

Based on a resident's comments at the September 2023 Baytree HOA Board Meeting, it may be helpful to provide some guidelines for resident participation at our HOA Board Meetings. To assure that we follow the FL Statutes - Chapter 720 for Homeowners' Associations and to assure that our Baytree residents have ample opportunity to share their comments and concerns at our monthly HOA Board meetings, the following Guidelines are established. *This guideline has been updated with more detail based on additional questions and comments at the March 2024 Board Meeting.*

## **Guidelines for Resident Participation at Baytree HOA Board Meetings**

- We believe that maintaining a regular portion of the agenda for membership comment helps to diffuse controversy and problems and permits the Board of Directors to have regular and orderly communications from members of the association. However, the Board meetings are just that – Board Meetings - which are to cover Board business.
- When considering the rules for member participation, the Board must also consider how participation can best be handled in an orderly fashion. Members are free to ask questions or make comments following each Committee report or other Board agenda items, if clarification is needed. Questions and comments should always be limited during the meeting, in consideration of all members present.
- FL 720 allows for members to have 3 minutes of time during a meeting when they request, by petition, to speak during a Board meeting. This Baytree Board does not require members to submit a petition to speak. However, to be included on the agenda, the request must be submitted to the Board Secretary in writing at least 5 days prior to the meeting, so that the item, at the discretion of the Board, may be included on the posted meeting agenda. This is for the benefit of the Board and also for awareness of all residents.
- Following the adjournment of the meeting, all residents are free to participate in open discussion, as has been the practice of this Board.

***The Legal documents from which these guidelines are formed are listed as follows:***

FL 720.303 – Board Meetings

(2) BOARD MEETINGS

(b) Members have the right to attend all meetings of the board. The right to attend such meetings includes the right to speak at such meetings with reference to all **designated items. The association may adopt written reasonable rules expanding the right of members to speak and governing the frequency, duration, and other manner of member statements, which rules must be consistent with this paragraph and may include a sign-up sheet for members wishing to speak.** Notwithstanding any other law, meetings between the board or a committee and the association's attorney to

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discuss proposed or pending litigation or meetings of the board held for the purpose of discussing personnel matters are not required to be open to the members other than directors.

(c) The bylaws shall provide for giving notice to parcel owners and members of all board meetings and, if they do not do so, shall be deemed to provide the following:

1. Notices of all board meetings must be **posted in a conspicuous place** in the community at least 48 hours in advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a conspicuous place in the community, notice of each board meeting must be mailed or delivered to each member at least 7 days before the meeting, except in an emergency. Notwithstanding this general notice requirement, for communities with more than 100 members, **the bylaws may provide for a reasonable alternative to posting or mailing of notice for each board meeting, including publication of notice, provision of a schedule of board meetings, or the conspicuous posting** and repeated broadcasting of the notice on a closed-circuit cable television system serving the homeowners' association.

3. (d) If 20 percent of the total voting interests petition the board to address an item of business, the board shall at its next regular board meeting or at a special meeting of the board, but not later than 60 days after the receipt of the petition, take the petitioned item up on an agenda. The board shall give all members notice of the meeting at which the petitioned item shall be addressed in accordance with the 14-day notice requirement pursuant to subparagraph (c)2. Each member shall have the right to speak for at least 3 minutes on each matter placed on the agenda by petition, provided that the member signs the sign-up sheet, if one is provided, or submits a written request to speak prior to the meeting. Other than addressing the petitioned item at the meeting, the board is not obligated to take any other action requested by the petition.

#### 720.306 – Meetings of **Members (NOT BOARD Meetings)**

(6) **RIGHT TO SPEAK**—Members and parcel owners have the right to attend all membership meetings and to speak at any meeting with reference to all items opened for discussion or included on the agenda. Notwithstanding any provision to the contrary in the governing documents or any rules adopted by the board or by the membership, a member and a parcel owner have the right to speak for at least 3 minutes on any item. The association may adopt written reasonable rules governing the frequency, duration, and other manner of member and parcel owner statements, which rules must be consistent with this subsection.

#### Baytree HOA By-Laws

##### Article 5 Meetings of Directors

**5.11 Members Right to Speak.** In accordance with Chapter 720, Florida Statutes, if 20% of the voting interests petition the Board to address an item of business, the Board shall at its next regular board meeting or at its next special meeting, but not later than 60 days after receipt of the petition, take the petitioned item up on the agenda. Any member shall have the right to speak on a matter placed on the agenda by petition for at least 3 minutes, in accordance with the requirements of Chapter 720.