should be revised to read as follows (added words in red, deletions shown as strikethrough):

*3.2 Special Meetings. Special meetings of the Neighborhood Representatives must be held whenever called by The Master Association Board President, or in his or her absence, the Vice-President, or by a majority of The Master Association Board Directors, and may also be called by Neighborhood Representatives representing at least ~~thirty percent (30)~~ **fifty-one percent (51)** of the voting interests. The business at any special meeting shall be limited to the items specified in the notice of meeting.*

15. This change deals with increasing the percentage requirement for the NR representing at least 51% of the total voting interests in the Strand to establish a quorum for an official meeting.

Proposed Change: Section 3.4 of the Revised By-Laws should be revised to read as follows (added words in red, deletions shown as strikethrough):

NRs Agreed at the 2-17-2022 meeting NOT to Change SECTION 3.4 of the Revised By-Laws in order to be consistent with the Florida Statutes. Quorum for NR meeting to remain at 30% as originally presented (shown here for clarity). See Item 25 for change to vote required for any action by the NR.

*3.4 Quorum. A quorum at a Neighborhood Representative meeting shall be attained by the presence, either in person or by proxy, of Neighborhood Representatives representing and entitled to cast at **least thirty percent (30)** ~~fifty-one percent (51)~~ of the votes of the total voting interests.*

16. This change deals with increasing the percentage requirement for the NR representing at least 51% of the total voting interests in the Strand to call a meeting of the Board and to include Special Meetings.

Proposed Change: Section 4.7 of the Revised By-Laws should be revised to read as follows (added words in red, deletions shown as strikethrough). (NOTE: Words in green were agreed to be Added by the NRs at the 2-17-2022 meeting). Remaining Section to be changed as shown.

4.7 Other Meetings including Special Meetings. All Meetings of the Board may be held at such time and place as shall be determined from time to time by the President, or in his or her absence, a Vice- President, or by a majority of the Directors at any time. It shall be the duty of the Directors, the President, or a Vice-President, to call such a meeting whenever so requested by the Neighborhood Representatives constituting at least ~~twenty percent (20)~~ **fifty-one (51) or more of the total voting interests.**

17. This change eliminates the statement that a Director only has to be present and their vote is counted. It seems completely ridiculous to have such a statement in a governing document. Let the Director speak and their vote counted and not presume it is in favor of a motion.

Proposed Change: The Sentence in item 4.11 Vote Required of the Revised By-Laws should be deleted in its entirety as follows:(deletion shown strikethrough)

4.11 Vote Required. The acts approved by a majority of those Directors present and voting at a meeting at which a quorum has been attained shall constitute the acts of the Board, except when approval by a greater number of Directors is required by the Governing Documents or by applicable statutes. A Director who is present at a meeting of the Board is deemed to have voted in favor of every action taken, unless he or she voted against such action or abstained from voting because of an asserted conflict of interest.....

18. This change is to eliminate the Board from trying to obtain every Director's personal e-mails, files, hand written notes, etc. There are numerous unintended consequences of such a statement and how it can be abused by some Boards. Florida Statutes is specific about what are considered "Official Records" and these are the only ones that are required by law to be turned over by a Director who leaves.

Proposed Change: The sentence in Section 4.6 of the By-Laws should be revised to read as follows (added words in red, deletions shown as strikethrough):

"Within 30 days after ~~At~~ the organizational meeting all outgoing members of The Strand Board of Directors shall turnover all official records, **as defined by Florida Statute 720,** ~~written and electronic correspondence, and relevant documents~~ in their possession to the newly elected Board of Directors.

19. This is the same type of change as above in item 18 whereby only "official Records" as defined by the Florida Statutes are required to be turned over to the Board.

Proposed Change: The Sentence in section 4.5 of the Revised By-Laws should be revised to read as follows (added words in red, deletions shown as strikethrough):

" Any Director who is removed from office is not eligible to stand again for election to the Board until the next annual election, and must turn over to the Master Association within seventy-two (72) hours any and all **official** records, **as defined by Florida Statutes 720,** and other property of the corporation in his or her possession. If a Director who is removed does not relinquish his or her office or turn over **official** records, **as defined by Florida Statutes 720,** as required, the circuit court in the county where the Master Association has its principal office may summarily order the Director to relinquish the office and turn over corporate records upon application of any Member."

This makes it clear in both cases that only "Official Records" as defined by Florida Statutes needs to be turned over to the Board.

20. This change is in regards to the Master Board President presiding over NR Meetings. Since this was done by the Lawyer and Tom doesn't care either way, we should insist that it is corrected as shown.

Proposed Change. The sentence in Section 5.2 of the Revised By-Laws should be revised to read as follows (deletions shown as strikethrough). (NOTE: Words in green were agreed to be Added by the NRs at the 2-17-2022 meeting). Remaining Section to be changed as shown.

