

**BAYSHORE GARDEN  
CONDOMINIUM APARTMENTS ASSOCIATION, INC.  
BY LAWS**

**ARTICLE I**

The principal office of the corporation shall be located at Recreation Hall, Bayshore Gardens Condominium Apartments, Unit #1, Bradenton, Florida, 33507. The corporation shall have and continuously maintain at above office an Agent whose office shall be identical with such registered office. The address of the principal office may be changed from time to time by the Board of Directors.

**ARTICLE II  
MEMBERS**

**Section 1. Initial and Subsequent Members.** Those persons or corporations who presently own or hereafter acquire title to units in BAYSHORE GARDENS CONDOMINIUM APARTMENTS ASSOCIATION, INC. shall be members. The term member shall also be construed to mean a Lessee occupying a BAYSHORE GARDENS CONDOMINIUM APARTMENT under a Lease or Sub-Lease of more than five (5) years duration. In the event a member leases or sub-leases his unit for more than a five (5) year term shall during such term remain a member, but forfeit his voting rights the tenant or sub-tenant to exercise said voting rights.

**Section 2. Voting Rights.** There shall only be allowed one (1) vote per unit, said vote in the event of joint ownership of a unit to be divided equally among the joint owners thereof and cast as fractional votes, or by agreement of the joint owners cast by one of their number.

**Section 3. Termination of Membership.** Whenever a member ceases to become an owner of a BAYSHORE GARDENS CONDOMINIUM APARTMENT unit, his membership shall there and then automatically terminate .

**Section 4. Transfer of Membership.** Membership in this corporation is not transferable or assignable.

**ARTICLE III  
MEETING OF MEMBERS**

**Section 1. Annual Meeting.** An annual meeting of the members shall be held at the office of the corporation at 10:00 am on the second Saturday in February beginning with the year 1999-2000 for the purpose of electing directors and for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Florida, such meeting shall be held on the next succeeding business day. If the election of directors shall not be held on the day designated herein for any annual meeting, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as conveniently may be. \*1

**Section 2. Special Meetings.** Special meetings of the members may be called by the President, the of Directors, or not less than one tenth of the members having voting rights.

**Section 3. Place of Meeting** The Board of Directors may designate any place within Manatee County, Florida, as the place of meeting for any Annual or Special Meeting, and if no such designation is made, such meeting shall take place at the office of the corporation Manatee County, Florida.

**Section 4. Notice of Meetings** Written or printed notice stating the place, day and hour of any meeting of members shall be delivered either personally or by mail, to each member entitled to vote at such meeting, not less than ten (10) nor more than fifty (50) days before the day of such meeting, by or at the direction of the President, or the Secretary, or the officers or persons calling the meeting. In case of a special Meeting, or when required by statute or by these By-laws, the purpose or purposes for which the meeting as called shall be stated in the notice. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

**Section 5. Informal Action by Members** Any action required by law to be taken at a meeting of the members, or any action which may be taken at a meeting of members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

**Section 6. Quorum** The members holding a majority of the votes which may be cast at a meeting shall constitute a quorum at such meeting. If a quorum is present, unless otherwise provided by the Declaration of Condominium of BAYSHORE GARDENS CONDOMINIUM APARTMENTS, These By-Laws or the Charter of BAYSHORE GARDENS CONDOMINIUM APARTMENTS ASSOCIATION, INC., a majority of those present may take corporate action. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting from time to time without further notice.

**Section 7. Proxies** At any meeting of members, a member entitled to vote may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution unless otherwise provided in the proxy

**Section 8. Voting by Mail** Where directors or officers are to be elected by members or any class or classes of members, such election may be conducted by mail in such manner as the Board of Directors shall determine.

#### **ARTICLE IV BOARD OF DIRECTORS**

**Section 1. General Powers** The affairs of the corporation shall be managed by its Board of Directors. Directors must be members of the corporation and must reside on site at least 6 months of the year. Not more than one member from a household may be on the Board called the Board of Directors at the same time. \*3

**OFFICERS AND DIRECTORS:** who shall be elected at the regular meeting of the corporation. Vacancies on the Board of Directors may be filled until the next annual meeting, in such manner as provided by the By-Laws. The officers shall be: a President, a Vice-President, Secretary and

Treasurer. They shall be selected by the Board of Directors.

