

THE MANORS OF WESTRIDGE NEWS

Building a better sense of community and pride through
communication Second Quarter 2024



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Legislation Affecting Florida HOA's - HB 1203



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In addition to HB 59, HB 293, and HB 1645 which were previously signed by the governor, the most substantial HOA legislation in Florida this year is HB 1203, which bill was signed by the governor on May 31, 2024 and is effective July 1, 2024. In addition to adding requirements for community association managers, including requiring that a community association manager or management firm for an HOA attend at least one membership or board of director meeting annually “in person”, HB 1203 imposes the following new requirements on homeowners associations:

- (1) Director Standards: In addition to having a fiduciary duty to members, officers and directors are specifically subject to the standards for directors of non-profit corporations set forth in Section 617.0830, Florida Statutes which requires directors to discharge their duties in good faith, with the care of an ordinary prudent person in a like position, and in a manner reasonably believed to be in the best interests of the corporation.
- (2) Association Records:
 - (a) Association official records must be maintained for 7 years unless the governing documents require a longer period of time.
 - (b) By January 1, 2025, an association that has 100 or more parcels must post the association’s governing documents and other official records on its website or make the documents available through a mobile device application. This includes posting all notices of membership and board meetings, with agendas and any document to be considered and voted on during the

meeting and any documents listed on the agenda “in plain view on the homepage of the website or application, or on a separate subpage of the website or application labeled ‘Notices’ which is conspicuously visible and linked from the homepage.” Association records which are confidential and not accessible to owners as provided in Chapter 720, Florida Statutes, must be redacted or otherwise not included in the association’s website or application.

(c) The association’s website or application must include a section that is accessible only by username and password by owners and employees of the association, which username and password must be provided upon written request by an owner.

(d) Knowing, willful and repeated failures to comply with requests for association records is a second degree misdemeanor, knowing and intentional defacing or destroying of accounting records and knowing and intentional failure to create or maintain accounting records is a first degree misdemeanor, and willful and knowing refusal to release or otherwise produce association records is a third degree felony.

(e) If an association receives a subpoena for records from a law enforcement agency, the association must provide or make such records available to the law enforcement agency within 5 business days after receipt of the subpoena unless otherwise specified in the subpoena, and an association is required to assist law enforcement in its investigation.

(3) Financial Matters:

(a) Associations with 1000 or more members must prepare annual audited financial statements regardless of the total amount of association revenue. The level of annual financial statements (i.e. compiled, reviewed or audited) continues to be subject to reduction by a vote of members, however such reduction is not allowed in consecutive years, i.e. a reduction in the level of reporting is permitted every other year.

(b) An association and its officers, directors, employees and agents may not use a debit card issued in the name of the association or billed directly to the association for the payment of association expenses. Any person who uses a debit card issued in the name of the Association or billed directly to the Association for any expense that is not a lawful obligation of the association commits theft.

(c) An owner has the right, not more than once every 90 days, to request a detailed accounting of any amounts such owner owes to the association. Failure to respond within 15 business days after receipt of a written request for a detailed accounting constitutes a complete waiver of any outstanding fines of the person who requested the accounting of the amounts owed are more than 30 days past due and the association did not give prior written notice of the imposition of the fines.

(4) Director Education. New directors no longer have the choice of attending an education class or signing a certificate that the director has read the association governing documents and will work to uphold them and faithfully discharge his or her fiduciary responsibility. Instead, the new directors must complete a department approved education class within 90 days after being elected or appointed and provide a certificate of satisfactory completion of such class. A certificate of completion is valid for 4 years and directors must complete the education class at least every 4 years. In addition to the department approved education class, a director of an association with less than 2500 parcels must complete at least 4 hours of continuing education annually, and a director of an association with 2500 or more parcels must complete at least 8 hours of continuing education annually.

(5) Architectural Review.

