

Whenever any notice is required by these by-laws to be given, personal notice is not meant unless expressly so stated, and any notice so required shall be deemed sufficient if given by depositing the same in a United States Post Office receptacle in a sealed post-paid wrapper, addressed to the person entitled thereto at his last known post office address, and such notice shall be deemed to have been given on the day of such mailing Any notice that is required by these By-Laws shall be deemed sufficient if it is included in our hand delivered Veranda Springs Newsletter. Electronic transmissions of notices, if used, shall comply with the requirements of Chapter 723.

MARKUP #1 ->

B. WAIVER

Whenever any notice is required to be given under the provisions of any law, or under the provisions of the Articles of Incorporation of the Association or these By-Laws, (a) a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, or (b) attendance by such person or persons at such meeting without protesting the lack of notice to or at commencement of this meeting, shall be deemed equivalent thereto.

ARTICLE XIV – OTHER NOTICE

A. TO PARK OWNER

The Association shall notify the park owner in writing by certified mail, return receipt requested, of any change of names and addresses of directors and their office held or registered agent.

B. TO PUBLIC AND PARK OWNER

The Association shall file a notice of its right to purchase the mobile home Park as set forth in Section 723.071, Florida Statutes, as from time to time amended. The notice shall contain the name of the Association, the name of the park owner, and the address or legal description of the park. The notice shall be recorded with the clerk of the circuit court in the county where the mobile home Park is located. Within ten (10) days of the recording, the Association shall provide a copy of the recorded notice to the park owner at the address provided by the park owner by certified mail, return receipt requested.

ARTICLE XV – CONSTRUCTION

- A. Whenever conflict arises between the language of these By-Laws and the Articles of Incorporation, the Articles of Incorporation shall govern. Whenever the context so requires, the masculine shall include the feminine and the singular shall include the plural.
- B. Whenever the context so requires, mobile home shall include the phrase - manufactured mobile home in every instance.

ISSUE #1

ARTICLE XVI – ASSOCIATION RECORDS

A. The Association shall keep as permanent records correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors. It must also keep at its registered office in this state a copy of its Articles of Incorporation and its By-Laws and any amendments thereto and a record of the names and addresses of its members in alphabetical order. All books and records of the Association must be kept in written form or in another form capable of conversion into written form within a reasonable time and may be inspected by any member, or his certified representative or attorney, for any proper purpose at any reasonable time. Further,

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. XVI (p. 14): Official records inspection timeframe (14 days) exceeds the statutory 10-working-day maximum.

Statutory / Legal Reference: Fla. Stat. § 720.303(5)

Statutory Comparison: Florida Statutes (Fla. Stat. § 720.303(5)) require associations to make official records available for inspection within 10 working days after receipt of a written request, and expressly grant owners the right to use a smartphone, tablet, or portable scanner to make electronic copies at no charge.

CURRENT WORDING IN DOCUMENT:

- ASSOCIATION RECORDS A . The Association shall keep as permanent records correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors. It must also keep at its registered office in this state a copy of its Articles of Incorporation and its By-Laws and any amendments thereto and a record of the names and addresses of its members in alphabetical order.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.303(5), official records shall be made available for inspection within 10 working days after receipt of a written request. Owners and their authorized representatives may use a portable device, including a smartphone or scanner, to take photographs or electronic copies of official records at no charge.