"The President shall be the chief executive officer of the Master Association; shall preside over all meetings of the ~~Neighborhood Representatives and Directors~~ and the Annual Meeting of the Neighborhood Representatives

21. This is similar to 20 above. Again, this is something drafted by the Lawyer and Tom doesn't care either way. Recordings of official meetings are controlled by the NR.

Proposed Change: The sentence in Section 5.4 of the Revised By-Laws should be revised to read as follows (deletions shown as strikethrough). (NOTE: Words in green were agreed to be Added by the NRs at the 2-17-2022 meeting). Remaining Section to be changed as shown.:

" The Secretary shall attend meetings of the Board and all meetings of the Members ~~and Neighborhood Representatives~~ and the Neighborhood Representatives Annual Meeting and shall cause all votes and the minutes of all proceedings to be recorded and retained, and shall perform like duties for standing committees when required. The Secretary shall be responsible for proper notice of all meetings of the ~~Neighborhood Representatives, and of the Board,~~ and the Neighborhood Representatives Annual Meeting, and shall perform such other duties as may be prescribed by the Board or the President. Any of the foregoing duties may be performed by an Assistant Secretary, if one has been designated.

22. There is a section in the Original Documents, Section 14.05 that offers liability protection to the Master Board and the members. This section should be reinstated into the Revised Documents as there is no harm in Doing so.

Proposed Change: The Entire original Section 14.05 should be reinstated into the Revised Declarations as originally written with the exception that all words or phrases referring the Developer or Declarant be deleted.

This Section reads in part (with reference to Declarant shown deleted, addition in red for grammar):

"14.05 Security. ~~Neither Declarant nor the Master Association makes no any representations whatsoever as to the security of the premises or the effectiveness. of any monitoring system, guardhouse, or security service. All Members agree to hold Declarant and the Master Association harmless from any loss or claim arising from the occurrence of any crime or other act.....~~

23. This change is a result from a deletion in the Revised Documents whereby a member was offered the ability to correct a violation. It is not clear in the written revision that if a violation is remedied by the member, the fines wouldn't still be applied. This discretion by a Board should be eliminated as a future Board could impose fines for days the member was in violation.

Proposed Change. ~~The sentence in Section 5.4 of the Revised Declarations should be revised to read as follows (added words in red, deletions shown as strikethrough):~~

NRs agreed at the 2-17-2022 meeting NOT to Change SECTION 5.4 of the Revised Declarations - This Proposed Change to be deleted in its entirety.

~~"Prior to entry, the Master Association shall afford the Owner reasonable notice and an opportunity to remedy the situation, except when entry is required due to an emergency. If the Owner remedies the violation, no fines will be imposed for the period when the Owner was in violation"~~

24. ~~The change adds the description of Special Meetings as originally written in the Documents, but deleted in the Revised Documents. Special Meetings are necessary and it gives the Board the ability to call a meeting in an emergency or if only 2 Directors ask for one to be called.~~

Proposed Change: ~~Section 3 of the Original By-Laws should be re-stated in the Revised By-Laws under Section 4.0. The Original Section 3 reads as follows:~~

NRs at the 2-17-2022 meeting Agreed NOT to add SECTION 3 of the Original By-Laws but instead include the words "Special Meetings" in Section 4.7 of the Revised By-laws for clarity- see item 16. This Proposed Change to be deleted in its entirety.

~~**"SPECIAL MEETINGS.** Special meetings of the Board of Directors shall be held when called by written notice signed by the President or by any two (2) directors. The notice shall specify the time and place of the meeting and the nature of any special business to be considered. The notice shall be given to each Director by personal delivery, first class mail, electronic mail, or telephone at least fourteen (14) days prior to the date of the meeting, unless the special business is of a nature which, in the President's discretion, requires more immediate action, and then a minimum of forty eight (48) hours notice shall be deemed sufficient. No business shall be transacted at a special meeting except as stated in the notice.~~

25. **NEW ITEM:** Section 3.5. To ensure 51% of the voting interests are needed for any decision by the NRs to be binding. This additional item was agreed to be added by the NRs at the 2-17-2022 meeting.

Proposed Change: The first sentence in section 3.5 of the Revised By-Laws should be revised to read as follows (added words in red, deletions shown as strikethrough):

3.5 Vote Required. The acts approved by **at least fifty-one percent (51) of the votes of the total voting interests** ~~a majority of the votes~~ cast by Neighborhood Representatives at a meeting of the Neighborhood Representatives at which a quorum has been attained shall be binding upon all Parcel Owners for all purposes, except where a different number of votes is expressly required by law or by any provision of the Governing Documents.