(a) Architectural control requirements may not (i) limit or place restrictions on the interior of a structure that is not visible from the parcel’s frontage or an adjacent parcel, an adjacent common

area, or a community golf course, or (ii) require the review and approval of plans and specifications for central air-conditioning, refrigeration, heating, or ventilating systems if such system is not visible from the parcel's frontage, an adjacent parcel, an adjacent common area, or a community golf course and is substantially similar to a system that is approved or recommended by the association.

(b) A notice of denial by an association to an owner for the construction of a structure or other improvement on a parcel must specify the rule or covenant on which the association relied upon by the Association when denying a request and the specific aspect or part of the proposed improvement that does not conform to the rule or covenant.

(c) An association may not restrict owners from installing, displaying or storing any items on a parcel which are not visible from the parcel's frontage, an adjacent parcel, adjacent common areas or a community golf course including, but not limited to, vegetable gardens and clotheslines.

(6) Fines and Suspensions:

(a) The 14-day minimum notice to an owner of an intent to impose a fine or suspension of common area use rights must be in writing and must include a statement of the right to a hearing, and the hearing must be held within 90 days after issuance of the notice. The hearing may be held by telephone or other electronic means, and if by electronic means, the notice must include information for access to the hearing. Written findings relating to a violation must be provided within 7 days after the hearing, and such notice must state how the violation may be cured, how a suspension may be fulfilled, and when a fine must be paid (which can be no sooner than 30 days after of delivery of the notice). If an owner cures a violation before the hearing or after the notice of the hearing decision is provided, a fine or suspension may not be imposed. Attorneys' fees and costs incurred prior to the deadline to cure or pay the fine indicated in the notice of the hearing decision may not be awarded, but those incurred after the deadline to cure or pay the fine indicated in the notice of the hearing decision may be awarded to the association.

(b) An association may not levy a fine or impose a suspension of the use of common areas for (i) leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time, or (2) leaving holiday decorations or lights on a structure or other improvement longer than allowed in by 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.

(7) Criminal Penalties:

(a) In addition to the criminal penalties for acts involving association elections, the following relating to fraudulent voting activity are now first-degree misdemeanors: (i) knowingly aiding, abetting or advising someone in the commission of a fraudulent voting activity, (ii) agreeing or conspiring with another person to commit a fraudulent voting activity; and (iii) knowing of an fraudulent voting activity and aiding the offender fraud and trying to help the person who committed it to avoid or escape consequences.

(b) It is a second-degree misdemeanor for any director or member of the board or the association to knowingly, willfully and repeatedly violate (i.e. two or more violations within a 12 month period) any 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.

(c) It is a first-degree misdemeanor for a person to knowingly and intentionally deface or destroy required accounting records, or to knowingly and intentionally failing to create or maintain required accounting records with the intent of causing harm to the association or one of its members.

- (d) It is a felony of the third-degree for a person 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.
- (d) Being charged with any criminal act under the statute requires removal from the board.
- (8) Prohibited Restrictions: Governing documents of an association may not prohibit the following:
- (a) The parking of an owner's, tenant's guest's or invitee's pickup truck in the owner's driveway or any other area where the owner, tenant, guest or invitee has a right to park per state, county or local regulations.
- (b) The parking of an owner's, tenant's guest's or invitee's work vehicle that is not a commercial vehicle[1] in the owner's driveway regardless of any official insignia or visible designation on the vehicle.
- (c) Operating a vehicle that is not a commercial vehicle in conformance with state traffic laws on public roads or rights-of-way or the owner's parcel.
- (d) The parking by a first responder who is an owner, tenant, guest or invitee of the first responder's assigned vehicle in an area where the owner, tenant, guest or invitee otherwise has a right to park, including public roads and rights-of-way. A first responder includes law enforcement officers, firefighters, emergency medical technicians and paramedics.
- (e) The use of a contractor or worker solely because the contractor or worker is not on the association's preferred vendor list and/or does not have a professional or occupational license.
- (9) Compound Interest: Compound interest on delinquent assessments is prohibited.
- (10) Electronic Voting: A member of an association may consent to electronic, i.e. online, voting electronically in addition to consenting in writing.