Directors must be members of the corporation and must reside on site at least 6 months of the year. *(This by law is no longer valid as it is superseded by Florida Statute 617.0802)*

Not more than one member from a household may be on the Board of Directors at the same time. The officers and members of the board shall perform such duties, hold office for such terms, and take office at such times as shall be provided in the By-Laws of the corporation. \*4

**Section 2. Number, Tenure, and Qualifications** The shall be three in number until the annual meeting in December 1970, at which time the number of directors shall be increased to five. The present members of the Board of Directors, or successors of the Present members of the Board of Directors as appointed by them in the event of the removal or disability of one or all of said directors, shall hold office until the annual meeting of the members in December 1970, at which time two directors shall be elected to serve for terms of two years, and three directors shall be elected to serve for terms of one year. Thereafter, the terms of all directors shall be for two years, except that directors appointed by the Board of Directors to fill vacancies shall hold office only until the next annual meeting, at which time the members shall elect a director to any remaining portion of such term.

**Section 3. Regular** A regular annual meeting of the Board of Directors shall be held without other notice than this By-law, immediately after and at the same place as the annual meeting of members.

**Section 4. Special Meetings** Special Meetings of the Board of Directors may be called by or at the request of the President or any three Directors. The person or persons authorized to call special meetings of the board may fix any place within Manatee County, Florida, as the place for holding any special meeting of the board called by them.

**Section 5. Notice** Notice of any special meeting of the Board of Directors shall be given a least two days previous thereto by written notice delivered personally or sent by mail or telegram to each Director at his address as shown by the records of the corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so-addressed, with postage thereon, prepaid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these By-laws.

**Section 6. Quorum** A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the board; but if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice. \*2

**Section 7. Manner of Acting** The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these By-laws.

**Section 8. Vacancies** Any vacancy occurring in the Board of Directors and any directorship to

be filled by reason of an increase in the number of Directors, shall be filled by the Board of Directors.

**Section 9. Compensation** Directors shall not receive any compensation for acting as such, but nothing herein contained shall be construed to preclude any Director from serving the corporation in any other capacity and receiving compensation therefor.

## **ARTICLE V OFFICERS**

**Section 1. Officers** The officers of the corporation shall be a President, a Vice President, a Secretary, and a Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more assistant secretaries and one or more assistant treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary.

**Section 2. Election and Term of Office** The present officers of the corporation or their successors as elected by the Board of Directors of the corporation in the event of resignation or disability, shall serve until the next annual meeting of the Board of Directors of the corporation. Thereafter, the officers of the corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as convenient. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor shall have been duly elected and shall have qualified.

**Section 3. Removal** Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

**Section 4. Vacancies** A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

**Section 5. President** The President shall be the principal executive officer of the corporation and shall in general supervise and control all of the business and affairs of the corporation. He shall preside at all meetings of the members and of the Board of Directors. He may sign, with the Secretary of any other proper officer of the corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, other instruments which the Board of Directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these By-laws or by statute to some other officer or agent of the corporation; and in general he shall perform all duties to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

**Section 6. Vice President** In the absence of the President or in event of his inability or refusal to act, the Vice President (or in the event there be more than one Vice President, the Vice Presidents in the order of their election) shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. Any Vice President shall perform such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

**Section 7. Treasurer** If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine. He shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable to the corporation from any source whatsoever, and deposit all such moneys in the name of the corporation in such banks, trust companies, or other depositories as shall be selected in accordance with the provisions of Article VII of these By-laws; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

**Section 8. Secretary** The Secretary shall keep the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these By-laws or as required by law; be custodian of the corporate records and of the Seal of the corporation and see that the Seal of the corporation is affixed to all documents, the execution of which on behalf of the corporation under its Seal is duly authorized in accordance with the provisions of those By-laws; keep a register of the post office address of each member which shall be furnished to the Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

**Section 9. Assistant Treasurers and Assistant Secretaries** If required by the Board of Directors, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine. The Assistant Treasurers and Assistant Secretaries, in general, shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the President or the Board of Directors.

#### **Section 10. Compensation**

Officers of the corporation shall not receive any compensation for acting as such, but nothing herein contained shall be construed to preclude any officer from serving the corporation in any other capacity and receiving compensation therefor.

