

## Legislative Changes – 2024

December 1, 2024

- Q. Is it true that the legislative changes to the Homeowners Association Act (HB 1203) have little impact on our rules because most of Worthington Country Club (WCC) rules are Grandfathered In?
- A. Yes, that is true. There are certain revisions to the HOA Act that do not supersede our Governing Documents, so most of our rules are grandfathered in. This is because, if applied to our Governing Documents, the revisions would retroactively impair vested, substantive rights that the Master Association and its members have a legal right to enforce. The Florida Constitution prohibits retroactive impairment of vested, substantive rights in a contract, and our Governing Documents are deemed to be a contract.
- Q. Does “Grandfathering” retain our current rules regarding pickup trucks?
- A. Yes. WCC pickup truck rules are unchanged. They are Grandfathered In or “exempted” from the new legislation. because the rules were already established before the new legislation was enacted. Rules and Regulations: E.2. No pickup truck, boat, personal watercraft, boat trailer, or other trailer of any kind, camper, mobile home, motorhome, motorcycle, motor scooter, all-terrain vehicle (ATV) or unregistered or disabled vehicle may be parked or stored in Worthington Country Club, without the express approval of the GM/COO, unless enclosed in a structure.
- Q. How are the legislative changes incorporated into our governing documents.
- A. Our attorney has prepared an Amendment to our Governing Documents ([website link](#)), which was approved by the Master Board.
- Q. What changed in our Declaration
- A. The ARC rules have been updated to require a written notice of disapproval of a submitted plan. The written notice shall state with specificity the provision in the Guidelines, this Declaration or in the Rules and Regulations on which the ARC or the Board of Directors relied when denying the application or upholding the ARC’s decision on appeal, and the specific aspect or part of the proposed improvement that does not conform to such provision in the Guidelines, this Declaration or the Rules and Regulations.
- Q. What changed in our Bylaws
- All of the Bylaw’s changes can be seen in the Amendment ([website link](#)), several are summarized below.
- 3.7. Electronic voting – Owner may consent to electronic voting electronically in addition to ‘in writing’.
- 4.3. Director Qualification – Obstruction of justice has been added as a reason for removal.
- 4.4. Director Certification – Directors must submit proof of completed educational requirements within 90 days and complete at least 4 hours of continuing education annually.

6.6. Financial Reporting – The Master Board may not avoid an audit for two consecutive years.

8. Compliance and Default: Remedies

8.B.(3). Written notice of a Hearing Committee findings (decision) must be sent to the Owner within 7 days of the Committee’s decision.

8.B.(4). If the violation is not resolved, the Hearing Committee must set a fine payment date or suspension period at least 30 days from the date of Findings Notice

10. Miscellaneous

10.3. Website – All official records and documents required by the Act must be maintained for 7 years and must be on the website.

10.4. Crimes – Identifies a series of actions resulting in a misdemeanor of the first degree. Examples: voter fraud, violating the rights of a member to get copies of official records, destroying accounting records, refusal to release records, kickbacks.

10.5. Debit Cards – Use of the debit card for non-Association purchases is considered theft.

10.6. Requirement to Provide an Accounting – An Owner’s written request for details of funds owed must be completed within 15 business days.

10.7. Requirement to Provide Copies of Governing Documents – Documents must be provided to all members in print or electronic.