[1] A commercial vehicle is defined as (i) any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight, and (2) a vehicle that occasionally transports personal property to and from a closed-course motorsport facility if the use is not for profit and no corporate sponsorship is involved.

Berger Singerman's Real Estate Team remains dedicated to keeping you informed about significant legislative developments that may impact your future developments and business operations. Should you have any questions or require further guidance on how these changes may affect your projects, please contact Jeffrey R. Margolis.



Hurricane Season 2024

Hurricane season is here. Please be advised to clear all debris from your yards and lanais. If you have neighbors that do not live on site, please let them know that they have stuff on the side of the house that could be dangerous in the event of a hurricane or storm

Please be advised to stock up on tax free items during Florida's 2024 Disaster Preparedness Sales Tax Holiday which begins on Saturday, June 1, 2024, and

ends on Friday, June 14, 2024. A second Disaster Preparedness Holiday begins on Saturday, August 24, 2024, and ends on Friday, September 6, 2024. It may not seem like much but any tax that you can save is money well spent.

Top 5 Reasons To Use Airbnb Noise Monitors

Noise monitoring offers several benefits, especially in contexts like Airbnb hosting or property management:

1. **Guest Satisfaction:** By monitoring noise levels, hosts can ensure a peaceful environment for guests. Excessive noise complaints can be addressed promptly, leading to better guest experiences.
2. **Property Protection:** Noise monitoring helps prevent damage to the property caused by rowdy parties or disturbances. Early detection allows hosts to intervene and prevent potential issues.
3. **Legal Compliance:** Some local regulations impose noise restrictions. Monitoring noise levels helps hosts comply with these rules and avoid fines or legal consequences.
4. **Neighbor Relations:** Noise complaints from neighbors can strain relationships. Monitoring noise proactively helps maintain positive interactions with neighbors.
5. **Security:** Noise monitoring systems often include occupancy detection. This can enhance security by alerting hosts to unexpected activity or unauthorized guests.



Remember that different noise monitoring devices offer varying features, so hosts should choose one that aligns with their specific needs.



It is very important for the safety of ourselves and our neighborhood to always be on the look out for suspicious activity. If you see something weird, Please notify the right people:

*If it's any criminal activity please call the police

*If it's any type of violation please take a picture and send it to the management company at bobby@hoaemt.com and to manorwestridgehoa@gmail.com. Yes, posting it on Facebook will make your neighbors aware of what's happening but its only gossip (we will not act on a Facebook post). When you formally send pictures in an email, actual procedures will initiate and we'll, notify that person that they are in violation or any wrongdoing. Emails are anonymous.



<https://forms.gle/98vDYt3pPV7Mn4Uv7>

This is a link to a community survey. We would like to ask your opinion on matters we are thinking of doing in our community. Some have no cost associated with them and some of them do. Please let us know what you think.

Important Information

Extreme Management LLC is:
2113 Ruby Red Blvd., Ste.B,
Clermont, FL 34714
Phone: 352-366-0234 Fax: 352-708-
4923 robert@hoaemt.com or his
phone: 352-404-4473

The board can be reached directly at:
Manorwestridgehoa@gmail.com

Polk County Sheriff's office
Northeast District Office
1100 Dunson Road
Davenport, FL 33896
863-236-3900



Curbside Recycling Service Ending

As of May 1, 2024, recycling carts will no longer be issued. Curbside recycling collection will continue until the end of September. As of Oct. 1, 2024, curbside recycling collection will be discontinued. After Oct. 1, you may use your cart for household or yard waste, until your cart is no longer serviceable, or you may call the Solid Waste Division at (863) 284-4319 to request it be removed.

