

Explanation/highlights of Proposed Changes in the Bella Costa Bylaw's

John Richards, Board President

Below is a description of the most important proposed changes in Bella Costa's Bylaws and Condominium documents. These revised documents were created to address significant changes in the Florida Condo Statute 718 occurring since the last revisions and a court decision with the potential to invalidate all the changes and amendments made since the original documents were written. Bella Costa's attorney has made the changes with the suggestions of a Task Force consisting of three owners, Joe Pelot, CAM, John Richards, Board president, and Connecticut Attorney Gerry Smyth.

This is not a complete description of all the suggested changes as many of them are technical and reflect the new wording in the Statute. I have only highlighted the ones I feel will be of the most importance to the owners. I strongly suggest you take the time to read both documents completely. As explained below there are actually two Declaration of Condominium as section 1 and section 2 are separate corporations. However the two documents are identical except for the language addressing the docks surrounding the boat basin.

This is a **redline** version, (per the statute) showing all the new text as underlined and deletions ~~stricken through~~. Any text doubled-underlined was deleted from one part of the document and inserted in another section.

The goal is to present these documents for approval at the December 2019 annual meeting. Please review the documents, and the highlights and let me know (john.bellacosta@gmail.com) if you have any comments or suggestions. Once the owners have had an opportunity to read the proposed changes one or more general membership meetings will be planned, at least one with the attorney, to discuss the documents, answer questions and deal with proposed changes before a vote is taken.

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1. 1.1 Required language due to Florida court ruling necessary to make amendments to governing documents
2. 1.4 Makes fiscal (budget) year the calendar year.
3. 2.1 Size of the Board is 5-7. This number is determined by the Board.
4. 2.1a Defines qualifications for serving on the Board per the FL condo statute
5. 2.2 4&5 Adds the ability to electronically notify and vote for Board members
6. 2.2.8 Deletes requirement of a Board meeting to accept nominations to the Board.
7. 2.2.12 Requires elections to be held in accordance with the FL condo act's rules.
8. 2.2.14 Requires newly elected Board members to affirm they have read the governing documents or they have attended a state certified course on the duties of a condo Board member.
9. 2.4 Removal/recall replaces language to conform with FL condo statute
10. 2.5 (j) Adds FL Condo Statute language on emergency powers.
11. 2.7 (g) adds language requiring specific mention in Board and committee notifications of discussion concerning regular or special assessments.

12. 3.1 Specifies officers must be members of the Board
13. 3.11 Defines rights and obligations of committees appointed by the Board
14. 3.12 Defines the right of the Board to contract with a management company.
15. 5.2 Changes the requirement the annual meeting take place in the first two weeks of December to a date determined by the Board
16. 5.4 (b) Defines the use of proxies in voting
17. 5.5 (c) 1-6 defines "voting member"
18. 5.8 Adds electronic delivery as a means to notify voting members of meetings
19. 7.3 Allows the annual budget to be transmitted electronic to owners.
20. 7.3 (c) Adds the ability of the board to amend the annual budget using the same process as the adoption of the annual budget.
21. 10.2 Eliminates "emergency assessments"
22. 11.1 Changes to By-Law need to be approved by a majority of those present and voting. This is changed from needing three quarters of those voting to amend the Bylaws.

Highlights of proposed changes in the Bella Costa Section 1 and 2 Declaration of Condominium.

All the proposed changes and in the Declaration of Condominium for Section 1 & 2 are exactly the same. However, the section two document includes language addressing the dock surrounding the seawall. This language is in the section 2 document 4.5 and 11.1a defining the limited common element and the obligations of certain unit owners to maintain the docks. The wording in these section was not changed but they do represent the only difference between Section 1 and 2 documents.

1. 7.1 Establishes the Florida Condominium act as the authority for the documents
2. 7.6 Requires the owners to provide a key to the association
3. Article IX was not amended but states the document can be amended by a vote of 51% of the owners present. A quorum of the owners present or by proxy is required to take the vote.
4. Article X repeats the bylaw assessment and collection authority.
5. 11.5 Requires a simple majority vote of those present to make material changes the common elements. Material change is not defined in these documents or the Florida condo Statue. A quorum is still required of the owners present or by proxy is still required to take the vote.
6. 11.6 Prohibits satellite dishes accept as permitted by Federal Law.
7. 11.7 a-e Defines the owner's responsibility for maintenance of the unit.
8. 12.1 prohibits the unit from being used for business
9. 12.2 Defines who may own a unit
10. 12.5 Requires approval of leases
11. 12.5a Prohibits owners and tenants from subleasing a unit for less than 3 months.
12. 12.7 permits one indoor cat
13. 13.1 Requires approval of unit sales
14. 14.5 Requires unit owners to purchase liability and property insurance on their units.
15. 15.5 Provides for recourse by the Association if a unit owner fails to maintain a unit.