### **ARTICLE VI COMMITTEES**

**Section 1. Committees of Directors** The Board of Directors, by resolution adopted by a majority of the directors in office, may designate one or more committees, each of which shall consist of two or more directors, which committees, to the extent provided in said resolution, shall have and exercise the authority of the Board of Directors in the management of the corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed upon it or him by law.

**Section 2. Other Committees** Other committees not having and exercising the authority of the Board of Directors in the management of the corporation may be designated by a resolution adopted by a majority of the directors present at a meeting which a quorum is present. Except as otherwise provided in such resolution, members of each such committee shall be members of the corporation, and the President of the corporation shall appoint the members thereof. Any member thereof may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the corporation shall be served by such removal

**Section 3. Term of Office** Each member of a committee shall continue as such until the next annual meeting of the members of the corporation and until his successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

**Section 4. Chairman** One member of each committee shall be appointed Chairman by the person or persons authorized to appoint the member thereof.

**Section 5. Vacancies** Vacancies in the membership of any committee, may be filled by appointments made in the same manner as provided in the case of the original appointments.

**Section 6. Quorum** Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

**Section 7. Rules** Each committee may adopt rules for its own government not inconsistent with these By-laws or with rules adopted by the Board of Directors.

## **ARTICLE VII CONTRACTS, CHECKS, DEPOSITS AND FUNDS**

**Section 1. Contracts** The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these By-laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

**Section 2. Checks, Drafts, etc.** All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation, and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer of and Assistant Treasurer and countersigned by the President or a Vice President of the corporation.

**Section 3. Deposits** . All funds of the corporation shall be deposited from time to time to the credit of the corporation in such Banks, Trust Companies, or other depositories as the Board of Directors may select.

**Section 4. Gifts** The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the corporation.

## **ARTICLE VIII CERTIFICATES OF MEMBERSHIP**

**Section 1. Certificates of Membership** The Board of Directors may provide for the issuance of certificates evidencing membership in the corporation, which shall be in such form as may be determined by the Board. Such certificates shall be signed by the President or a Vice President and by the Secretary or an Assistant Secretary and shall be sealed with the Seal of the corporation. All certificates shall be consecutively numbered. One certificate shall be issued for each unit and shall contain the names of the owner or owners thereof and in the event of occupancy of such unit by a Lessee or Sub-Lessee for a term of more than five (5) years, the name or names of such Sub-Lessee or Sub-Lessees as the case may be. The name or names appearing on such certificate and unit number shall be entered in the records of the corporation.

**Section 2. Insurance of Certificates** When a person or has become a member, a certificate of membership shall be delivered to such member or members as described above, by the Secretary, if the Board of Directors has provided for the issuance of certificates under the provision of Section 1 of this Article.

## **ARTICLE IX BOOKS AND RECORDS**

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the corporation may be inspected by any member, or his agent or attorney for any proper purpose at any reasonable time.

## **ARTICLE X FISCAL YEAR**

The fiscal year of the corporation shall begin on the first day of March of the year and end on the last day of February on the next subsequent year beginning the year 1999-2000. \*5

## **ARTICLE XI DUES, FEES, CHARGES, ASSESSMENTS**

(1) That the occupants and owners of each unit shall keep and obey all laws, ordinances, regulations, requirements and rules of all governmental bodies, divisions or sub-divisions, in so far as the same pertain to the control or use of such unit. Any exceptions to the rules must be determined by the Board.

(2) The Association may levy reasonable fines against a Unit for the failure of the owner of the unit, or its occupant, licensee, or invitee to comply with any provision of the Declaration, the Association By Laws, or reasonable rules of the Association. No fine will become a lien against a unit. No fine may exceed \$100.00 per violation. However, a fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, provided that such fine shall in the aggregate exceed \$1,000.00, No fine may be levied except after giving reasonable notice and opportunity for a hearing to the unit owner and, if applicable, its licensee or invitee. The hearing must be held before a committee of other unit owners. If the committee does not agree with the fine, the fine may not be levied. If after 30 days from the date of the Board's notice the fine is not paid and the violation is not corrected, the Board may refer the matter to its Attorney for legal action. The violator will be liable for all Attorney's fees and all costs pertaining to the violation. \*6

## **ARTICLE XII SEAL**

The Board of Directors shall provide a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the name of the corporation and the words "Corporate Seal 1964".