The Waste and Recycling Division encourages customers to submit service requests online to expedite response and to

use the information on Polk's website for your convenience. We are dedicated to providing you with as many services as possible during this time.

[Submit a service request online](#) for:

- Reporting a damaged or stolen roll cart
- Reporting a missed collection
- Other requests

You can also download the Polk Waste Wise App:

[Polk Waste Wise App for Apple](#)

[Polk Waste Wise App for Android](#)

Customer service representatives are available by phone, but due to reduced staffing, wait times could be longer than usual and we appreciate your patience during this time. You can find more information at [https://www. polk-county.net/](https://www.polk-county.net/)



Tree trimming

Tree trimming including the palms will start the last week of June on the North side and the first week of July for the South.

Bulk Trash Pick Up Dates

Monday July 8th

Monday August 12th

Monday September 9th

Monday October 14th

ENFORCEMENT RESOLUTION AND POLICY

The undersigned, the duly elected, qualified, and acting President of The Manors at Westridge Homeowners' Association, Inc. ("Association"), hereby states that, after a duly noticed

Meeting of the Board of Directors ("Board") on the ____ day of _____, 2024, pursuant

to all requirements of the Association's governing documents and Chapter 720, Florida Statutes, the Directors entitled to vote on Association matters duly and properly adopted the following Enforcement Resolution and Policy.

WHEREAS, the Association is the not for profit corporation charged with the operation, maintenance, and management of The Manors at Westridge and charged with the enforcement of Declaration of Conditions, Covenants, Easements and Restrictions for The Manors at Westridge ("Declaration"), the Articles of Incorporation, Bylaws, and the rules, regulations, policies, procedures and guidelines promulgated by the Association, as the same have been amended from time to time (collectively, "Governing Documents"); and

WHEREAS, pursuant to Article VII of the Declaration and Section 720.305, Florida Statutes, among other provisions, the Association is authorized to enforce the Governing Documents; and

WHEREAS, the Association is desirous of empowering the Association's Management Company, including its Licensed Community Association Manager and employees or representatives of the Association's Management Company (collectively, "Manager") with the authority to initiate the enforcement of the Governing Documents, including the authority to initiate enforcement against violations of the Governing Documents and issuing notices.

NOW, THEREFORE, it is hereby resolved as follows:

1. Recitals. The above recitals are true and correct and are hereby incorporated into this Resolution and Policy.

2. Inspection.

a. The Association, through its Board, officers, Manager and/or other authorized agents, perform routine inspections of the community to determine violations of the Governing Documents. For the purposes of this Resolution and Policy, the term "Association" also means the Association's Board, officers, Manager and/or other authorized agents as the context required.

b. In addition to the aforesaid routine inspections, the Association may utilize, inspect and/or verify any reports of violations of the Governing Documents coming from

any Owner or any Owner's tenant, guest, occupant, or invitee (collectively "Non-Owner") for the failure of an Owner or Non-Owner to comply with the Governing

Documents.

c. Inspections, routine or verification of a report, may be performed from the roads, sidewalks, common grounds, or from a neighbor's property if invited by the respective neighboring Owner.

3. Violations; Notices of Violation. The Association (subject always to contrary direction by the President or the Board) may determine which violations may be addressed first

through the process and procedures set forth in this Resolution and Policy. Manager may confer with the President and/or legal counsel in attending to this function but shall be delegated the general authority and responsibility to initiate or provide any of the notices required by this Resolution and Policy. The Association anticipates it will provide the following notices to Owners

and Non-Owners after a determination that a violation of the Governing Documents has occurred or is occurring:

a. First Violation Notice. Upon determination that a violation of the Governing

Documents has occurred or is occurring, the Association shall mail by regular first-class mail, a First Notice of Violation to the offending Owner, and Non-Owner, if

applicable, (i) setting forth a description of the violation; (ii) the provisions of the Governing Documents on which the violation is based; (iii) the action required to cure or resolve the violation; and (iv) the timeframe in which to cure the violation (e.g., fourteen (14) days from the date the First Notice of Violation is sent).