## **ARTICLE XIII AMENDMENTS TO BY-LAWS**

The By-Laws of this corporation may be made, altered or rescinded from time to time in the

manner provided within the By-Laws.. These Articles may be altered, amended, or repealed and new By-Laws may be adopted by a majority of the Directors present at any regular meeting or at any Special meeting, if at least fourteen (14) days written notice is given to all members of the Board, of the intention to alter, amend, or repeal, or to adopt new By-Laws at such meeting, and provided such action is thereafter ratified by a majority of the members at a regular meeting or at a special meeting called for that purpose.

#### **ARTICLE XIV SALES AND RENTALS**

All prospective tenants must fill in an application form, submit to an interview (screening) in person and be approved by the Board of Directors. The Condominium/Unit/Apartment may only be sold to or leased by occupants where at least one member of the household is age fifty-five (55) or older, and has appeared in person for the screening process. \*7

#### **ARTICLE XV RENTAL RESTRICTIONS**

From May 4, 1978, any apartment or condominium unit located in Bayshore Gardens Condominium Apartments Association, Inc., Unit 1, shall not be rented more than once in any twelve calendar months and rental shall be for no less period of time than six months per term. Rental of apartment or condominium units shall not be rented on a daily, weekly or month to month basis and is hereby strictly prohibited.

In order to protect the interests of resident owners, and to assure that enough of such owners are available to conduct the business of the Association, rentals must be kept in balance. Unit owners taking title to their unit(s) on or after the effective date of this amendment February 21, 2017 shall not be permitted to lease their unit(s) during the first three (3) years of ownership. After the effective date if this amendment which is when same is recorded in the public records, a Unit shall not be leased more than once in any twelve ( 12) consecutive month period and no lease shall be for a term of less than three (3) consecutive months nor more than six (6) consecutive months.

Each Lease must be in writing, and shall provide that the Tenant must comply with all of the provisions of the Declaration and all Rules and Regulations.

An owner intending to lease his Unit must provide to the Association, to the attention of the Board of Directors or its designee, a written notice and compliance certificate (the "Compliance Certificate") at least twenty (20) days prior to the starting date of the proposed lease. The Compliance Certificate shall contain, or have attached to it, a copy of the proposed lease, the name and address of the proposed Tenant and members of the Tenant's family proposed as occupants, and such other information about the Tenant, his family, or the lease that the Board may reasonably require including social security numbers, references, etc.

The Board may have a background check performed on a proposed Tenant. The Board has the right to not approve of a proposed Tenant based on its investigation including the results of any background check or other information where the Board in its business judgment believes the Tenant would not be compatible with the community.

In addition, the Compliance Certificate shall include a section signed and submitted by the proposed Tenant containing such information as the Board may reasonably require, and an

acknowledgment by the Tenant that the Tenant has received a copy of the Declaration (or a summary of its use restrictions), and the Rules and Regulations, and that the Tenant, for himself, all other persons who are or will be occupants of the Lot, and their respective guests, agrees to observe same.

The Board may impose a reasonable fee to be paid by the owner and Tenant with respect to the review of such Compliance Certificate. The owner and Tenant shall be jointly and severally responsible for the payment of such fee, but may, between themselves, allocate responsibility for its payment.

The Board may, by resolution, delegate its responsibility to review Compliance Certificates to a manager, committee, or designated officer of the Association. \*8

\*1 Amendment registered at Manatee County 11/30/1999 Book 1617 Pg 394

\*2 Amendment registered at Manatee County 06/24/1986 Book 115 Pg 3828

\*3 Amendment registered at Manatee County 04/12/2002 Book 1115 Pg 3828

\*4 Amendment registered at Manatee County 12/04/2002 Book 1746 Pg 142

\*5 Amendment registered at Manatee County 11/30/1999 Book 1617 Page 395

\*6 Amendment registered at Manatee County 4/14/2002 Book 1746 Pg 143

\*7 Amendments registered at Manatee County

24/06/1985 Book 1115 Pg 3828;

22/09/2001 Book 1703 Pg 4439:

04/12/2002 Book 1746 Pg 138

\*8 Amendments registered at Manatee County

09/11/1978 Book 918 Pg 1135

03/04/1986 Book 2838 Pg 1177;

04/12/2002 Book 1746 Page 138

02/15/2017 Book 2661 Pg 2055

03/19/2019 Book 2772 Pg 7859