b. Second Violation Notice. If the Owner and/or Non-Owner fails, refuses, or neglects to cure or resolve the violation in accordance with the First Notice of Violation, the Association may mail by regular first-class mail a Second Notice of Violation, again (i) setting forth a description of the violation; (ii) the provisions of the Governing Documents on which the violation is based; (iii) the action required to cure or resolve the violation; and (iv) the timeframe in which to cure the violation (e.g., fourteen (14) days from the date the Second Notice of Violation is sent).

c. Final Notice of Violation. If the Owner and/or Non-Owner fails, refuses, or neglects to cure or resolve the violation in accordance with the Second Notice of Violation, the Association shall mail by certified mail with return receipt and regular first-class mail a Final Notice of Violation, again (i) setting forth a description of the violation; (ii) the provisions of the Governing Documents on which the violation is based; (iii) the action required to cure or resolve the violation, (iv) the timeframe in which to cure the violation (e.g., fourteen (14) days from the

date the Final Notice of Violation is sent); and (v) advising the Owner, and Non-Owner, if applicable, if the violation is not cured, the Association may refer the

matter to legal counsel.

4. Further Enforcement Action. If the Final Notice of Violation does not result in the Resolution and Policy of an alleged violation to the satisfaction of the Association, or in cases where no initial notice is issued, the Association shall be empowered with the authority to (i) issue

any of the three (3) types of notices listed for the violation; and/or (ii) refer the violation to the Association's legal counsel as provided in this Resolution and Policy. All such rights and remedies

are cumulative in nature.

5. Violations Referred to Association Attorney. At any point, the Manager may confer

with the President and/or Board, but shall be delegated the general authority (subject always to contrary direction by the President or the Board) to request a violation be addressed by the Association's legal counsel through demand letters sent from the attorney's office, in-person meetings, pre-suit mediation demands as required by Chapter 720, Florida Statutes, a lawsuit for injunctive relief, or any other legal action appropriate under the circumstances. However, the Association shall provide legal counsel information on any enforcement action taken or to be taken

by the Association regarding any violations once they have been referred to legal counsel. In the event violation(s) are referred to the Association's legal counsel for further enforcement, the offending Owner and Non-Owners shall be liable to the Association for all attorneys fees and costs

incurred by the Association in connection with such enforcement efforts.

6. Deviation from Resolution and Policy. General compliance with this Resolution and Policy shall be sufficient, it being intended to be used as a guideline to ensure fairness in the enforcement process. It is the intention of this Resolution and Policy that persons sought to be are given a reasonable notice of their violation(s).

a. The Manager, in consultation with the President, where appropriate, shall have the authority to disregard the provisions of this Resolution and Policy in circumstances where the alleged behavior of a person constitutes a violation of criminal law, or poses a threat to the health, peace, safety, or welfare of the residents of the community, or in other circumstances where such disregard is justified, unless specifically required by law or other provisions of the Governing Documents.

b. Compliance with this Resolution and Policy shall not be deemed a prerequisite to the initiation of legal proceedings or other remedies to enforce the Governing Documents, unless specifically required by law or other provisions of the Governing Documents.

c. Non-compliance with the procedures of this Resolution and Policy shall not invalidate any enforcement action taken by the Association whatsoever unless specifically required by law or other provisions of the Governing Documents.

7. Additional Delegation of Authority. The Board may delegate such other powers and duties to the Manager or to such other person as may be necessary or appropriate under the circumstances to effectuate this Resolution and Policy. The Board may adopt additional policies and procedures for the Manager or such other persons to follow, or to be utilized in connection with the enforcement process set forth herein.

This Resolution and Policy was adopted at the Board of Directors' Meeting held on _____, 2024.